

**FILE NO. 5(5)/2017PD-VII
Government of India
Ministry of Ports, Shipping and Waterways**

ANNEXURE- 1

TO BE INTRODUCED IN LOK SABHA

Bill No. _____ Of 2020

INDIAN PORTS BILL, 2020	
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<p><u>INDIAN PORTS BILL, 2020</u></p> <p>A BILL <i>to consolidate and amend the law relating to ports, take measures to effectively regulate and control ports in India and facilitate the structured growth and development of the port sector, and ensure optimum utilization of the coastline of India; to provide for conservation of ports and safety and security at ports in line with the best trade practices worldwide; to constitute a central regulatory authority, state maritime boards adjudicatory and appellate tribunals for effective administration, control and management of ports in India, for regulatory, planning and developmental purposes for the speedy redressal of port related disputes and to foster coordination between the Union and the States and among States, as may be necessary, and to meet the requirements in the maritime transport sector in the larger interest of the nation; and to provide for matters ancillary and incidental thereto, or connected therewith.</i></p> <p>BE it enacted by the Parliament in the Seventy-First Year of the Republic of India as follows: -</p>	<p>Long title</p>
<p>CHAPTER I PRELIMINARY</p>	
<p>1. Short Title, Commencement And Application: -</p> <p>(1) This Act may be called the Indian Ports Act, 2020. (2) It shall come into force on such date as the Central Government may, by Notification in the Official Gazette, appoint. (3) It applies to-</p> <p style="margin-left: 20px;">(a) all Ports and all Vessels within Port Limits; and (b) to such parts of navigable waters including rivers, waterways and channels as may be notified by the Central Government in the Official Gazette and hereinafter referred to as the appointed date; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.</p> <p>Provided that nothing in this Act shall apply to:</p> <p style="margin-left: 20px;">(c) any Vessel of war, military aircraft or military sea-plane, or (d) any Vessel in the service of the Government during the period when the security of India or any part of territory thereof is threatened by</p>	<p>Short Title, Commencement And Application</p>

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<p>war or external aggression or armed rebellion or during proclamation of emergency under clause (1) of article 352 of the Constitution, or</p> <p>(e) any foreign Vessel of war, or</p> <p>(f) any other Vessel or port which may be notified by the Central Government.</p>	
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<p>2. Definitions- In this Act, unless there is anything repugnant in the subject or context -</p> <p>(1) “Tribunal” means the Maritime Ports Tribunal constituted under Section 9 of this Act;</p> <p>(2) “Appellate Tribunal” means the Maritime Ports Appellate Tribunal established under Section 11 of this Act;</p> <p>(3) “Appointed date” means such date or dates as the Central Government may, by Notification, appoint for purpose of different provisions of this Act;</p> <p>(4) “Area” in relation to any provision of the Act, means such area which may include, any water, any land, or any Port or any part of any navigable river or channel;</p> <p>(5) “Authority” means the Maritime Port Regulatory Authority established under Section 7;</p> <p>(6) “Coastal State” with reference to the mainland of India as well as the individual or composite group or groups of islands constituting part of the territory of India means the States and Union Territories in, or bordering on the territorial waters of India as defined in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 including any creeks and tidal rivers;</p> <p>(7) "Conservator" means a person appointed by the Government under Section 21 of this Act;</p> <p>(8) "Deputy Conservator" means a person appointed by the Government under Section 21 of this Act;</p> <p>(9) “Dock” includes all basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, slipways, gridirons, moorings, transit-sheds, warehouses, tramways, railways and other works and things appertaining to any dock, and also the portion of the sea enclosed or protected by the arms or groynes of a harbour;</p> <p>(10) “Foreshore” means the part of a shore between high- and low-water marks;</p> <p>(11) "Convention" means any International Convention or Treaty or Agreement in relation to maritime matters and their protocols to which India is a party and as are adopted by the Central Government or made applicable by the Central Government from time to time;</p>	<p>Definitions</p>
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<p>(12) “Government”, unless otherwise provided in this Act, shall mean State Government for Ports other than Major Ports and the Central Government for Major Ports;</p> <p>(13) “Guidelines” mean the guidelines issued by the Government and/ or by the Authority under this Act;</p> <p>(14) "High-water-mark" means a line drawn through the highest points reached by ordinary spring-tides at any season of the year at the port;</p> <p>(15) “Land” includes the bed of the sea or river, and also things attached to the earth or permanently fastened to anything attached to the earth;</p> <p>(16) "Low-water-mark" means the lowest point reached by the sea, river, lake, water channel or any other water body during ordinary springtime;</p> <p>(17) “Magistrate” means a person exercising powers under the Code of Criminal Procedure, 1973 (Act No. 2 of 1974);</p> <p>(18) “Major Port” means any Port which the Central Government may by Notification in the Official Gazette declare, or may under any law for the time being in force have declared, to be a Major Port;</p> <p>(19) “Master”, when used in relation to any Vessel making use of any Port, includes, any person (except a pilot or harbour-master) having command or charge of a ship;</p> <p>(20) “National Port Policy” means National Port Policy notified under Section 6 by the Central Government;</p> <p>(21) “National Ports Plan” means National Ports Plan issued under Section 6;</p> <p>(22) "Net Ton" means net tonnage as determined or determinable by the Merchant Shipping Act, 1958 (Act No. 44 of 1958) and the rules made therein;</p> <p>(23) “Notification” means a Notification published in the Official Gazette and the expression “notify” shall be construed accordingly;</p> <p>(24) “Obstruction” includes any material including any cargo, bunker or pollutant or such other thing including any Vessel or part of a Vessel, or of any public nuisance in any part of the Port which impedes or is likely to impede port activity or which pollutes or is likely to pollute the environment;</p> <p>(25) “Owner”, —</p> <p>(i). in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods; and</p> <p>(ii). in relation to any aircraft making use of any Port, means an owner as provided in Section 2(1) of Aircraft Act, 1934 (Act No. of 1934);</p> <p>(iii). in relation to any Vessel making use of any Port, includes any part-owner, charterer, consignee, or mortgagee in possession thereof;</p> <p>(26) “Pier” includes any stage, stairs, landing place, hard, jetty, floating barge, floating storage unit, transhipper or pontoon and any bridges or other works connected therewith;</p> <p>Explanation. —For the purposes of this definition, the term “transhipper” means a floating craft or Vessel, whether dumb or self-propelled, on which</p>	
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<p>gears are provided for discharging cargo from a barge or wharf and loading it into a ship;</p> <p>(27) “Pilot” means a person for the time being authorised to pilot Vessels in the manner prescribed by the Central Government under this Act or any other Act for the time being in force;</p> <p>(28) “Port” includes any terminal, offshore terminal, captive jetty, shipyard, repair yard or roadstead or port facility or single buoy mooring which is normally used for the loading, unloading, building or repair or anchoring of Vessels, or any other place at which a vessel can call, or any part of a river or channel;</p> <p>(29) “Port Activity” is not restricted to and includes</p> <ul style="list-style-type: none">(i). the movement, mooring, hauling out, maintenance and launching of Vessels;(ii). the movement of, and provision of services to passengers of Vessels; and(iii). the movement, handling and storage of goods; or(iv). any other such activity as may be notified or as may be permitted by any Port; <p>(30) “Port Assets” is not restricted to and includes any asset within the port limits including land, movable or immovable property or any other property, whether tangible or intangible, owned by the Port or vested with the Port through the Central Government or the State Government, as the case may be;</p> <p>(31) “Port Facility” or “Port Facilities”, is not restricted to and includes</p> <ul style="list-style-type: none">(i). unless indicated otherwise in the Act, facilities provided for or in relation to Port activities or the administration of the Port which includes:<ul style="list-style-type: none">a) maritime structures and other buildings, structures and enclosures; andb) railways; andc) machinery, equipment, vessels, vehicles and aircraft;(ii). For the purposes of Chapter IX and X, port facility means a specific location in a Port where passengers or commodities are transferred between land and water carriers or between two water carriers, including wharves, piers, sheds, warehouses, yards, and docks; <p>(32) “Port Limits” means the limits notified by the Government as port limits and will include any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels or for the improvement, maintenance or good governance of the Port and its approaches, whether within or without high-water-mark, and, subject to any right of private property therein, any portion of the shore or bank within fifty metre of high-water-mark;</p> <p>(33) “Port Officer” is an officer of the Port who is appointed by the Government;</p>	
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<p>(34) “Port Operation” is not restricted to, and includes,</p> <ul style="list-style-type: none">a) the carrying out of port activities or port works; orb) the provision of port services; orc) the provision, management or operation of port facilities; <p>(35) “Port Operator” means a person who carries out port operations under this Act.</p> <p>(36) “Port Service” is not restricted to and includes:</p> <ul style="list-style-type: none">(a) carrying out Port activities;(b) dredging, engineering, marine civil construction, pollution management, security, pilotage, towage, vessel movement control, emergency response, shore stabilization and waste management services; and(c) supplying provisions or equipment to vessels; and(d) supplying water, fuel or electricity; and(e) providing for the use or hire of port facilities; and(f) providing labour for any purpose;(g) port terminal services;(h) handling, storage and transportation of goods on land adjoining the Port and for the handling of passengers carried by vessels;(i) embarking or disembarking of master, crew and other personnel;(j) any other services notified for the purposes of this definition; <p>(37) “Port Service Provider” means a person who carries out port services in accordance with this Act;</p> <p>(38) “Port Works” are not restricted to and includes works for port purposes and includes</p> <ul style="list-style-type: none">(a) designing, constructing, extending, maintaining, removing or demolishing: -<ul style="list-style-type: none">(i). maritime structures and other buildings, structures, machineries, equipment and enclosures; and(ii).railways, roads, bridges, and embankments; and(b) reclaiming land from the sea or a river; <p>(39) “Prescribed” means prescribed by the rules made under this Act;</p> <p>(40) "Reception Facilities", in relation to a Port means facilities for enabling vessels using the Port, terminal shipyard, ship repair facility, ship breaking facility, or ship recycling facility to discharge or deposit any substance subject to control by relevant and applicable pollution prevention Conventions;</p> <p>(41) “Regulations” means the regulations made by the Government and/or by the Authority under this Act;</p> <p>(42) “Schedule” means a Schedule to this Act;</p> <p>(43) “Scheduled Port” means a Port which is listed or deemed to be listed under the First Schedule;</p>		
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| <p>(44) “Specification” means a description of goods, article, process, system, port service, or port operations, as far as practicable by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, material, mode of manufacture or processing, consistency and reliability of service delivery or other characteristics to distinguish it from any other goods, article, process, system, port service or port operations;</p> <p>(45) “Specify” means as specified by the regulations made under this Act;</p> <p>(46) “Standards” means in relation to goods, article, process, system, port service or port operations means the standards specified by the authority under this Act;</p> <p>(47) “State Government”, unless provided otherwise, shall mean the Government in Coastal states; and in relation to the State Maritime Board, shall mean the State Governments within the territory of which the Ports administered by the State Maritime Board are located;</p> <p>(48) “State Maritime Board” means the State Maritime Board constituted under Section 33 of this Act;</p> <p>(49) “Table” means table for classification of offences provided in the third Schedule to this Act;</p> <p>(50) “Ton” means a ton as determined or determinable by the Merchant Shipping Act, 1958 (Act No. 44 of 1958) and the rules made therein, for regulating the measurement of the gross tonnage of ships;</p> <p>(51) “Vessel” includes any ship, boat, sailing vessel or other description of vessel used or constructed for use in navigation by water, whether it is propelled or not, and includes a barge, lighter or other floating vessel, a hovercraft, an off-shore industry mobile unit, a vessel that has sunk or is stranded or abandoned and the remains of such a vessel;</p> <p>Explanation. — A vessel shall not be deemed to be a vessel for the purposes of this clause, when it is broken up to such an extent that it cannot be put into use for navigation, as certified by a surveyor;</p> <p>(52) “Wharf” includes any wall or stage and any part of the Land or Foreshore that may be used for loading or unloading goods, or for the embarkation or disembarkation of passengers and any wall enclosing or adjoining the same.</p> | |
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CHAPTER II
DECLARATION OF A PORT AND ITS PORT LIMIT

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<p>3. Power to extend or withdraw the Act or certain portions thereof. —</p> <p>(1) The Government may, after obtaining prior recommendation from the Maritime Port Regulatory Authority (hereinafter, “Authority”) in such a manner as provided under this Act, declare by way of notification in the Official Gazette, that—</p> <p>(a) This Act shall be extended to any port in which this Act is not in force or to any part of any navigable river or channel which leads to any port and in which this Act is not in force;</p> <p>(b) Specially extend the provisions of this Act to any port to which they have not been so extended;</p> <p>(c) Withdraw this Act or any part thereof in which it is for the time being in force.</p> <p>(2) A notification under clause (a) and (b) of sub-section (1) shall define the limits of the Area to which it refers.</p> <p>(3) The port so notified under sub-section (1) shall be deemed to be a Scheduled Port from the date on which such notification comes into force;</p> <p>(4) Anything done or any action taken or purported to have been done or taken, including any act, order, rule, regulation, by-law, Notification, policy made or issued or any operation undertaken or any direction given by the State Government or any person authorised by the State Government, to the extent that they are inconsistent with this Section or any Notification issued under this Section, will stand repealed on such date as the Central Government may, by Notification in the Official Gazette, appoint.</p>	<p>Power to extend or withdraw the Act or certain portions thereof</p>
<p>4. Alteration of Port Limits -</p> <p>(1) Notwithstanding anything contained in any other law, or any notification issued under the Indian Ports Act, 1908, the Government may, after obtaining prior recommendation from the Authority in such a manner as may be provided under this Act, by notification, in the Official Gazette, subject to any right of a person of his private property, alter the port limits of Scheduled Ports.</p> <p>Explanation. — For the removal of doubts, it is hereby declared that the power conferred on the Government under this sub-section includes the power to alter the port limits by uniting such port with any other port or any part of any other port.</p> <p>(2) The Notification under sub-section (1), shall declare or describe the precise distance between two Scheduled Ports or the precise extent of such limits, as the case may be, by notification in the Official Gazette and by such other means, if any, as it thinks fit.</p>	<p>Alteration of Port Limits of Ports</p>

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<p>(3) The port limit of Scheduled Ports as notified under sub-section (1) and (2) shall be deemed to be applicable with respect to the Scheduled Ports from the date on which such Notification comes into force;</p> <p>(4) Anything done or any action taken or purported to have been done or taken, including any act, order, rule, regulation, by-law, Notification, policy made or issued or any operation undertaken or any direction given by the State Government or any person authorised by the State Government, to the extent that they are inconsistent with this Section or any Notification issued under this Section, will stand repealed, on such date as the Central Government may, by Notification in the Official Gazette, appoint.</p>	
<p>5. Commencement of Operations by Scheduled Ports:</p> <p>(1) All Scheduled Ports shall make an application to the Authority for its registration under this Act, in such form and in such manner as specified in this Act and shall be accompanied by such fee as may be prescribed by the Authority by regulations which may be issued under the rule-making powers of this Act.</p> <p>(2) The Authority may, after making such enquiry and subject to such terms and conditions as it may specify, grant a certificate of registration to the Scheduled Port allowing commencement of port operations.</p> <p>(3) The Authority may, by order, suspend or cancel a certificate of registration granted under sub-section (2) in such manner as may be determined by regulations:</p> <p>PROVIDED THAT no order under this sub-section shall be made unless the concerned Scheduled Port has been given a reasonable opportunity of being heard.</p> <p>(4) No Port other than Scheduled Ports registered under sub-section (1) shall commence operations for the purposes of this Act after the appointed date:</p> <p>PROVIDED THAT all Scheduled Ports notified by the Government under Section 3 of this Act, shall commence operations, within such port limits and in such manner as set out in the Notification;</p> <p>(5) The Government shall notify, within a period of one year, all the ports which have commenced operation prior to the appointed date; under Section 3 of this Act;</p> <p>PROVIDED THAT all ports operating prior to the appointed date, will continue to operate, for a period not exceeding two (2) years from the date of this Act coming into force and not thereafter, unless such port is specifically permitted by the Central Government.</p>	<p>Commencement of Operations by Ports under this Act</p>

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<p>(6) Notwithstanding anything contained in sub-section (3) herein, all Ports operating prior to the appointed date shall be governed by the provisions of this Act, from the date that this Act comes into force, that being, the appointed date.</p>	
<p>6. National Port Policy and Plan: -</p> <p>(1) The Central Government shall, from time to time, prepare and publish the National Port Policy, in consultation with the State Governments and the Maritime Port Regulatory Authority in order to create a framework for the sustainable development of ports based on an optimum utilisation of the coastline of India</p> <p>(2) The Central Government may, from time to time, in consultation with the State Governments and the Authority, review or revise, the National Port Policy referred to in sub-section (1).</p> <p>(3) The Authority, shall prepare a National Port Plan in accordance with the National Port Policy and issue such plan within such time and in such manner as shall be notified by the Central Government:</p> <p>PROVIDED THAT the Authority, while preparing the National Port Plan shall publish the draft National Port Plan and invite suggestions and objections thereon from the State Maritime Boards, port operators, port officials, employees, dock workers and members of the public within such time as may be notified;</p> <p>PROVIDED FURTHER THAT the Authority shall-</p> <p>(a) publish the plan after obtaining the approval of the Central Government;</p> <p>(b) revise the plan incorporating therein the directions, if any, given by the Central Government while granting approval under clause (a).</p> <p>(4) The Authority, from time to time, may review or revise the plan notified under sub-section (3) in accordance with the National Port Policy.</p>	<p style="text-align: center;">Preparation of National Port Policy and Plan</p>

<p>CHAPTER III CONSTITUTION OF MARITIME PORT REGULATORY AUTHORITY, MARITIME PORTS TRIBUNAL AND MARITIME PORTS APPELLATE TRIBUNAL</p>

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<p>7. Constitution of Authority: -</p> <p>(1) With effect from such date as the Central Government may by notification in the Official Gazette specify in this behalf, there shall be established for the purposes of this Act, a body called the Maritime Port Regulatory Authority, hereinafter “Authority”, to exercise such functions and perform such duties as are assigned to it under this Act.</p> <p>(2) The Authority shall consist of the following members namely</p> <p>(a) a Chairperson to be appointed by the Central Government; and</p> <p>(b) two members to be appointed by the Central Government as full-time members which shall include one Member (Legal); and</p> <p>(c) two members to be appointed by rotation in alphabetical order from such persons as may be nominated by the concerned Coastal State Government to represent the Coastal States as part-time members for a term of two years from the date on which they enter upon their office or until they attain the age of seventy years, whichever is earlier;</p> <p>PROVIDED THAT no person shall be appointed as Member (Legal) unless he—</p> <p>(d) is eligible to be a Judge of a High Court; or</p> <p>(e) has been a member of the Indian Legal Service and has held a post in Grade I of that Service for at least three years;</p> <p>PROVIDED THAT the Chairperson, full time members and the nominees of the concerned Coastal States shall be such persons of eminence, having adequate knowledge, or experience in, or shown capacity in, dealing with matters relating to ports, maritime, shipping, management, finance, economics, port policy, law, administration and operation of ports;</p> <p>PROVIDED THAT no act done by the Authority shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Authority.</p> <p>(3) The Central Government shall, for the purposes of selecting the Chairperson and other members of the Authority, constitute a Selection Committee consisting of—</p> <p>(i). Secretary to the Government of India, Ministry of Ports, Shipping and Waterways- Chairperson;</p> <p>(ii). Secretary to the Government of India, Ministry of Finance- Member;</p> <p>(iii). Secretary to the Government of India in charge of Commerce, Ministry of Commerce and Industry-Member; and</p> <p>(iv). Secretary to the Government of India, Department of Legal Affairs, Ministry of Law and Justice-Member.</p>	<p style="text-align: center;">Constitution of Maritime Port Regulatory Authority</p>
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PROVIDED THAT before appointing any person as the Chairperson or other member, the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as Chairperson or such other member;

PROVIDED FURTHER THAT any person so appointed who is, prior to appointment, in the service of the Central Government, State Government or an undertaking, corporation or company owned or controlled by the Central Government or any State Government or from any other non-Governmental or corporate body shall resign or retire from such service before joining as the Chairperson or other member, as the case may be.

- (4) The Chairperson and full - time members of the Authority shall hold office for a term not exceeding five years from the date on which they enter upon their office or until they attain the age of seventy years, whichever is earlier.
- (5) The salary, allowances and the other terms and conditions of service of the Chairperson and other Members, shall be such as may be prescribed by the appropriate authority.

PROVIDED THAT neither the salary and allowances nor the other terms and conditions of service of the Chairperson or any other member shall be varied to his disadvantage after appointment.

- (6) The Chairperson or any other member may resign their office by giving notice thereof in writing to the Central Government and on such resignation being accepted, the Chairperson or such other member shall be deemed to have vacated office.
- (7) The Chairperson or any other member, upon ceasing to hold office as such,
—
 - (a) Shall be ineligible for further employment under the Central Government or any State Government; and
 - (b) Shall not accept any commercial employment for a period of two years from the date they cease to hold such office.

Explanation.—For the purposes of this section, “commercial employment” means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes also a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant.

- (8) The Chairperson shall have the powers of general superintendence and directions in the conduct of the affairs of the Authority and shall, in addition to presiding over the meetings of the Authority, exercise and discharge such other powers and functions of the Authority, as may be assigned to him by the Authority.

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- (9) The Central Government may remove from office the Chairperson or any other member, who—
- (a) has been adjudged as insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
 - (c) has become physically or mentally incapable of acting as a member; or
 - (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
 - (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

PROVIDED THAT no Chairperson or other member shall be removed from office under clause (d) or clause (e) unless the Central Government Central Government has satisfied itself that such person ought to be removed on such ground or grounds, after holding an inquiry in accordance with procedure so prescribed on this behalf by any person appointed or authority constituted for the purpose.

- (10) The head office of the Authority shall be at such place as the Central Government may notify.

PROVIDED THAT the Authority may hold its sittings at such other places as the Chairperson may decide from time to time having taken into consideration the convenience to decide the matters referred to it.

- (11) All questions which come up before any sitting of the Authority shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.
- (12) All orders and decisions of the Authority shall be authenticated by the Secretary or any other officer of the Authority duly authorised by the Chairperson in this behalf.
- (13) The Authority may, with the approval of the Central Government, determine the number, nature, categories and salaries of other officers and employees required to assist the Authority in the efficient discharge of its functions.

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8. Functions of the Authority	Functions of the Authority
<p>(1) The functions of the Authority shall be: -</p> <p>(a) to advise the Central Government on matters relating to the National Port Policy and Plan, formulate short-term and perspective plans for development of the Port Sector and co-ordinate the activities of the planning agencies for optimal utilization of the Coastline of India to sub serve the interest of the national economy;</p> <p>(b) to make recommendations, either <i>suomoto</i> or on a request from the Central Government or the State Government or from any other authority under this Act, on the following matters, namely: -</p> <p>(i). Assessing the necessity, feasibility and viability of new and/ or existing ports;</p> <p>(ii). Assessing efficiency, economy, capacity and competitiveness of the existing ports/ facilities;</p> <p>(iii). Determining measures to facilitate competition and promote efficiency in the operation of ports and to facilitate growth of the port sector;</p> <p>(iv). Determining measures for promotion of investment in the port sector;</p> <p>(v). Determining the implementation of technological advancements in the port sector;</p> <p>(vi). Determining measures for the development of the port sector and any other matter in relation to ports in general;</p> <p>(vii). Determining measures for the efficient and optimum utilisation of the available coastline;</p> <p>(viii). Provide recommendations on any other matter referred to the Authority by the Central Government or State Government, as the case maybe;</p> <p>(ix). Provide recommendations on any other matter, if, in the opinion of the Authority, such recommendation would help in improving the management or administration of ports or promote growth of the port sector.</p> <p>PROVIDED that the Government shall seek the advice or recommendations of the Authority in respect of matters provided in clause (a) and (b) of sub-section (1) and the Authority shall forward its advice or recommendations within a period of sixty days from the date on which that Government sought the advice or recommendations;</p> <p>PROVIDED also that the Government, after having considered that a recommendation of the Authority under clause (b) of sub-section (1), comes to a <i>prima facie</i> conclusion that such a recommendation cannot be accepted or needs modifications, it shall refer the recommendation back to the Authority for its reconsideration, and the Authority may, within fifteen days from the date of receipt of such reference, forward its recommendations to the Government after considering the reference made by that Government. After receipt of further recommendation if any, the Government shall take a final decision.</p>	

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<p>(c) discharge the following functions: -</p> <ul style="list-style-type: none">(i). Registration of Scheduled Ports and further empowered to renew, withdraw, suspend or cancel such registrations;(ii). Specify the model terms and conditions for different types of contracts entered into for the purpose of executing port activities, port operations, port services or port works for the Scheduled Ports, including those contracted out to third parties;(iii). Specifying the standards, specifications, and quality of services to be provided by the Scheduled Ports and to ensure compliance thereof by the Scheduled Ports;(iv). Passing of an order that groups any number of ports (not being Major Ports) in the State to be regarded as constituting a single port for the purposes as may be provided in the order so passed;(v). To promote the development of ports and to regulate the functioning and practices of Scheduled Ports;(vi). To monitor the performance of the Scheduled Ports and pass any directions as may be required for compliance with the provisions of this Act and the regulations issued hereunder;(vii). To conduct periodical studies and performance audits of the Scheduled Ports at such intervals as may be determined by the Authority;(viii). Specify the manner of collecting and storing data by ports and for providing access to such data;(ix). To collect and maintain any information, records, data, research studies and other information with respect to ports and the port sector, the execution of the National Port Policy, and the National Ports Plan as may be prescribed under the relevant provision of this Act;(x). To publish such information, data, research studies, reports and other information as may be specified by regulations issued by the appropriate and relevant authority from time to time;(xi). To maintain a register which shall be called the Maritime Ports Register and which shall be kept at the head office of the Authority containing such details of ports, as may be specified from time to time.(xii). To allow public access to the data and to the Maritime Ports Register maintained by the Authority in such manner and on payment of such fee as may be determined by the Authority, by regulations;(xiii). To maintain websites and such other universally accessible repositories of electronic information as may be necessary;(xiv). To enter into Memorandum of Understanding (MoU) with any other statutory authorities established under any other law for the time being in force;(xv). To promote and assist in the timely completion of schemes and projects for the purpose of developing the port sector;(xvi). To submit such reports as may be required by the Central Government, from time to time;	
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<p>(xvii). To review the draft of concession agreements and advise the State Maritime Board on whether any provisions thereof may be incompatible with the promotion of competition, may amount to an anticompetitive practice or may result in an abuse of a dominant position;</p> <p>(d) To discharge such other functions as may be provided in this Act;</p> <p>(2) The Authority may, for the discharge of its functions under clause (c) and clause (d) of sub-section (1), make such regulations or guidelines or directions, as it may consider necessary, which shall be binding on the ports, port-officers, port operators, port service providers, State Maritime Boards and on any other authority constituted under any law in force, unless otherwise provided by the Authority.</p> <p>(3) The Authority may request the Government or ports, port-officers, port operators, port service providers, or any Authority vested with administration, control or management of ports, in writing, to furnish such information or documents as may be necessary for the purpose of discharging its functions under sub-section (1) and such information shall be supplied by the persons Specified by the Authority within the period Specified by the Authority in such a request.</p> <p>(4) While discharging its functions under this Act, the Authority shall not act against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.</p> <p>(5) The Authority shall ensure transparency while exercising its powers and discharging its functions.</p> <p>(6) In discharge of its functions, the Authority shall be guided by the National Port Policy and by such directions in matters of policy involving public interest as the Central Government may give to it in writing.</p> <p>(7) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Central Government thereon shall be final.</p>	
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<p>9. Powers regarding complaints and resolution of disputes by the Authority—</p> <p>(1) If any dispute arises, in respect of matters referred to in sub-section (2), such dispute shall be decided by a Bench consisting of the Member (Legal) and one or more members nominated by the Chairperson or the Chairperson himself:</p> <p>PROVIDED THAT if the members of the Bench differ on any point or points, they shall state the point or points on which they differ and refer the same to a full-time member other than a member of the Bench for hearing on such point or points and such point or points shall be decided according to the opinion of that member.</p> <p>(2) The Bench constituted under sub-section (1) shall exercise, on and from the appointed day, all such jurisdiction, powers and authority as are exercisable by a civil court to—</p> <p>(a) Receive and adjudicate any complaint raised by any aggrieved person or reference made by the Central Government or State Government or State Maritime Board, concerning alleged anticompetitive practices or abuse of a dominant position at Scheduled Ports;</p> <p>(b) Receive and adjudicate any complaint raised by any aggrieved person or reference made by the Central Government or State Government or State Maritime Board in relation to Port-charges levied by Scheduled Ports, and whether those Port-charges are in violation of the provisions of this Act, or amount to or evidence an anti-competitive practice or an abuse of a dominant position;</p> <p>(c) Receive and adjudicate any complaint raised by any aggrieved person or reference made by the Central Government or State Government or State Maritime Board, with respect to any combination of: -</p> <p style="padding-left: 40px;">(i) a shipping line and a terminal operator;</p> <p style="padding-left: 40px;">(ii) a Port services provider with another Port services provider; or</p> <p style="padding-left: 40px;">(iii) a terminal operator with another terminal operator in the same Port or in a nearby Port, for causing or being likely to cause an appreciable adverse effect on competition within the relevant market in India;</p> <p style="padding-left: 40px;">(iv) Disputes of anti-competitive practices, or an abuse of a dominant position at Scheduled Ports and to make an order thereon prior to or upon merger;</p> <p>(d) Discharge such other adjudicatory functions as may be assigned to it by the Government under this Act or under any other Act.</p> <p>PROVIDED THAT the Bench shall determine matters connected with clauses (a), (b), and (c), in accordance with the provisions contained in the Competition Act, 2002 (12 of 2003) and in adjudication of these matters shall have the same powers vested in the Competition Commission of India under the Competition Act, 2002;</p>	<p>Powers regarding complaints and resolution of disputes by the Authority</p>
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(3) No complaint under sub-section (2) shall be entertained by the Bench unless it is made within a period of three months from the date on which the cause of action first arose;

PROVIDED THAT the Bench may allow a complaint under sub-section (2) to be filed after the expiry of the said period of three months if it is satisfied that there was sufficient cause for not filing such complaint but such period shall not exceed sixty days.

(4) Each complaint under sub-section (2) shall be made to the Bench in such form, contain such particulars and be accompanied by such documents and fees as may be prescribed.

(5) The Bench, in regard to matters referred under sub-section (2), may pass an order to: -

(i). provide any relief including refund, restitution or compensation for any loss or damage or injury caused to the aggrieved person or complainant; or

(ii). in relation to matters falling under sub-section (2) clause (a), (b) and (c), pass any order or impose any such penalty which the Competition Commission of India has the power to pass or impose under the Competition Act, 2002; or

(iii). in relation to matters falling under sub-section (2) clause (d), impose any fine not exceeding five lakh rupees for violation of the provisions of this Act, or of any Rules, Regulations, Specifications, Orders or Directions given under this Act.

(6) Any matter under sub-section (2), which is pending in any court or other authority shall stand transferred to the Bench.

(7) The complaint preferred under sub-section (2) shall be dealt with by the Bench as expeditiously as possible and endeavour shall be made by the Bench to dispose of the complaint finally within four months from the date of receipt of the complaint, as the case may be:

PROVIDED THAT where any complaint could not be disposed of within the said period of four months, the Bench shall record its reasons in writing for not disposing of the complaint within that period.

(8) The Bench shall ensure transparency while exercising its powers and discharging its functions.

(9) In discharge of its functions, the Bench shall be guided by the National Port Policy and the National Port Plan and by such directions as may be issued by the Central Government.

(10) Subject to the provisions of this Act, every order made by the Bench under this Act shall be final and shall not be called in question in any suit, application, execution or other proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or intended to be taken in pursuance of any power conferred by or under this Act.

(11) The Central Government or a State Government or the State Maritime Board or any person as may be prescribed may make an

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<p>application to the Authority for adjudication of any dispute referred to in Clause (2).</p> <p>(12) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), the Authority shall have the power to decide matters referred to in sub-section (2) on or after the appointed day.</p>	
<p>10. Constitution of Adjudicatory Board and its functions:</p> <p>(1) The State Government shall, within six months from the appointed date, by notification, constitute an Adjudicatory Board for ports other than Major ports for the purpose of adjudicating any dispute relating to or connected with ports other than Major Ports; Public Private Partnership (PPP) concessionaires; State Maritime Boards; captive users or port officials or port users or port service providers or port operators and such Adjudicatory Board shall consist of a Presiding Officer and such other members not exceeding two in number, as may be appointed by the State Government.</p> <p>(2) The qualifications, term, allowances and salaries of the Presiding Officer and the members of the Adjudicatory Board shall be prescribed by the State Government through rules or regulations, which shall be notified from time to time.</p> <p>(3) The head office of the Adjudicatory Board for ports other than Major Ports shall be at such place as the State Government may notify.</p> <p>PROVIDED THAT the Adjudicatory Board for ports other than Major Ports may hold its sittings at such other places as the Presiding Officer may decide from time to time having taken into consideration the convenience to decide the disputes referred to it.</p> <p>(4) In addition to its function mentioned in sub-section (1) and in addition to such other functions as may be notified by the State Government, the Adjudicatory Board for ports other than Major ports referred to in sub-section (1) shall perform the following functions, namely: —</p> <p>(a) To receive and adjudicate reference to any dispute or differences or claims relating to rights and obligations of ports other than Major ports for the purpose of adjudicating any dispute relating to or connected with ports other than Major Ports; PPP concessionaires; State Maritime Boards; captive users or port officials or port users or port service providers or port operators or of any other licensee under this Act and to pass orders after considering and hearing all the parties involved in the dispute;</p>	<p>Constitution of Adjudicatory Board and its functions.</p>

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- (b) To look into the complaints received from port users against the services and terms of service rendered by the ports other than Major Ports or the private operators operating in the ports other than Major Ports and to pass necessary orders after hearing the parties concerned;
- (c) To advise the State Government on any matter referred to it by the State Government;
- (d) To discharge such other functions as may be assigned to it by the Central Government.

PROVIDED THAT in regard to matters connected with clauses (a) and (b) above, the Adjudicatory Board shall have the power to adjudicate upon the disputes or to refer such a dispute for arbitration.

- (5) The Adjudicatory Board shall ensure transparency while exercising its powers and discharging its functions.
- (6) In the discharge of its functions, the Authority shall be guided by the National Port Policy and the National Port Plan and by such other directions as may be issued by the Central Government or relevant and appropriate authority from time to time.
- (7) The procedure to be adopted by the Adjudicatory Board, while discharging its functions referred to in sub-section (1) shall be such as may be prescribed by the relevant and appropriate authority or through the Central Government in exercise of its rule making power under the provisions of this Act.
- (8) Notwithstanding anything contained in any other law for the time being in force, while exercising the powers under sub-section (1) and (4), the Adjudicatory Board shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—
 - (a) The discovery and production of books of account and other documents, at such place and at such time as may be specified by the Adjudicatory Board;
 - (b) Summoning and enforcing the attendance of persons and examining them on oath;
 - (c) Issuing commissions for the examination of witnesses or documents; and
 - (d) Any other matter which may be prescribed by the relevant and appropriate authority from time to time.
- (9) Any proceeding before the Adjudicatory Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code and the Adjudicatory Board shall be deemed to a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.
- (10) Subject to the provisions of this Act, every order made by the Adjudicatory Board under this Act shall be final and shall not be called in

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<p>question in any suit, application, execution or other proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or intended to be taken in pursuance of any power conferred by or under this Act.</p>	
<p>11. Constitution of Appellate Tribunal. —</p> <p>(1) The Appellate Tribunal, for the purposes of this Act, shall be the Adjudicatory Board constituted under Section 54 of the Major Port Authorities Act, 2020 and the Presiding Officer and other members of the Adjudicatory Board shall act as the Presiding Officer and members of the Appellate Tribunal.</p> <p>(2) The Appellate Tribunal shall hear and dispose off an Appeal against: -</p> <p>(a) any direction, decision or order passed by the Bench of the Authority under this Act; or</p> <p>(b) any direction, decision or order passed by the Authority under Section 18 or 19 of this Act.</p> <p>(3) The Central Government or a State Government or a local authority or any person aggrieved by any such direction, decision or order which falls under sub-section (2), may prefer an appeal to the Appellate Tribunal.</p> <p>(4) Every appeal under sub-section (3) shall be preferred within a period of thirty days from the date on which a copy of the direction or order or decision made by the Authority is received by the Central Government or the State Government or the local authority or the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be Prescribed:</p> <p>PROVIDED THAT the Appellate Tribunal may entertain any appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period, but such period shall not exceed fifteen days.</p> <p>(5) On receipt of an appeal under sub-section (4), the Appellate Tribunal may, after giving the parties to the dispute or the appeal an opportunity of being heard, pass such orders thereon as it thinks fit.</p> <p>(6) The Appellate Tribunal shall send a copy of every order made by it to the parties to the dispute or the appeal and to the Authority, as the case may be.</p> <p>(7) The appeal preferred under sub-section (3) shall be dealt with by the Appellate Tribunal as expeditiously as possible and endeavour shall be made by the Appellate Tribunal to dispose of the application or appeal finally within ninety days from the date of receipt of application or appeal, as the case may be:</p> <p>PROVIDED THAT where any such application or appeal could not be disposed of within the said period of ninety days, the Appellate Tribunal shall record its reasons in writing for not disposing of the application or appeal within that period.</p>	<p>Constitution of Appellate Tribunal for Ports and functions to be performed by it</p>

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<p>(8) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any direction or order or decision of the Authority referred to in the appeal preferred under sub-section (3), on its own motion or otherwise, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.</p> <p>(9) If at any stage of the hearing of any case or matter, it appears to the Presiding Officer or a Member of the Appellate Tribunal that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Presiding Officer to such Bench as the Presiding Officer may deem fit.</p>	
<p>12. Procedure of the Authority and the Appellate Tribunal—</p> <p>(1) The Authority and the Appellate Tribunal shall have, for the purposes of discharging its functions under Section 10 and 11 respectively, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely: —</p> <p>(a) summoning and enforcing the attendance of any person and examining him on oath;</p> <p>(b) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or a copy of such record or document, from any office and production of such documents;</p> <p>(c) receiving evidence on affidavits;</p> <p>(d) issuing commissions for the examination of witnesses or documents;</p> <p>(e) dismissing an application for default or deciding it, <i>ex parte</i>;</p> <p>(f) setting aside any order of dismissal of any application for default or any order passed by it, <i>ex parte</i>;</p> <p>(g) granting interim relief;</p> <p>(h) reviewing its decision; and</p> <p>(i) any other matter which may be Prescribed.</p> <p>(2) Every proceeding before the Authority and the Appellate Tribunal under Section 10 and 11 respectively, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860) and the Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).</p> <p>(3) The Authority and the Appellate Tribunal shall be guided by the principles of natural justice and subject to other provisions of this Act and of any rules made thereunder, shall have powers to regulate its own procedure including the places at which it shall conduct its business.</p>	<p>Procedure and Powers of the Authority and the Appellate Tribunal while carrying out adjudicatory functions</p>

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<p>13. Bar of jurisdiction of any court.—No other court or authority shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority or the Appellate Tribunal is empowered by or under Section 10 and 11 of this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of power conferred by or under Section 10 or 11 of this Act.</p>	<p style="text-align: center;">Exclusive jurisdiction</p>
<p>14. Dispute Resolution: Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall be determined by such person or persons as the Adjudicatory Board may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Arbitration and Conciliation Act, 1996.</p>	<p style="text-align: center;">Alternate Dispute Resolution</p>
<p>15. Orders passed by Authority and the Appellate Tribunal under this Act to be executable as a decree. —</p> <p>(1) An order passed by the Authority and the Appellate Tribunal under this Act shall be executable by the Authority and the Appellate Tribunal as a decree of civil court, and for this purpose, the Authority and the Appellate Tribunal shall have all the powers of a civil court.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the Authority and the Appellate Tribunal may transmit any order made by it under this Act, to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.</p>	<p style="text-align: center;">Orders passed by the Authority and the Appellate Tribunal this Act to be executable as a decree</p>
<p>16. Appeal to Supreme Court. —</p> <p>(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or in any other law, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on one or more of the grounds provided in section 100 of that Code.</p> <p>(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.</p> <p>(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against:</p> <p>PROVIDED THAT the Supreme Court may entertain the appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.</p>	<p style="text-align: center;">Appeal to Supreme Court.</p>
<p>17. Penalty for wilful failure to comply with orders of the Authority and the Appellate Tribunal.—If any person wilfully fails to comply with the order of the Authority and the Appellate Tribunal, he shall be punishable with fine which may extend to one lakh rupees and in case of a second or subsequent offence with fine which may extend to two lakh rupees and in the case of continuing contravention with additional fine which may extend to two lakh rupees for every day during which such default continues.</p>	<p style="text-align: center;">Penalty for wilful failure to comply with orders of Authority and the Appellate Tribunal</p>

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CHAPTER IV	
PROCEDURE WITH RESPECT TO EXERCISE OF POWERS UNDER SECTION 3 AND 4 OF THE ACT	
<p>18. Procedure with respect to exercise of powers under Section 3 and 4 of the Act—</p> <p>(1) If the Government is of the opinion that it is desirous or necessary or expedient, to notify a Port under Section 3 of this Act or to alter the Port Limits of Scheduled Ports under Section 4 of this Act, it shall send to the Authority, the draft Notification along with the project proposal in such form and manner as may be Specified by the Authority, and consult with the Authority for this purpose.</p> <p>(2) The Authority shall within thirty days of the date of consultation, give its recommendation to the Government with respect to the draft Notification.</p> <p>PROVIDED that while giving its recommendation under sub-section (2), the Authority shall consider minimum distance from existing Ports having due regard to the local conditions, investment already made in existing Ports and any other conditions notified by the Central Government.</p> <p>Explanation: For the purposes of sub-section (2), “local conditions” shall include regard to factors such as distance between Scheduled Ports, overlapping of catchment areas, existing capacity of subject ports, capacity of subject ports for future expansion, port services offered, port infrastructure, performance of subject ports, density of traffic at subject ports, projected traffic at subject ports, the relevant geographic market structure and conditions, internal and/or international requirements for the subject ports, feasibility for port users, barriers to entry and development of new ports, development of economic zones, land-availability and any other factors which the Central Government may consider fit.</p> <p>PROVIDED that the draft Notification and the project proposal shall also be sent by the Authority to the Central Government or the Coastal State Governments, as the case maybe, for comments, within such time as may be prescribed.</p> <p>PROVIDED also that the Authority will make the recommendation under sub-section (2) after considering the representation of the Central or Coastal State Governments, as the case maybe.</p> <p>PROVIDED also that such a recommendation by the Authority shall be binding on the Government.</p> <p>PROVIDED that any recommendation provided under sub-section (2) of this Act will only remain valid for a period of 6 months and thereafter, for the purposes of exercise of its power under Section 3 and 4 of this Act, the Government may initiate fresh action under sub-section (1).</p>	<p>Procedure with respect to exercise of powers under Section 3 and 4 of the Act</p>

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<p>(3) If the concerned Government, having considered that a recommendation of the Authority under sub-section (2) of sub-section (1), comes to a conclusion that such a recommendation cannot be accepted or needs modifications, then:</p> <p>(a) it shall refer the recommendation back to the Authority for its reconsideration, within thirty days from date of receipt of the recommendation under sub-section (2);</p> <p>(b) The Authority, within thirty days from the date of receipt of such reference, if any, shall withdraw its earlier recommendation and issue a fresh recommendation under sub-section (2) or shall modify its recommendation under sub-section (2) or shall reject the reference made under sub-section (3)(a), as it deems fit.</p> <p>(4) The Authority may request the Government to furnish such information or documents as may be necessary for the purpose of discharging its functions under sub-section (2) and that Government shall supply such information within a period of seven days from receipt of such request.</p>	
<p>19. Deletion of Port from the First Schedule—</p> <p>(1) If upon survey by the Authority, it appears to the Authority that a Scheduled Port is in violation of the conditions of approval or in violation of any provision of this Act or the rules or Regulations or Specifications provided under this Act or is otherwise no longer feasible, it shall make a representation to that effect to the Central Government.</p> <p>(2) Where the Scheduled Port under sub-section (1) is a Major Port, the Central Government, after considering such representation, may send it to the concerned authority established under The Major Ports Act, 1963 or under any successor thereto, for administration, control and management of such Scheduled Major Port, along with such remarks as it may choose to make, with an intimation of the period within which the Major Ports authority may submit its explanation to the Central Government.</p> <p>(3) On the receipt of the explanation or, where no explanation is submitted within the period fixed under sub-section (2), the Central Government, after making such further inquiry, if any, as it may think fit, may, by Notification in the Official Gazette, may cause such Port to be deleted from the First Schedule.</p> <p>(4) Where the Scheduled Port under sub-section (1) is a Port other than a Major Port, then notwithstanding anything contained in sub-section (2) and (3), the Central Government, after considering such representation, may send it to the State Government of the State in which the Port is situated and the State Government shall forward it to the State Maritime Board along with such remarks as it may choose to make, with an intimation of the period within which the State Maritime Board may submit its explanation to the State Government.</p>	<p style="text-align: center;">Deletion of Port from the First Schedule</p>

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<p>(5) On the receipt of the explanation or where no explanation is submitted within the period fixed, then on the expiry of that period, the State Government shall make its recommendations to the Central Government with respect to the Scheduled Port under sub-section (4).</p> <p>(6) The Central Government, after making such further inquiry, if any, as it may think fit, may, by Notification in the Official Gazette, cause such Port under sub-section (5) to be deleted from the First Schedule.</p> <p>(7) Upon Notification being passed by the Central Government under subsection (6), any Notification issued under Section 3(3) shall be deemed as lapsed.</p>	
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<p>CHAPTER-V PORT OFFICIALS, THEIR POWERS AND FUNCTIONS</p>	
<p>20. Appointment of conservator: -</p> <p>(1) The Government shall appoint an officer or body of persons to be the conservator for the port, or for two or more ports.</p> <p>(2) In a port where the conservator is not in place, the deputy conservator shall be deemed to be the conservator of that port;</p> <p>(3) The conservator may, with the approval of the Government, delegate such of his powers as he thinks fit to a deputy conservator, harbour-master or other official of the Government.</p> <p>(4) The deputy conservator, and his assistants, including the harbour Master shall be subject to the supervision and control of the conservator.</p> <p>(5) The conservator shall be subject to the control of the Government, or of any intermediate authority as the Government may appoint.</p>	<p>Appointment of conservator</p>
<p>21. Powers of conservator-</p> <p>(1) The conservator of a port, with respect to any Vessel within the port, subject to the provision of this Act may issue directions for complying with any rule for the time being in force.</p> <p>(2) The conservator of a port, with respect to any Vessel within the Port, may, subject to such conditions as the Conservator may think fit to impose-</p> <p>(a) direct where the Vessel shall be berthed, moored or anchored and the method of anchoring;</p> <p>(b) direct the removal of the vessel from any place within the Port to any other place and the time within which such removal is to be effected;</p> <p>(c) regulate, restrict or prohibit the movement of vessels in the port and the approaches to the Port; or</p> <p>(d) prohibit any Vessel from entering or leaving the Port, where such a Vessel fails to comply with the mandatory provisions of this Act or of any other Law in force or of such rules, regulations, orders or directions which may be given under this Act or under any other Law in force.</p>	<p>Power of conservator to issue directions</p>

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<p>(3) The Conservator in exercise of his powers under this Act, shall be bound by the provisions of this Act or any other Law in force or of such mandatory rules, regulations, orders or directions which may be given under this Act or under any other Law in force.</p> <p>(4) If any person wilfully and without reasonable cause refuses or neglects to obey any direction of the conservator, after notice thereof has been given to him, he shall, for every such refusal or neglect, be punishable as provided in the Table and in the case of a continuing refusal or neglect, with such action as the Government may deem appropriate.</p> <p>(5) In case of such refusal or neglect, the conservator may cause or cause to be done, all the necessary acts for execution of the directions and may hire and employ suitable persons for this purpose, and all expenses incurred in this behalf shall be recoverable from the person for such refusal or neglect.</p> <p>(6) The Conservator, for the purposes of discharge of his duties and functions under this Act, shall have: -</p> <p>(a) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask; and</p> <p>(b) power to require any person so questioned to make and sign a declaration of the truth of the statements made by him.</p>	
<p>22. Power to cut warps and ropes. – The conservator of a Port may, in case of urgency cut or cause to be cut, any warp, rope cable or hawser endangering the safety of any Vessel or Port asset in the Port or at or near the entrance thereof and move the Vessel to a different place at the cost of the person having control over the Vessel.</p>	<p>Power to cut warps and ropes</p>
<p>23. Removal of Obstructions within limits of Port.-</p> <p>(1) The conservator may remove, or cause to be removed, any Obstruction or impediment being in any part of a Port, which in his opinion obstructs or impedes the Port Activity or the lawful use of any Pier, jetty, landing-place, Wharf, quay, Dock, mooring or other work on any part of the shore or bank which has been declared to be within the limits of the Port.</p> <p>(2) The person causing any Obstruction or impediment shall be liable to pay the reasonable expenses for the removal thereof and if such Owner or any other person has without lawful excuse caused any such Obstruction or impediment or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable as provided in the Table and shall also be liable for any damages caused to the Port.</p> <p>(3) The conservator may cause removal of Obstruction or impediment within the Port Limits, including dismantling of the obstruction or impediment if required, either on his own, or through any external agency or through an officer authorised by the conservator in this regard, in accordance with such rules, regulations, orders or directions which may be given by the Central Government under this Act or under any other Law in force.</p>	<p>Removal of Obstructions within limits of Port</p>

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<p>(4) No injunction shall be granted by any court or other authority in respect of any action taken or to be taken by the Conservator for removal of any obstruction, where such removal is done for the purpose of uninterrupted navigation in such Port or to contain pollution of the environment.</p>	
<p>24. Recovery of expenses for removal of Obstructions. -</p> <p>(1) The conservator may recover expenses incurred for removal of Obstruction in any part of the Port, from the person causing such Obstruction by public auction of the Obstruction, and may retain all the expenses for such removal and sell out the proceeds of the sale, and shall pay the surplus of such proceeds, or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same and if no such person is available, the conservator shall cause the same to be kept and deposited in such manner as the Government directs;</p> <p>(2) The Conservator may, if necessary, recover the expenses of keeping the unsold thing or materials together with the expenses of sale, by further sale of so much of the thing or materials as may remain unsold from time to time;</p> <p>PROVIDED THAT, if the sale proceeds are not adequate to meet the expenses incurred, such person shall be liable to pay the shortfall along with the interest as may be directed by the Conservator.</p>	<p style="text-align: center;">Recovery of expenses for removal of Obstructions</p>
<p>25. Removal of lawful Obstructions outside Port Limits. -</p> <p>(1) If any Obstruction or impediment to the navigation of any Port subject to this Act has been lawfully made or has become lawful by reason of the long continuance of such Obstruction or impediment, or otherwise, the conservator shall report the same for the information of to the Government, and shall, with the sanction of the Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.</p> <p>(2) Any dispute arising concerning such compensation shall be determined according to the law relating to disputes in the case of Land required for public purposes.</p>	<p style="text-align: center;">Removal of lawful Obstructions beyond limits of Port</p>
<p>26. Fouling of moorings. -</p> <p>If any Vessel hooks or gets foul of any of the buoys or moorings laid down by or by the authority of the Government in any such Port, the Master of such Vessel shall not, nor shall any other person, except in case of emergency, lift the buoys or moorings for the purpose of unhooking or getting clear from the same without the assistance of the conservator; and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such Vessel; and the Master of such Vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same and for repairing the damages or for the replacement, if required, notwithstanding his right to reimbursement, if any.</p>	<p style="text-align: center;">Fouling of moorings</p>

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<p>27. Raising or removal of wreck impeding Port Activity within limits of Port.</p> <p>(1) If any Vessel is wrecked, stranded, abandoned, stateless or sunk in any Port with or without cargo, the conservator shall give notice to the Owner of the Vessel to raise, or remove or dismantle the Vessel within such period as may be stipulated in the notice and to furnish such adequate security to the satisfaction of the conservator to ensure that the Owner of the Vessel shall cause the Vessel to be raised, or removed or dismantle within the said period;</p> <p>PROVIDED THAT the conservator may extend such period to such further period as he may consider necessary having regard to the circumstances of such case and the extent of its impediment to navigation and pollution of the environment.</p> <p>(2) Where the Owner of any Vessel to whom a notice has been issued under sub-section (1) fails to raise or remove or dismantle such Vessel within the period stipulated in the notice or the extended period or fails to furnish the security required of him, the conservator may cause the Vessel to be raised, or removed or dismantled.</p> <p>(3) Notwithstanding anything contained in the forgoing sub-sections, if the conservator is of the opinion that any Vessel which is wrecked, stranded, abandoned, stateless or sunk in any Port is required to be immediately raised, removed or destroyed for the purpose of uninterrupted navigation in such Port, he may, without giving any notice under sub-section (1), cause the Vessel to be raised, removed or dismantled.</p> <p>(4) No injunction shall be granted by any court or other authority in respect of any action taken or to be taken by the Conservator for raising, removal or dismantling of any such wreck, where such an act is carried out for the purpose of uninterrupted navigation in such Port or to contain pollution of the environment</p> <p>(5) If any property recovered by a conservator acting under sub-section (2) or sub-section (3) is unclaimed or the person claiming it fails to pay the expenses incurred by the conservator under that sub-section and a further sum of twenty per cent of the amount of such expenses, the conservator may sell the property by public auction, if the property is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time not less than thirty days after the recovery thereof.</p> <p>(6) The expenses and further sum aforesaid shall be payable to the conservator out of the sale proceeds of the property, and the balance, shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to any person thereafter establishing his right thereto:</p> <p>Provided that the person makes his claim within three years from the date of the sale.</p> <p>(1) Where the sale proceeds of the property are not sufficient to meet the expenses and further sum aforesaid, the Owner of the Vessel at the time the Vessel was wrecked, stranded, abandoned or sunk shall be liable to pay the deficiency to the</p>	<p>Raising or removal or wreck impeding Port Activity within limits of Port</p>
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<p>conservator on demand, and if the deficiency be not paid within one month of such demand the conservator may recover the deficiency from such Owner as debt in any court of competent jurisdiction.</p>	
<p>28. Power to board Vessels and enter buildings. - (1) The conservator or a person authorized by the conservator, whenever he suspects that any offence against the provisions of this Act has been, or is about to be committed, or whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, and the person appointed under this Act to receive any Port dues, fees or other charges payable in respect of any Vessel, may, whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, either alone or with any other person, board any Vessel, or enter any building or place, within the limits of any Port subject to this Act (2) If the Master of the Vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in sub-section (1) to board or enter such Vessel, building or place in the performance of any duty imposed upon him by this Act, he shall for every such offence be punishable as provided in the Table.</p>	<p>Power to board Vessels and enter buildings</p>
<p>29. Power to require crews to prevent or extinguish fire, or other aspects pertaining to safety, security, pollution prevention of the Vessel, personnel and Port. - (1) For the purpose of preventing or extinguishing fire, or for any matter affecting the safety, security or pollution prevention aspect of the Vessel or personnel in any Port subject to this Act, the conservator or duly authorized official of Port may require the Master of any Vessel within the Port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such Master. (2) Any Master refusing or neglecting to comply with such requisition shall be punishable as provided in the Table, and any seafarer, then under his orders who, after being directed by the Master to obey the orders of the conservator or authorized official of the Port for the purpose aforesaid, refuses to obey such orders, shall be punishable as provided in the Table.</p>	<p>Power to require crews to prevent or extinguish fire, or other aspects pertaining to safety, security, pollution prevention of the Vessel, personnel and Port</p>
<p>30. Appointment and powers of health-officer. - (1) The Central Government may appoint at any Port subject to this Act, an officer, or an empanelled medical practitioner as the health-officer at the place to carry out the functions of the Port health officer. (2) A health-officer shall be subject to the control of the Central Government and have the following powers, within the limits of the Port for which he is appointed, or empanelled, namely: - (a) with respect to any Vessel, the powers of inspection of provisions, water and sanitation of a Vessel including accommodation of the Vessel. (b) power to enter</p>	<p>Appointment and powers of health-officer</p>

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<p>on board any Vessel and medically examine all or any of the seafarer or apprentices on board the Vessel;</p> <p>(c) power to require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board the Vessel.</p> <p>(d) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask; and</p> <p>(e) power to require any person so questioned to make and sign a declaration of the truth of the statements made by him.</p>	
<p>31. Indemnity of Government against act or default of Port-official or Pilot. -</p> <p>(1)The Government shall not be responsible for any act or default of any conservator, or harbour-Master, of any Port subject to this Act, or of any deputy or assistant of any of the authorities aforesaid, or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any Pilot, or for any damage sustained by any Vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the Vessel.</p> <p>Provided that nothing in this section shall protect the Government from a suit in respect of any act done by or under the express order or sanction of the Government.</p>	<p style="text-align: center;">Indemnity of Government against act or default of Port official or Pilot</p>
<p>CHAPTER-VI MANAGEMENT AND ADMINISTRATION</p>	
<p>32. Constitution of State Maritime Board –</p> <p>(1) Every State Government for a port other than a Major Port, shall, within six months from the appointed date constitute for the purposes of this Act, a Maritime Board for the State to be known as the State Maritime Board.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the Central Government may by way of Notification allow such State Government as are mentioned in the Notification to perform the functions of a State Maritime Board;</p> <p>(3) The State Government shall prescribe the manner and terms of appointment of the Chairperson and the members of the State Maritime Board, the duties of the Chairperson and the staff of the State Maritime Board.</p> <p>PROVIDED THAT the State Maritime Boards which have been constituted by State Governments under the enactments listed in the second Schedule and are functioning as such before the appointed date, shall be the State Maritime Boards for the purposes of this Act and the Chairperson, Members, Secretary, and other officers and other employees thereof shall continue to hold office, on the same terms and conditions on which they were appointed under those Acts;</p>	<p style="text-align: center;">Constitution of State Maritime Board</p>

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<p>PROVIDED THAT the State Government may appoint as the member of the State Maritime Board such persons as may be nominated by the Central Government.</p> <p>(4) The State Maritime Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the name with which it is constituted, sue or be sued.</p> <p>(5) The State Government may transfer, and vest, amongst other things, all port land, property, assets, funds, interest in property, all rights to levy rates, fees, rents and other sums of money, all contracts entered into, all rights to enter into a public works contract and other rights, liabilities, obligations, debts, dues connected with the affairs of ports other than Major Ports, and personnel serving under the State Government before such day solely or mainly for or in connection with affairs of the port, to the State Maritime Board.</p> <p>(6) All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by the State Government in exercise of its powers under the Indian Ports Act, 1908, shall to the extent that they are not inconsistent with the provisions of the Act, be deemed to have been incurred, entered into or done by the State Maritime Board, and all suits or other legal proceedings instituted by or against the State Government, as the case maybe, be continued or instituted by or against the State Maritime Board or concerned transferee.</p> <p>(7) The head office of the State Maritime Board shall be at such place as the State Government may notify.</p>	
<p>33. Functions of the State Maritime Board – In addition to any other such functions as the State Government may notify, the functions of the State Maritime Board with respect to the Ports other than Major Ports within the territory of the respective state, shall be: -</p> <p>(a) to initiate plans for development of the Scheduled Ports other than the Major Ports in the state in line with the National Port Policy and National Port Plan notified by the Central Government;</p> <p>(b) to promote the use, development, and improvement of Scheduled Ports other than the Major Ports in the State;</p> <p>(c) to execute such works within or outside the limits of Scheduled Ports other than Major Ports and provide such facilities or such equipment to Ports other than Major Ports, as may be notified by the Central Government, State Government or the Authority;</p> <p>(d) to provide and maintain adequate and efficient lighthouses beacons and other lights buoys and other navigational aids and services at such places as the State Maritime board may deem appropriate;</p> <p>(e) to exercise licensing functions in respect of infrastructure and services provided by Scheduled Ports other than Major Ports;</p>	<p>Functions of the State Maritime Board</p>

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- (f) to exercise supervision and control over all Port Activities, Port Operations, Port Services or Port Works for the Scheduled Ports other than Major Ports, including those contracted out to third parties;
- (g) to regulate and control navigation within the limits of Scheduled Ports other than Major Ports and the approaches to the Scheduled Ports other than Major Ports in the state;
- (h) to receive Port-dues;
- (i) to plan or provide or secure the provision of a safe economical and efficient sea transport system for movement of goods and persons in the state;

PROVIDED THAT, the State Maritime Board shall ensure that security at port confirms the norms required under International Ships and Ports Security (ISPS) code and also the compliance of security guidelines/instructions/Notifications issued by Ministry of Home Affairs and Ministry of Ports, Shipping and Waterways, from time to time.

- (j) To develop new ports other than Major Ports, as may be notified by the Central Government and the State Government in the State within the Port Limits to be notified by the Central Government and which are in accordance with any notification published by the Central Government or the State Government in exercise of its powers under this Act, *subject to obtaining requisite clearances for new projects from the Central Government and security clearance for new projects from Ministry of Home Affairs, Government of India*

PROVIDED THAT, the State Maritime Board shall ensure that all security clearance pertaining to projects/developments/operation of Scheduled Ports other than Major Ports be processed in consultation with concerned central security agencies and in accordance with the standard operating procedures recommended by the Task Force on National ***Committee On Strengthening Maritime And Coastal Security (NCSMCS) against threats from the sea.***

- (k) To protect ecological balance and safeguard social and environmental issues;
- (l) To ensure that Scheduled Ports other than Major Ports are equipped with minimum facilities, as Specified by the Authority;
- (m) To ensure that the Scheduled Ports other than Major Ports meet the minimum quality, Standards, technical Specifications and have such facilities and equipment as Specified by the Authority;
- (n) To conduct a survey and inspection of Scheduled Ports other than Major Ports to check for compliance with all facilities and Standards as Specified by the Authority;
- (o) To ensure that the Scheduled Ports other than the Major Ports provide Reception Facilities in accordance with the requirements of the MARPOL Convention and in accordance with the provisions of this Act or the

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<p>Merchant Shipping Act, 1958 or any order, directions, rules, Regulations, Standards notified by the Central Government in this regard, and to survey and supervise and guide provisioning of such Reception Facilities by Ports other than Major Ports.</p> <p>(p) To take appropriate measures to require that wastes generated during operation, repair and re-cycling of Vessel are collected, handled, treated and disposed of in a safe and environmentally sound manner, to protect human health and the environment in accordance with the provisions of this Act or the Merchant Shipping Act, 1958 or any order, directions, rules, Regulations, Standards notified by the Central Government in this regard;</p> <p>(q) To ensure safety and security management is carried out in accordance with the provisions of this Act or the Merchant Shipping Act, 1958 or any order, directions, rules, Regulations, Standards notified by the Central Government in this regard; to look into and address the complaints submitted by Port users against the services and terms of service rendered by the Ports other than Major Ports or the private operators operating in the Ports other than Major Ports after hearing the parties concerned, through a grievance redressal mechanism comprising of such members of the State Maritime Board who are nominated by the State Maritime Board as Grievance Redressal Officers, in such a manner as may be prescribed by the Government.</p> <p>(s) Without prejudice the above, to provide or ensure the providing of such other services and other facilities as are in the opinion of the State Maritime Board necessary for the efficient operation of Ports systems of Scheduled Ports other than Major Ports in the state;</p> <p>(t) Without prejudice to the above, to carry out all the functions that may be notified by the State Government and as may be required by law.</p>	
<p>34. Power to issue directions – The State Maritime Board may in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any port other than Major Ports, or port-users, or captive users, or port-officials or port service provider or port operators or any other licensee, and such person shall be bound to comply with such directions.</p>	<p>Power of State Maritime Board to issue directions in writing to Ports other than Major Ports</p>
<p>CHAPTER – VII SAFETY OF SHIPPING AND THE CONSERVATION OF PORTS</p>	
<p>35. Damage to the property of the Port: - (1) No person shall, without lawful excuse, remove, destroy or damage any property including any wharf or jetty belonging to or in the custody or possession of the Port or hinder or prevent such property from being used or hinder or prevent such property from being used or operated in the manner which it is intended to be used or operated.</p>	<p>Damage to the property of the Port</p>

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<p>(2) If any person offends against the provisions of this section, he shall be punishable with a fine not exceeding One Lakh Rupees and shall be liable to make good any loss, destruction or damage suffered by the Port, including the expenses of any inspection or survey carried out by the Port to ascertain such loss, destruction or damage.</p>	
<p>36. Improperly discharging ballast, oil, garbage and sewage from ships and emission from ships –</p> <p>(1) No emissions or ballast, oil, oily waste, noxious liquid substance, garbage, sewage shall be emitted or discharged from a Vessel in contravention of the provisions of the MARPOL Convention, or Ballast Water Convention or such other Convention as may be applicable.</p> <p>(2) Any person, who contravenes the provision of sub-section (1), in addition to the punishment, shall be liable to pay the expenses incurred in removing or cleaning such oil, oily wastage, noxious liquid substance, garbage, sewage as provided in the Table.</p> <p>(3) If, after receiving notice from the conservator of the port, or an official authorized by the conservator to desist from discharging ballast, oil, oily waste, noxious liquid substance, garbage, sewage or rubbish or such other thing, any Master continues so to cast, throw or discharge the same, he shall also be punishable as provided in the Table.</p>	<p>Improperly discharging ballast, oil, garbage and sewage from ships and emission from ships</p>
<p>37. Warping. -</p> <p>(1) Every Master of a Vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps or hawsers to be made fast to the Vessel for the purpose of warping any other Vessel in the port, and shall not allow any such warp or hawser to be let go until required so to do.</p> <p>(2) A Master offending against sub-section (1) shall be punishable for every such offence as provided in the Table.</p>	<p>Warping</p>
<p>38. Provision of Vessels with life-saving appliances and fire extinguishing appliances. —</p> <p>(1) Every Vessel lying in any Port to shall be provided with such life-saving appliances and fire extinguishing appliances as may be mandated under the Merchant Shipping Act, 1958 and the Rules, Regulations, Orders and Notifications made thereunder.</p> <p>(2) The Master of such a Vessel who, having been required by the conservator to comply with the provisions of sub-section (1), neglects or refuses, without lawful excuse, so to do for the space of seven days after such requisition, shall be punishable with fine which may extend to one lakh rupees.</p>	<p>Provision of Vessels with life saving appliances and fire extinguishing appliances</p>

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<p>39. Penalty on Master omitting to take order to extinguish fire. – If the Master of any Vessel in which fire takes place while lying in any such Port wilfully omits to take order to extinguish the fire or obstructs the conservator or any person acting under the authority of the conservator in extinguishing or attempting to extinguish the fire, he shall be punishable as provided in the Table.</p>	<p>Penalty on Master omitting to take order to extinguish fire</p>
<p>40. Offences in connection with safety of Vessels, etc. – Any person who —</p> <ul style="list-style-type: none"> (a) wilfully and without lawful excuse loosens or removes from its moorings or from its fastenings any Vessel in the port without leave or authority from the master or owner of such Vessel; or (b) wilfully and without lawful excuse lifts, injures, makes a Vessel fast to, loosens or sets adrift any moorings, buoys, beacons or sea or landmarks; or (c) without any lawful excuse discharges any gun in the port except for such purpose as is allowed under any law in force; or (d) graves, breams or smokes any Vessel in the port, or boils or heats any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within the port, at any time or within any limits at or within which such act is prohibited by the Government, or contrary to the orders or directions of the Conservator; or (e) by an unprotected artificial light draws off spirits on board any Vessel within any ship subject to this Act; or (f) does or omits to do any act on board any vessel in the port which has caused or may cause fire on board such vessel; or (g) uses a Vessel or permits a Vessel to be used in the port when such vessel is in such a state that by reason of the defective condition of its hull, equipment or machinery, or by reason of under-manning or otherwise, the life of any person is likely to be endangered or the safety of any other Vessel navigating in the Port is likely to be endangered; or (h) causes or suffers any warp or hawser attached to his Vessel to be left out in any Port subject to this Act after sunset in such a manner as to endanger the safety of any other Vessel navigating in the Port; <p>such person and the Master of the Vessel shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one lakh rupees or to imprisonment for a term not exceeding 6 months or to both.</p>	
<p>41. Unauthorised person not to search for lost stores. –</p> <ul style="list-style-type: none"> (1) No person, without the permission of the conservator, shall, in any Port subject to this Act, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein. (2) If any person offends against the provisions of sub-section (1), he shall be punishable as provided in the Table. 	<p>Unauthorised person not to search for lost stores</p>

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<p>42. Removing stones or injuring shores of Port prohibited. –</p> <p>(1) No person without the permission of the conservator shall in any Port remove or carry away any rock, stones, shingle, gravel, sand or soil or any artificial protection from any part of the bank or shore of the Port; and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as the conservator may appoint to take part in or overlook the performance of such work.</p> <p>(2) If any person offends against sub-section (1), he shall for every such offence be punishable as provided in the Table; and shall pay any reasonable expenses which may be incurred in repairing any injury done by him to the bank or shore.</p>	<p style="text-align: center;">Removing stones or injuring shores of Port prohibited</p>
<p>43. Moving of Vessels without Pilot or permission of harbour Master. –</p> <p>(1) No Vessel shall enter, leave or be moved in any Port without having a Pilot, harbour-Master or assistant of the harbour-Master on board, unless authority in writing so to do has been obtained from the conservator or some officer authorised by him to give such authority;</p> <p>PROVIDED THAT the Government may, by Notification in the Official Gazette, direct that in any Port provided in such Notification the provisions of this sub-section shall not apply to sailing Vessels of any measurement not exceeding a measurement so provided.</p> <p>(2) Notwithstanding anything in sub-section (1), the Owner or Master of a Vessel which is by that sub-section required to have a Pilot, harbour-Master or assistant of the harbour master on board, shall be answerable for any loss or damage caused by the Vessel or by any fault of the navigation of the Vessel, in the same manner as he would have been if he had not been so required by that sub-section:</p> <p>(3) If any Vessel, except in case of urgent necessity, enters, leaves or is moved in the Port contrary to the provisions of subsection (1), the Master of the Vessel shall for every such offence be punishable as provided in the Table, unless upon application to the proper officer, the Master was unable to procure a Pilot, harbour-Master or assistant of the harbour-Master to go on board the Vessel.</p>	<p style="text-align: center;">Moving of Vessels without Pilot or permission of harbour Master</p>

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CHAPTER-VIII SAFETY AND SECURITY	
<p>44.Safety and Security requirements:</p> <p>(1) For the purpose of this Chapter, all Ports in India, Port-officials, State Government and State Maritime Boards, unless otherwise exempted by the Central Government, shall comply with the provisions of this Chapter.</p> <p>(2) Every Port, Port-official, State Maritime Board, and State Government shall, subject to such conditions as may be Prescribed, comply with the provisions of the following Convention or agreement, as applicable, in the manner Prescribed by the Central Government: —</p> <p style="padding-left: 40px;">(a) International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended</p> <p style="padding-left: 40px;">(b) Convention on Facilitation of International Maritime Traffic 1965 as amended (FAL)</p> <p style="padding-left: 40px;">(c) Nairobi International Convention on the Removal of Wrecks, 2007 (NAIROBI WRC 2007)</p> <p style="padding-left: 40px;">(d) any other Convention or agreement or any treaty relating to safety or security which the Central Government may Prescribe:</p> <p>PROVIDED THAT Ports which the provisions of the above Conventions are not applicable, shall comply with such safety and security requirements as may be prescribed.</p>	<p>Safety and Security requirements</p>
<p>45. Compliance with general safety requirements. –</p> <p>Every port, port-official, State Maritime Board and State Government shall comply with all such safety requirements as may be Prescribed by the Central Government under this Act and which are mandated under any other existing law in force and under any notice, order, bye-law, Notification, Rules, and Regulations published by the Central Government, to ensure compliance with the provisions of this Chapter.</p>	<p>Compliance with general safety requirements</p>
<p>46.Security of Ports:</p> <p>(1) Every port, State Maritime Board and State Government to which this Chapter applies shall appoint all such Officers, prepare and submit all such documents, and plans and shall comply with any requirement as may be Prescribed by the Central Government in this regard and which is mandated under any other existing law in force and under any notice, order, by-law, Notification, rules, and Regulations published by the Central Government, to ensure compliance with the mandatory provisions of and with the provisions of this Chapter.</p> <p>(2) Every Port, State Maritime Board and State Government shall comply with such requirements as may be Prescribed by the Central Government for safety management and security management of the Port from time to time, under this Act or under any existing law in force.</p>	<p>Security of Ports</p>

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<p>(3) Every Port-official appointed for the purposes of this Chapter, shall discharge all such duties that are necessary and/or which may be Prescribed by the Central Government, for safety management and security management of the Port from time to time, under this Act or under any existing law in force.</p> <p>(4) The Central Government or a person authorised by Central Government for the purpose of this Section, shall audit the Port for the purpose of compliance with sub-section (1).</p> <p>(5) The Central Government or a person authorised by Central Government for the purpose of this Section, may set different levels of security for each Port, the protective measures to be carried out by the Port and by all Port-officials, and employees of Port at such security level and provide such information thereof to all Ports.</p>	
<p>47. Vessel Traffic services: Every operating port shall prepare and implement a Vessel Traffic Services arrangement plan for safe navigation of Vessels which shall be compatible with the Port community system as provided in this Act.</p>	<p>Vessel Traffic services</p>
<p>48. Order for securing compliance:</p> <p>(1) Where any port, personnel of the port or port-officer fails to comply, or fails to comply in part with the provisions of this Chapter, the Central Government may, whether or not such person is convicted of an offence under this Chapter by reason of his having so failed to comply, cause such action to be taken as it may deem necessary for carrying out the directives given in this Chapter.</p> <p>(2) Where the Central Government is satisfied that there are no Vessel Traffic Services arrangement plan is provided by any Port or that the Vessel Traffic Services arrangement plan is not adequate or not in compliance with any provision of this Act or any law which is in force, the Central Government, may, by order in writing, give such directions as may be necessary for the purpose of preparation of an adequate a Port traffic flow arrangement plan.</p> <p>(3) If any Port or Port-facility or Port-officer contravenes any of the provisions of this Chapter or the rules made thereunder or the directions given by the Central Government or the persons designated by the Central Government in this regard, or contravenes any condition, limitation or restriction subject to which any approval, sanction, confirmation, direction or exemption in relation to any matter has been accorded, given or granted by the Central or by the persons designated by the Central, such a Port or Port-facility and the Port-officers in default shall be liable to the punishment as provided in the Table.</p> <p>(4) Nothing in the foregoing sub-sections, shall prevent the State Government from passing any order to secure compliance by Ports other than Major Ports to the provisions of this Chapter or the rules made thereunder or the directions given by the Central Government or the persons designated by the Central Government, in so far as any such order passed by the State</p>	<p>Order for securing compliance</p>

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Government is not inconsistent with this Act, rules, directions or orders passed by the Central Government or by persons designated by the Central Government.	
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CHAPTER- IX	
PREVENTION, CONTAINMENT OF POLLUTION AND RESPONSE	
<p>49. Requirements for prevention and containment of pollution – All ports including repair ports or terminals, State Governments and State Maritime Boards, unless otherwise exempted by the Central Government, shall comply with all such requirements as may be Prescribed by the Central Government under this Act and which is mandated under any other existing law in force and under any notice, order, by-law, Notification, Rules, and Regulations published by the Central Government, to ensure prevention and containment of pollution.</p>	Requirements for prevention and containment of pollution
<p>50. Reception Facilities:</p> <ol style="list-style-type: none"> (1) All Ports, repair Ports or terminals taking into account the international Standards, shall provide such Reception Facilities for receipt of wastes including oil, noxious liquid substances, sewage, ballast water, contaminated water or exhaust gas cleaning residues from an approved exhaust gas cleaning system and thereof as may be notified by the Central Government, under this Law or under any existing law for the time being in force. (2) The Ports, Repair Ports or Terminal may impose reasonable charges for the use of the facilities at such rates and may impose such conditions in respect of the use thereof. (3) If the Ports, repair Ports or terminals fail to provide adequate reception facilities, the Conservator or the Master of the Vessel, must report such default in such manner and to such officer as may be prescribed by the Central Government, under this Law or under any existing law for the time being in force. 	Reception Facilities
<p>51. Powers to take measures for prevention or containment of pollution and reporting of incidents:</p> <ol style="list-style-type: none"> (1) When an incident in which the cargo or harmful substance, as covered under the Merchant Shipping Act, 1958 or any other Law in force, escapes or is likely to escape at a Port and threatens or is likely to pose a threat of pollution of air or any part of coasts or coastal waters of India, the State Government or any such Authority, Board or Officer as directed by the Central Government, shall report the particulars of such incident to the Central Government in such manner as may be Prescribed. (2) Where the Central Government is satisfied that an incident in which the cargo or harmful substances, as covered under this Chapter Part or is likely to occur or threatens or is likely to pose a threat of pollution of air or any 	Powers to take measures for prevention or containment of pollution and reporting of incidents

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<p>part of coasts or coastal waters of India, it may, by way of notice, direct the State Government or any such Authority, Board or Officer to take such Action as may be directed.</p> <p>(3) Notwithstanding anything contained in sub-section (2), the Central Government may, if it is of the opinion that the pollution caused or likely to be caused by release of harmful substances has or may present a grave and imminent danger to the coastline or related interest from pollution or threat of pollution, proceed to take such measures as may be deemed necessary to prevent, mitigate or eliminate such threat or danger and any measures so taken shall be deemed to have been taken under this section.</p> <p>(4) The Central Government and the State Government may make national arrangement systems or regional arrangement systems respectively for responding promptly and effectively to pollution incidents occurring at Ports, Repair Ports or Terminals.</p> <p>(5) Every Port shall prepare and implement a pollution incident emergency preparedness and response plan in line with the national arrangement system, and if there is no national arrangement system, then in line with the regional arrangement system made under sub-section (4).</p>	
<p>52. Order for securing compliance:</p> <p>(1) Where any Port, personnel of the Port or Port –officer fails to comply, or fails to comply in part with the provisions of this Chapter, the Central Government may, whether or not such person is convicted of an offence under this Chapter by reason of his having so failed to comply, cause such action to be taken as it may deem necessary for carrying out the directives given in this Chapter.</p> <p>(2) If any Port, Repair Port, Terminal or Port-facility or Port-officer contravenes any of the provisions of this Chapter or the rules made thereunder or the directions given by the Central Government or the persons designated by the Central Government in this regard, such a Port, Repair Port, Terminal or Port-facility and the Port-officers in default shall be liable to the punishment as provided in the Table.</p> <p>(3) Nothing in the foregoing sub-sections, shall prevent the State Government from passing any order to secure compliance by Ports other than Major Ports to the provisions of this Chapter or the rules made thereunder or the directions given by the Central Government or the persons designated by the Central Government, in so far as any such order passed by the State Government is not inconsistent with this Act, rules, directions or orders passed by the Central Government or by persons designated by the Central Government.</p>	<p>Power of the Government to pass Orders to secure compliance with the provisions of this Chapter</p>
<p>CHAPTER-X PORT-DUES, FEES AND OTHER CHARGES</p>	

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<p>53. Levy of Port-charges: -</p> <p>(1) Every Port may levy such Port charges for different Port activities, Port Facilities and Port services of the Port including pilotage charges, and such other charges, which are reasonable and in line with commercial prudence. PROVIDED THAT the Port may provide different rates for different types of Vessels, different Port activities and different Port services and different facilities and will cause the same to be published in such a manner as is directed by the Government.</p> <p>PROVIDED THAT the fixation, levy and implementation of such Port charges, fees, rates and conditions shall be in consonance with the norms as may be specified by the Authority and shall—</p> <ul style="list-style-type: none"> (i) be reasonable and in line with commercial prudence; (ii) not be with retrospective effect; and (iii) not be inconsistent with the provisions of the Competition Act, 2002; <p>(2) The Port-charges shall come into force on such date as is Notified by the Government.</p> <p>(3) The Port-charges currently leviable in any Port shall continue to be so leviable till the same are altered.</p>	<p>Levy of Port-charges</p>
<p>54. Power to Remit or exempt. -The Government may, in special cases, remit or exempt the whole or any portion of the Port charges.</p>	<p>Power to Remit or exempt</p>
<p>55. Owner, agent or Master to report arrival or departure –</p> <p>(1) The Owner, agent or Master of a Vessel shall provide intimation to the conservator of its arrival within the limits of a Port immediately after the arrival but in any case, not later than six hours after such arrival.</p> <p>(2) The owner, agent or Master of the Vessel arriving in the Port shall provide within such time and by such means to the Conservator: -</p> <ul style="list-style-type: none"> (a) a general declaration of arrival in such form as the Central Government may direct with respect to such Vessels; (b) the clearance from the last port; (c) a list of passengers and/ or crew on board; (d) the particulars of insurance or any other financial security maintained in respect of the Vessel including the details regarding the name and address of the insurer and/or guarantor, the limits of liability under such insurance or financial security, the period of validity of such 	<p>Master to report arrival</p>

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<p>insurance or financial security along with production of satisfactory evidence in support of the details provided, in such form as the Central Government may direct with respect to such Vessels; and</p> <p>(e) such other documents or information as may be required by the Conservator or is mandated by the Government from time to time with respect to such Vessels.</p> <p>(3) The Owner, agent or Master of the Vessel intending to enter or leave the Port shall furnish, before entering or leaving the Port, such information as the Conservator may require or the Government may direct relating to such Vessels, its cargo, the estimated time of entering or leaving the Port, the details of the persons on board such Vessel including their health and medical condition or as to whether they are accused or convicted of any offence, the number of armed guards, fire arms or any other weapons on board such Vessel, if any.</p> <p>(4) The Owner, agent or Master of any Vessel who fails without lawful excuse to comply with the provisions of this Section in whole or in part, shall be punishable as provided in the Table.</p>	
<p>56. Conservator may in certain cases ascertain draught and charge expense to Master.- If any Vessel is in any Port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be ascertained and the Master of the Vessel shall be liable to pay the expenses for the same.</p>	<p>Conservator may in certain cases ascertain draught and charge expense to Master</p>
<p>57. Distraint and sale on refusal to pay Port-charges. -</p> <p>(1) If the Master of any Vessel in respect of which any Port-dues, fees or other charges are payable under this Act, refuses or neglects to pay the same on demand, the authority appointed to receive such Port-dues, fees or other charges, may distraint or arrest the Vessel, and the tackle apparel and furniture belonging thereto or any part thereof, and detain the same until the amount due is paid; and in case any part of the Port-dues fees, or other charges, or of the costs of the distress or arrest or of the keeping of the Vessel, or other thing distrained or arrested remains unpaid for the space of five days next after any such distress or arrest, may cause the Vessel, or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the Port-dues, fees or other charges and the cost including the costs of sale remaining unpaid, and shall render the surplus, if any, to the Master of the Vessel upon demand:</p> <p>PROVIDED THAT where such Vessel or other thing is already arrested under the order of a Court or other authority, the authority appointed to receive Port dues, fees or other charges, may sell the Vessel or other thing only with the prior permission of such Court or other authority and satisfy the Port dues, fees or other charges and the costs including costs of sale remaining unpaid, and disburse the</p>	<p>Distraint and sale on refusal to pay Port-charges</p>

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<p>surplus, if any in accordance with the orders or directions of such Court or other authority.</p> <p>(2) Where the sale proceeds of the property are not sufficient to meet the Port-dues, fees or other charges and the cost including the costs of sale remaining unpaid, the Owner of the Vessel shall be liable to pay the deficiency to the authority appointed to receive such Port-dues, fees or other charges on demand, and if the deficiency be not paid within one month of such demand to the authority appointed to receive such Port-dues, fees or other charges, such Owner shall be punishable for such offence as is provided in the Table.</p>	
<p>58. No Port-clearance to be granted until Port-charges are paid.-The officer of the Government whose duty is to grant a Port-clearance for any Vessel shall not grant such clearance until its Owner or Master or agent, has paid or secured to the satisfaction of such officer the amount of all Port-dues, fees and other charges, and of all fines, penalties and expenses to which the Vessel or her Owner or Master is liable under this Act or under the Merchant Shipping Act,1958, unless such a Vessel or type of Vessel is exempted from the application of this Section by the Central Government by way of notification.</p>	<p style="text-align: center;">No Port-clearance to be granted until Port-charges are paid</p>
<p>59. Port-charges payable in one Port recoverable at any other Port. —</p> <p>(1) If the Master of any Vessel in respect of which any such sum as is mentioned in section 58 is payable, causes her to leave any Port without having paid the sum, the authority appointed to receive Port-dues, fees and other charges at the Port under this Act may require in writing the authority appointed to receive Port-dues, fees and other charges under this Act at any other Port in India to which she may proceed, or in which she may be, to levy the sum.</p> <p>(2) The authority to whom the requisition is directed shall proceed to levy such sum in the manner Prescribed and a certificate purporting to be made by the authority appointed to receive Port-dues, fees and other charges at the Port where such sum as is mentioned in the section 58 became payable, stating the amount payable, shall be sufficient <i>prima facie</i> proof of such amount in any proceeding and also (in case the amount payable is disputed) in any subsequent proceedings.</p>	<p style="text-align: center;">Port-charges payable in one Port recoverable at any other Port</p>
<p>60. Penalty for evading payment of Port-charges. -</p> <p>(1) If the Master of a Vessel evades the payment of any such sum as is mentioned in section 58, he shall be punishable with fine which may extend to five times the amount of the sum.</p> <p>(2) In any proceeding before a Magistrate on a prosecution under sub- section (1) any such certificate stating that the Master has evaded such payment, shall be sufficient <i>prima facie</i> proof of the evasion, unless the Master shows to the satisfaction of the Magistrate that the departure of the Vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.</p>	<p style="text-align: center;">Penalty for evading payment of Port-charges</p>

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(3) Any Magistrate having jurisdiction under this Act in any Port to which the Vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.	
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CHAPTER- XI	SUPPLEMENTAL PROVISIONS
<p>61. Hoisting unlawful colours in Port – In any Port where hoisting is mandated by the Conservator, if any Vessel hoists, carries or wears, within the limits of any Port subject to this Act, any flag, jack, pennant or colours, the use whereof is unlawful, the Master of the Vessel shall, for every such offence, be punishable with fine which may extend to fifty thousand rupees.</p>	<p>Hoisting unlawful colours in Port</p>
<p>62. Master to hoist number of Vessel. — (1) In any Port where hoisting the number of the Vessel is mandated by the conservator, the Master of every inward or outward bound Vessel, on arriving within signal distance of any signal-station established, or within the limits of any part of a river or channel leading to a port subject to this Act, shall, on the requisition of the Pilot-in-charge of the Vessel, signify the name of the Vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station. (2) If the Master of a Vessel arriving as aforesaid offends against subsection (1), he shall be punishable for every such offence with fine which may extend to fifty thousand rupees.</p>	<p>Master to hoist number of Vessel</p>
<p>63. Pilot to require Master to hoist number. — (1) Every Pilot in charge of a Vessel shall require the number of the Vessel to be duly signalled as provided by the last foregoing section. (2) When, on such requisition from the Pilot, the Master refuses to hoist the number of a Vessel, or to adopt such other means of making her name known as may be practicable and usual, the Pilot may, on arrival at the first place of safe anchorage, anchor the Vessel and refuse to proceed on his course until the requisition has been complied with.</p>	<p>Pilot to require Master to hoist number</p>
<p>64. Penalty on Pilot disobeying provisions of this Chapter.—Any Pilot in charge of a Vessel who disobeys, or abets disobedience to, any of the provisions of this Chapter, shall be punishable with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and, in addition, shall be liable to have his authority to act as a Pilot withdrawn.</p>	<p>Penalty on Pilot disobeying provisions of this Chapter</p>

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<p>65. Application of sections 23, 25, 27 and 36. — (1) The provisions of sections 23, 25, 27 and 36 shall be applicable to all Ports heretofore or hereafter declared by the Government to be Ports for the shipment and landing of goods but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such Port is subject. (2) Any penalties imposed by him, and any expenses incurred by his order, under the said provisions, shall be recoverable respectively in the manner provided in this Act.</p>	<p>Application of sections 23, 25, 27 and 36</p>
<p>66. Exercise of powers of conservator by his assistants. — (1) All acts, orders or directions by this Act authorized to be done or given by any conservator may, subject to his control, be done or given by any harbour-master, or any deputy or assistant of such conservator or harbour-master. (2) Any person authorised by this Act to do any act may call to his aid such assistance as may be necessary.</p>	<p>Exercise of powers of conservator by his assistants</p>
<p>67. Publication of orders of Government.—Every declaration, order and rule of a Government made in pursuance of this Act shall be published in the Official Gazette, and a copy thereof shall be kept in the office of the conservator and at the custom-house, if any, of every Port to which the declaration, order or rule relates, and shall be open at all reasonable times to the inspection of any person without payment of any fee.</p>	<p>Publication of orders of Government</p>
<p>68. Grant of sites for sailors institutes. — Any local authority in which any immovable property in or near a Port is vested may, with the previous sanction, in the case of a cantonment authority or the Port authority of a Major Port, of the Central Government, and in other cases, of the State Government, appropriate and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors' home or other institution for the health, recreation and temporal well-being of sailors.</p>	<p>Grant of sites for sailors institutes</p>
<p>69. Service of written notices of directions. — Any written notice of a direction given under this Act, left for the Master of any Vessel with any person employed on board thereof, or affixed on a conspicuous place on board of the Vessel, shall, for the purposes of this Act, be deemed to have been given to the Master thereof.</p>	<p>Service of written notices of directions</p>
<p>70. Authorities exercising jurisdiction to co-operate in manoeuvres for defence of Port. — Every authority exercising any powers or jurisdiction in, or relating to, any Port to which this Act for the time being applies shall, if so required by an officer authorized by general or special order of the Central Government in this behalf, co-operate in such manner, as such officer may direct, in carrying out any manoeuvres in connection with any scheme or preparations for the defence of the said Port in time of war, and for this purpose shall, if so required, temporarily</p>	<p>Authorities exercising jurisdiction to co-operate in manoeuvres for defence of Port</p>

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<p>place at the disposal of such officer the services of any of its staff and the use of any of its Vessels, property, equipment or other material:</p> <p>PROVIDED THAT if any Vessels are placed at the disposal of such officer in accordance with this section, the Central Government shall, in respect of the period during which they are so at his disposal, bear the running expenses of such Vessels, and be responsible for any damage thereto.</p> <p>Explanation. -The expression 'running expenses' in this proviso includes all outlay incurred in connection with the use of the Vessels other than any charges for their hire, or for the wages of the officers and crews of such Vessels:</p> <p>PROVIDED FURTHER THAT any officer making a requisition under this section shall exercise his powers in such a way as to cause as little disturbance to the ordinary business of the Port as is compatible with the exigencies of the efficient carrying out of the manoeuvres:</p> <p>PROVIDED FURTHER THAT no suit or other legal proceeding shall lie against any authority for any default occurring by reason only of compliance with a requisition under this section.</p>	
<p>71. Duties of the said authorities in an emergency. – Whenever the Central Government is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes of this Act on the authorities herein mentioned, or other duties of a like nature should be imposed on such authorities continuously during the existence of the emergency, it may, by general or special order, authorise any officer to require the said authorities to perform such duties until the Central Government is of opinion that the emergency has passed, and the said authority shall comply accordingly, and the provisions of the said section shall apply subject to the following modification, namely:- The Central Government shall pay any authority, on whom a requisition has been made, such compensation for any loss or damage attributable to such requisition, and for any services rendered or expenditure incurred in complying therewith as, in default of agreement, shall be decided to be just and reasonable, having regard to the circumstances of the case, by the arbitration of a person to be nominated in this behalf by the Central Government, and the decision of such person shall be final.</p>	<p style="text-align: center;">Duties of the said authorities in emergency</p>
<p>72. Protection of Acts done in good faith.- No suit or other legal proceeding shall lie against the Authority, Board or any member or employee thereof or against any Port-official appointed under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rules or regulations made thereunder.</p>	<p style="text-align: center;">Protection Acts done good faith.</p>
<p>73. Application of certain provisions of the Act to aircraft and seaplane. -</p>	<p style="text-align: center;">Application of certain</p>

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<p>(1) The provisions of this Act shall apply in relation to all aircraft and seaplane making use of any part of the Port, while on water, as they apply in relation to Vessels</p> <p>(2) No aircraft shall enter or leave any Port subject to this Act, except with the permission granted by the conservator of the Port or by such other officer as may be authorized in this behalf by the conservator.</p>	<p>provisions of the Act to aircraft and seaplane</p>
<p>74. Nuclear Vessels. -Every Port shall comply with the requirements provided under the Merchant shipping Act 1958 and under such other laws in force in India in respect of nuclear Vessels calling at the Port.</p>	<p>Nuclear Vessels</p>
<p>75. Dealing with emergencies.- Every Port shall take steps to ensure that the Port is ready in all respect to deal with emergencies that may arise at the Port and for this purpose the Port shall carry out regular drills to ensure that the readiness is maintained to the required level at all times.</p>	<p>Dealing with emergencies</p>
<p>76. Shore based welfare services for seafarers. -Every Port shall provide such shore-based welfare services for seafarers of Vessels calling at the Port, as may be specified by the Authority under this Act.</p>	<p>Shore based welfare services for seafarers</p>
<p>77. Port community system. —</p> <p>(1) The Central Government may, by Notification in the Official Gazette, direct a Port to adopt a mechanism for integration of all trade related data electronically at a centralized hub.</p> <p>(2) Any software applications that is used by any Port for integration of all trade related data should be interoperable with such other software applications as per the Specifications and Standards laid down by the Central Government in this regard.</p>	<p>Port community system</p>

CHAPTER XII
PENALTIES AND PROCEDURES

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78. Punishment under this Act:	Punishment under this Act
<p>(1) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence committed under this Act.</p> <p>(2) The offences mentioned in column (2) of the Table be punishable to the extent mentioned in column (4) of the Table with reference to such offence respectively, and in case of a continuing offence with an additional fine of which may extend to ten thousand rupees for every day during which such offence continues after conviction for the first such offence.</p> <p>(3) If in respect of any offence that any person is found guilty of under subsection (1) has no penalty that is specifically provided in sub-section (2), he shall be punishable with fine, which may extend to fifty thousand rupees.</p> <p>(4) The conservator may, after affording an opportunity to all concerned parties of being heard, by order in writing, impose penalties as provided in column (4) of the Table.</p> <p>(5) Any person aggrieved by the order under sub-section (4), may, within a period of thirty days from the date of receipt of such order, prefer an appeal before the Government concerned in such form and manner as the Government may prescribe in this behalf.</p>	
<p>PROVIDED THAT the appeal filed beyond the period of limitation may be entertained if sufficient cause that prevented him from filing the appeal in time is shown to the satisfaction of the appellate authority.</p>	
<p>(6) The Government concerned may, after affording opportunity to all concerned parties of being heard, within a period of thirty days from the date of receipt of the appeal under sub-section (5), pass appropriate order which shall be final and binding on all parties.</p>	
<p>PROVIDED THAT the appeal filed beyond the period of limitation may be entertained if sufficient cause that prevented him from filing the appeal in time is shown to the satisfaction of the appellate authority.</p>	
<p>(7) The Government concerned may, after affording an opportunity of being heard, within a period of thirty days from the date of receipt of the appeal under sub-section (5), pass appropriate order which shall be final and binding on all parties.</p>	

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<p>79. Punishment for disobedience to rules and orders of the Government.-Any person who disobeys any rule or order made by the Government made in pursuance of this Act for which express provision has not been made elsewhere in the Act, he shall be punishable for every such offence with fine as provided in the Table.</p>	<p style="text-align: center;">Punishment for disobedience to rules and orders of the Government</p>
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<p>80. Punishment for unlawful port operations: - Any person who establishes, maintains or operates any Port or commences or carries out any port operations in derogation to the provisions of this Act or any rule, regulation, guideline, notification, order or direction given under this Act, shall be punishable with a fine which may extend to five lakh rupees and, in case of a continuing offence, to a further fine not exceeding fifty thousand for every day or part thereof during which the offence continues after conviction.</p>	<p style="text-align: center;">Punishment for unlawful port operations</p>
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<p>81. Offences by companies. -</p> <p>(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>PROVIDED THAT nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation. —For the purpose of this section, —</p> <p>(a) “company” means any body corporate, and includes a firm or other association of individuals; and</p> <p>(b) “director”, in relation to a firm, means a partner in the firm.</p>	<p style="text-align: center;">Punishment for offences by Companies</p>
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<p>82. Offences how triable, and penalties how recovered. – Any offence under this Act punishable with imprisonment shall be triable by a Magistrate, having jurisdiction, and any Magistrate may, by warrant under his hand, cause the amount of any fine imposed upon the Owner or Master of any Vessel, for any offence committed on board of the Vessel or in the management thereof or otherwise in relation thereto, whereof the Owner or Master is convicted, to be levied by distress and sale of the Vessel, and the tackle apparel and furniture thereof, or so much thereof as is necessary.</p>	<p>Offences how triable, and penalties how recovered</p>
<p>83. Costs of conviction. — (1) In case of any conviction under this Act, the Magistrate may order the convict to pay the assessed costs in addition to any fine or expenses to which he may be liable. (2) Such costs shall be recovered in the same manner as fine under this Act</p>	<p>Costs of conviction</p>
<p>84. Ascertainment and recovery of expenses and damages payable. — (1) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a Magistrate upon application made to him for that purpose by either of the parties. (2) Whenever any person is liable to pay any sum, not exceeding one lakh rupees, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.</p>	<p>Ascertainment and recovery of expenses and damages payable</p>
<p>85. Cost of distress.- Whenever any fine, expenses or damages is or are levied under this Act, by distress and sale, the cost of the distress and sale may be levied in addition to such fine, expenses or damages, and in the same manner.</p>	<p>Cost of distress</p>
<p>86. Magistrate to determine the amount to be levied in case of dispute.-If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under the preceding section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable and payment of such costs, if not paid on demand, shall be enforced as if they were a fine.</p>	<p>Magistrate to determine the amount to be levied in case of dispute</p>

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<p>87. Jurisdiction over offences beyond local limits. —</p> <p>(1) Any person offending against the provisions of this Act in any Port subject to this Act shall be punishable by any Magistrate having jurisdiction over any district or place adjoining the Port.</p> <p>(2) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.</p>	<p style="text-align: center;">Jurisdiction over offences beyond local limits</p>
<p>88. Conviction to be quashed on merits only. —</p> <p>(1) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.</p> <p>(2) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in the depositions.</p>	<p style="text-align: center;">Conviction to be quashed on merits only</p>

<p>CHAPTER - XIII MISCELLANEOUS</p>	
<p>89. Transitional Provisions: Unless otherwise provided in this Act, any licence, authorisation, approval, clearance and permission granted or any act already done under the provisions of the repealed law may, for a period not exceeding one year from the Appointed date or such earlier period, as may be notified by the Central Government, continue to operate as if the repealed laws were in force with respect to such licence, authorisation, approvals, clearances or/and permissions or/and any act, in so far as they are not inconsistent with the provisions of this Act or any Rules or Notifications made thereunder, as the case may be.</p>	<p style="text-align: center;">Transitional Provisions</p>
<p>90. Inconsistency in laws: Nothing contained in this Act or any rule or regulation made thereunder or any instrument having effect by virtue of this Act, rule or regulation shall have effect in so far as it is inconsistent with any other provisions of the Major Port Trusts Act, 1963 or the Merchant Shipping Act, 1958 or any rule or regulation made thereunder.</p>	<p style="text-align: center;">Inconsistency in laws</p>

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<p>91. Act to have overriding effect: Save as otherwise provided in section 89, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.</p>	<p style="text-align: center;">Act to have overriding effect</p>
<p>92. Provisions of this Act to be in addition to and not in derogation of other laws: The provisions of this Act are in addition to and not in derogation of any other law for the time being in force.</p>	<p style="text-align: center;">Provisions of this Act to be in addition to and not in derogation of other laws</p>
<p>93. Power to make Port-rules-</p> <p>(1) The Central Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for the purpose of this Act;</p> <p>(2) The Central Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for the prevention of danger arising to the public health by the introduction and the spread of any infectious or contagious disease from Vessels arriving at, or being in, any such Port, and for the prevention of the conveyance of infection or contagion by means of any Vessel sailing from any such Port, and in particular and without prejudice to the generality of this provision, for—</p> <p>(i) the signals to be hoisted and the places of anchorage to be taken up by such Vessels having any case, or suspected case, of any infectious or contagious disease on board, or arriving at such Port from a Port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when the Vessel left such Port, any infectious or contagious disease;</p> <p>(ii) The medical inspection of such Vessels and of persons on board such Vessels;</p> <p>(iii) The questions to be answered and the information to be supplied by Masters, Pilots and other persons on board such Vessels;</p> <p>(iv) the detention of such Vessels and of persons on board such Vessels;</p> <p>(v) the duties to be performed in cases of any such disease by Masters, Pilots and other persons on board such Vessels;</p> <p>(vi) the removal to hospital or other place approved by the health officer and the detention therein of any person from any such Vessel who is suffering or suspected to be suffering from any such disease;</p>	<p style="text-align: center;">Rulemaking powers</p>

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<p>(vii) the cleansing, ventilation and disinfection of such Vessels or any part thereof and of any articles therein likely to retain infection or contagion, and the destruction of rats or other vermin in such Vessels;</p> <p>(viii) the disposal of the dead on such Vessels.</p> <p>(3) The Central Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for ensuring security of Ports including but not limited to data management, and cyber-security.</p> <p>(4) The State Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules with respect to sub-section (1), which are consistent with this Act, in so far as any such rule made by the State Government is not inconsistent with any rule made by the Central Government.</p> <p>(5) The power to make rules under sub-section (1), (2), (3) and (4) is subject to the condition of the rules being made after prior publication;</p> <p>(6) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.</p> <p>(7) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session, immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification, or annulment shall be without prejudice to the validity of anything previously done under that rule.</p> <p>Any person including the Master of a Vessel disobeying any rule made under this section, shall be punishable for every such offence as provided in the Table.</p>	
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<p>94. Power to remove difficulties. -</p> <p>(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.</p>	<p style="text-align: center;">Power to remove difficulties.</p>
<p>95. Repeal and savings. —</p> <p>The Indian Ports Act, 1908 is hereby repealed.</p> <p>Notwithstanding such repeal, any order, rule Notification made or issued or anything done, or any action taken in pursuance of any provision of the Indian Ports Act, 1908, shall be deemed to have been made, done or taken under the corresponding provisions of this Act.</p>	<p style="text-align: center;">Repeal and savings</p>

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FIRST SCHEDULE

List of Scheduled Ports

1. Kamarajar Port Limited (Chennai)

S. No.	Latitude	Longitude
R	13°17'41.01"	80°20'48.43"
A	13°17'41.01"	80°26'30.39"
B	13°09'41.05"	80°26'30.39"
C	13°09'41.05"	80°21'42.73"
D	13°12'10.43"	80°21'42.73"
D1	13°13'35.02"	80°21'16.43"
E	13°13'04.03"	80°19'37.44"

2. Vishakhapatnam Port Trust

Name of Scheduled Port	Port Limits
Vishakhapatnam Port Trust	NE Corner Long 083°34'24" E Lat 17°45'00" N SE Corner Long 083°24'36" E Lat 17°33'18" N SW Corner Long 083°15'38.25" E Lat 17°38'34.83" N SE Corner Long 083°21'08.50" Lat 17°45'00" N

3. New Mangalore Port Trust

Name of Scheduled Port	Port Limits
New Mangalore Port Trust	1. North (East): 13°00' 12.600" N 74°47' 16.100" E 2. North (West): 13°00' 12.600" N 74°34' 57.200" E 3. South (West): 12°53' 37.300" N 74°36' 36.000" E 4. South (East): 12°53' 37.300" N 74°48' 54.600" E

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4. Jawaharlal Nehru Port Trust

Name of Scheduled Port	Port Limits
Jawaharlal Nehru Port Trust (JNPT)	<ol style="list-style-type: none"> <li data-bbox="938 591 1401 1055">1. West: A line drawn from a position 18°58.4' N, 072°56.3' E along the shores of Elephanta Island to a position 18°57.1' N, 072°56.1' E and thence to a position 18°56.4' N, 072°54.7' E and thence to the West Uran buoy in position 18°55.8' N, 072°53.5' E and thence to a position 18°54.7' N, 072° 55.4' E and thence to a position 18°55.4' N, 072°55.8' E. <li data-bbox="938 1099 1401 1279">2. South: A line drawn South Easterly from a position 18°55.4' N, 072°55.80' E to a position 18°53.9' N, 072°56.5' E <li data-bbox="938 1323 1401 1906">3. East: From a position 18°53.9' N, 072°56.5' E on the northern shore to Kharanja Island along the northern shore of Kharanja Island to the bridge on Panval Uran road at an approximate position 18°55.7' N, 073°00.5' E. Thence a line along the bridge across the creek to the sore on the north bank of the creek and thence the southern, western and northern shore of the mainland to an approximate position 18°58.7' N, 073°01.2' E on the northern shore of Nhava. <li data-bbox="938 1951 1401 2009">4. North: a line drawn across Panvel and Thana creeks from

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	a position 18°56.7' N, 073°01.2' E to a position 19°00.8' N, 072°58.3' E and thence to a position 18°58.4' N, 072°56.3' E
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5. Mumbai Port Trust

Name of Scheduled Port	Port Limits
Mumbai Port Trust	<ol style="list-style-type: none"> 1. North: From the boundary pillar south-west and near to the village of Trombay the shore of Trombay island to Pir Pau, thence the shore of Trombay Island to the boundary pillar situated in Survey No.42 of Anik village, and thence a line across the Mahul creek to the boundary pillar situated on the south bank of Chandni creek. 2. West: The eastern shore of the island of Mumbai from the boundary pillar situated on the south bank of the Chandni Creek to the Southern extremity of Colaba point, thence the shore of Back Bay to Malbar point, thence a line drawn to a point in latitude 18°56.3' N, Longitude 72°45.9' E thence to a point in Latitude 18°57' N, Longitude 72°44' E, thence to a point in Latitude 18°57' N, Longitude 72°37' E thence to a point Latitude 18°55' N, Longitude 72°37' E thence to a point Latitude 18°55' N, Longitude 72°41' E thence to a point Latitude 18°48.8' N, Longitude 72°40.9' E, thence to a point in Latitude 18°47.7' N, Longitude 72°45.4' E and continued to the boundary pillar

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	<p>on the west point of Kanhoji Agre Island and thence the western shore of the Island to the boundary pillar on the south point thereof.</p> <p>3. South: A line drawn from the boundary pillar on the south point of Kundari (Kennery) through the south point of Undari to the boundary pillar on the mainland south of the village of Navgam (Navedar Navgaon).</p> <p>4. East: From the boundary pillar situated south of Navgam (Navedar Navgaon) the western and northern shore of the mainland to the boundary pillar north east of the Thull Knob Beacon, then a line across the Dharamtar Creek to the boundary pillar on the south end of the Island of Karanja, thence the western shore of the Island of Karanja to the boundary pillar situated at the northern most point of the Island, thence 1550 metre along a line from the boundary pillar situated at the northern point of the Karanja Island to the boundary pillar on the north west point of Hog Island, thence a line across the Uran Mud Flats to a position approximate Latitude 18°53'-54" N, Longitude 72°56'-30" E, on the north shore of Karanja Island thence a point in Latitude 18°55'-23" N, Longitude 72°55'-50" E thence to a point in Latitude 18°54'-40" N, Longitude 72°55'-23" E</p>
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	<p>and thence to a point in Latitude 18°55'-47" N, Longitude 72°53'-30" E(West Uran buoy) and thence to a point in Latitude 18°56'-25" N, Longitude 72°54'-40" E, and thence to a point 18°56'-45" N, Longitude 72°54'-50" east thence to a point in Latitude 18°57'-5" N, Longitude 72°56'-8" E, thence along the southern and eastern shore of Elephanta Island to the point 18°58'-25" N, Longitude 72°56'-18" E, thence to a point in Latitude 19°0'-50" N, Longitude 72°58'-17" E, and thence across Thane Creek due to the boundary pillar south west of and near to Trombay village.</p>
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6. Cochin Port Trust

Name of Scheduled Port	Port Limits
Cochin Port Trust	<p>1. North: The northern boundary shall be from a point on the north western boundary of Cheranalloore in position Latitude 10°04'12" N, Longitude 76°16'57" E to a point on the eastern shore of Vypeen Island in position Latitude 10°04'12" N, Longitude 76°13'37.2" E and thence along the High Water mark on the eastern shore of Vypeen Island via Cochin Harbour entrance to a point on the western shore of Vypeen Island in position Latitude 10°07'24" N , Longitude 76°10'36" E and thereon to position "A" in the sea 12 nautical miles due west in</p>

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	<p>Latitude 10°07'24" N, Longitude 75°58'48" E.</p> <p>2. South: The southern boundary shall be from a point on the southern end of Thevara in position Latitude 9°55'30" N, Longitude 76°18'15" E to a point on the Edacochin shore in position Latitude 9°55'10" N. Longitude 76°17'30" E and thence along the High Water mark on the Mattancherry shore via Cochin harbour entrance to a point on the western shore near Chellanum in position Latitude 9°48'12" N, Longitude 76°16'24" E and thence to a position "B" in the sea 13 nautical miles due West in Latitude 9°48'12" N, Longitude 76°04'36" E.</p> <p>3. West: The western boundary shall be a straight line joining positions "A" and "B" as defined in paras and 2 above.</p> <p>4. East: The Eastern boundary shall be along the high water mark along the foreshores from a point on the southern end of Thevara in position Latitude 9°55'30" N, Longitude 76°18'15" E, to a point on Ernakulam foreshore in position Latitude 10°00'44.5" N, Longitude 76°16'24.7" E, and thence to a point on the north western boundary of Cheranelloore in position Latitude 10°04'12" N, Longitude 76°16'57" E</p>
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7. Mormugao Port Trust

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Name of Scheduled Port	Port Limits
Mormugao Port Trust	<p style="text-align: center;">A- Mormugao Area</p> <p><u>On the North-</u> From a point on the Coast having latitude 15°27'30" N and longitude 73°47'30" E in the parallel of latitude 15°27'30" N due West along the same parallel point in longitude 73° 32'10" E.</p> <p><u>On the West-</u> From the position in latitude 15°27' 30" N and longitude 73°32' 10" E in South East direction to position in latitude 15° 20' N longitude 73°34'10" E.</p> <p><u>On the South-</u> From the position in latitude 15°20' N and longitude 73°34' 10" E due east along the parallel of latitude 15°20' N to a point where this parallel meets the coast latitude 15°20' N and 73°53'40" E</p> <p><u>On the East-</u> All the waters of the River Zuari, West of Agacaim - Cortalim Ferry (excluding the ferry and landing stages) line joining the point latitude 15°24'48" N and longitude 73°54' 26" E and point latitude 15° 24'18" N and longitude 73°54' 26" E'</p> <p style="text-align: center;">B- Betul Area</p> <p><u>On the North-</u> From a point on the coast in the parallel of latitude 15°12" N, due West to where the parallel meets the ten fathom line.</p> <p><u>On the West-</u> The ten fathom line.</p> <p><u>On the South-</u> From a point on the coast in the parallel of latitude 15°5' N due West to where the parallel meets the ten fathom line.</p>

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8. VO Chidambaranar Port Trust

Name of Scheduled Port	Port Limits
VO Chidambaranar Port Trust	<p style="text-align: center;">Zone "A"</p> <p>1. North:</p> <p>a) along the northern edge of the railway siding to Harbour between boundary pillars Tuticorin Harbour Project 21 to Tuticorin Harbour Project 24;</p> <p>b) along the Western edge of the western flood bank of the Korampallam Surplus Course between the boundary pillars Tuticorin Harbour Project 24 to Tuticorin Harbour Project 25;</p> <p>c) along the boundary pillars Tuticorin Harbour Project 25 to Tuticorin Harbour Project 27;</p> <p>d) along the high water marks upto the outer edge of the North Breakwater;</p> <p>e) along the outer edge of the North Breakwater to a line drawn on the parallel of latitude 08°45'00" North to a position whence the longitude 78°16'00" East intercepts;</p> <p>f) from latitude 08°45' 00" North and longitude. 78°16'00" East to latitude 08°50' 00" North and longitude 78°17'00" East;</p> <p>g) from latitude 08°50'00" N and longitude 78°17'00" E to latitude 08°50'00" N and longitude 78°22' 00" E;</p> <p>2. East: from latitude 08°50'00"N and longitude 78°22'00"E to latitude 08°36'00" N and longitude 78°22'00" E;</p> <p>3. South:</p> <p>a) To the West from latitude 08°36'00" N and longitude 78°22'00"E and to latitude 08°36'00" N and longitude 78°15'00" E;</p> <p>b) From latitude 08°36'00" N and longitude 78°15'00" E to latitude 08°39'30" N and longitude 78°15'00" E;</p>

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	<p>c) From latitude 08°39'30" N and longitude 78°15'00" E to where it meets the point 45.72m from the high water level on the shore;</p> <p>4. West:</p> <p>a) 45.72 m on the shore from high water mark upto the southern acquisition boundary pillar Tuticorin Harbour Project I of Tuticorin Harbour Estate ;</p> <p>b) to the southern acquisition boundary between boundary pillars Tuticorin Harbour Project 1 to Tuticorin Harbour Project 6;</p> <p>c) along the western acquisition boundary pillars Tuticorin Harbour Project 6 to Tuticorin Harbour Project 21;</p> <p style="text-align: center;">Zone "B"</p> <p>North: From east the boundary pillar erected to the north of Arasadi along the parallel of latitude 08°50'00" N to latitude 08°50'00" N and longitude 78°17'00" E;</p> <p>East: From latitude 08°50'00" N and longitude 78°17'00" E to latitude 08°45'00" N and longitude 78°16'00" E;</p> <p>South:</p> <p>a) along the northern edge of the railway siding to Harbour between boundary pillars Tuticorin Harbour Project 21 to Tuticorin Harbour Project 24;</p> <p>b) to the western edge of the western flood bank of the Korampallam Surplus Course between the boundary pillars Tuticorin Harbour Project 24 to Tuticorin Harbour Project 25;</p> <p>c) along the boundary pillars Tuticorin Harbour Project 25 to Tuticorin Harbour Project 27;</p> <p>d) along the high water marks upto the outer edge of the North Break water;</p> <p>e) along the outer edge of the North Breakwater to a line drawn on the parallel of latitude 08°45'00" N to longitude 78°16'00" E. intercepts;</p> <p>West:</p> <p>a) North along the boundary pillars Tuticorin Harbour Project 21 to Tuticorin Port Trust 1:</p>
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	<p>b) along the boundary pillars Tuticorin Port Trust 1 to Tuticorin Port Trust 9;</p> <p>c) along the edge of the southern bank of the Upparodai Backwaters through the boundary pillars Tuticorin Port Trust 9 to Tuticorin Port Trust 10;</p> <p>d) along the eastern edge of the Upparodai Backwaters through the boundary pillars Tuticorin Port Trust 10 to Tuticorin Port Trust 13;</p> <p>e) along the edge of the western bank of the Upparodai Backwaters through the boundary pillars Tuticorin Port Trust 13 to Tuticorin Port Trust 19;</p> <p>f) along the edge of the northern bank of the Upparodai Backwaters through the boundary pillars Tuticorin Port Trust 19 to Tuticorin Port Trust 25;</p> <p>g) along the boundary pillars Tuticorin Port Trust 25 to Tuticorin Port Trust 30;</p> <p>h) along the banks of the Upparodai Backwaters through the pillars Tuticorin Port Trust 30 to Tuticorin Port Trust 32 ;</p> <p>i) along the northern edge of the Upparodai Backwaters through the pillars Tuticorin Port Trust 32 to Tuticorin Port Trust 35;</p> <p>j) along the line joining the boundary pillars Tuticorin Port Trust 35 to Tuticorin Port Trust 37;</p> <p>k) to so much of sea shore between the boundary pillar Tuticorin Port Trust 37 and the northern boundary of the said Zone - B Port as lies within 45.72 metres of the high water marks ordinary spring tides ;</p> <p>l) along the eastern edge of the Zone-B Premises upto the northern end of the said Premises;</p> <p>m) to so much of the sea shore between northern boundary of the Zone - B and the boundary pillar erected to the North of Arasadi as lies within 45.72 metres of high-water-marks ordinary spring tides, excluding the Tuticorin Sub-Collector's Bungalow,</p> <p style="text-align: center;">Sethusamudram Ship Channel</p> <p>The Sethusamudram Ship Channel area covering one Kilometer width on the either side of the center line (alignment) of the channel for its entire length:-</p> <p>a) from the mid position i.e. latitude 08°43'00" N and longitude 78°22'00" E, latitude 08°50'00" N and longitude 78°22'00" E and latitude 08°36'00" N and</p>
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	<p>longitude 78°22'00" E and then connecting the points such as :-</p> <p>i) latitude 09°02'42.23" N and longitude 79°29'05.66" E;</p> <p>ii) latitude 09°05'2.20" N and longitude 79°29'31.46" E</p> <p>iii) latitude 09°14'25.40" N and longitude 79°29'29.06" E</p> <p>iv) latitude 09°21'28.89" N and longitude 79°27'46.41" E ;</p> <p>v) latitude 09°40'28.51" N and longitude 79°20'31.10" E;</p> <p>vi) latitude 09°58'11.75" N and longitude 79°33'36.12" E;</p> <p>vii) latitude 10°06'40.00" N and longitude 80°02'03.00" E; and the dumping area at Bay of Bengal and Gulf of Mannar</p> <p>b) i) latitude 10°13'14.05" N and longitude 80°13'11.56" E;</p> <p>ii) latitude 08°55'51.16" N and longitude 79°26'54.81" E;</p> <p>iii) dumping area with the path from Sethusamudram ship channel in Bay of Bengal and Gulf of Mannar off the coast of Nagapattinam and Ramanathapuram Districts, in the East, known by the names specified in column (1) of the table below and within the limits specified in the corresponding entries in column (2) to (5) thereof and the area limited within the boundaries formed by the latitude and longitude indicated to the points marked in the following table-1:</p>				
	Name of the dumping area	Area in hectare	Distance from the main land	Latitude	Longitude
	Bay of Bengal X	3500	35 km	10°13'14.05" N	80°13'11.56" E

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	Gulf of Mannar at Z	3500	50km	08°55'51.16" N	79°26'54.81" E
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c) Vessel Traffic Management System-

Table-2

Name of vessel traffic management system	Area in hectare	Distance from main land	Latitude	Longitude
Off Tondi	1000	25 km	09°40'55" N	79°17'24" E
Off Manelkudi	1200	25km	10°00'00" N	79°31'12" E

d) the area covers the line joining the points at Pamban Island for shore facility and water front area of latitude 09°15'00" N and longitude 79°09'30" E and latitude 09°19'35" N and longitude 79°23'00" E and the perpendicular line upto Sethusamudram Ship channel from the points having area=20,000 Hectare.

9. Paradip Port Trust

10. Chennai Port Trust

11. Deendayal Port Trust

12. Andaman and Nicobar Islands

S.No.	Name of Scheduled Port	Port Limits		
			Latitude	Longitude
1	East Island	A	13°37'12" N	93°02'54" E
		B	13°37'48" N	93°03'00" E
		C	13°38'12" N	93°02'00" E
		D	13°37'00" N	93°01'24" E
2	Diglipur (East Cornawallis)	A	13°15'00" N	93°03'30" E
		B	13°15'00" N	93°06'00" E
		C	13°20'00" N	93°06'00" E
		D	13°20'12" N	93°05'30" E
3	Mayabunder	A	12°50'00" N	92°57'00" N
		B	12°50'00" N	93°02'00" E
		C	13°03'00" N	93°02'00" E
		D	13°03'00" N	93°01'12" E

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4	Elphinston Harbour Rangat	A	12°11'30" N	92°52'56" E
		B	12°11'40" N	92°56'06" E
		C	12°13'20" N	92°56'24" E
		D	12°14'12" N	92°55'48" E
		E	12°18'33" N	92°56'12" E
		F	12°21'18" N	92°57'36" E
		G	12°24'00" N	92°58'18" E
		H	12°26'00" N	92°58'26" E
		I	12°28'18" N	92°57'36" E
		J	12°29'12" N	92°58'30" E
		K	12°29'42" N	92°58'15" E
5	Havelock	A	12°02'52" N	92°58'00" E
		B	12°03'45" N	92°58'18" E
		C	12°01'39" N	93°00'18" E
		D	12°02'45" N	93°00'03" E
6	Neil Island	A	11°50'54" N	93°00'54" E
		B	11°51'24" N	93°02'24" E
		C	11°50'36" N	93°03'51" E
7	Port Blair	A	11°38'06" N	92°45'08" E
		B	11°38'06" N	92°47'00" E
		C	11°43'00" N	92°47'00" E
		D	11°43'00" N	92°45'24" E
8	(Jolly Buoy) Macpherson Strait	A	11°27'12" N	92°36'48" E
		B	11°33'12" N	92°32'00" E
		C	11°35'16" N	92°34'12" E
		D	11°35'30" N	92°36'30" E
		E	11°28'28" N	92°40'28" E
		F	11°28'36" N	92°42'48" E
9	Cinque and South Cinque Islands	A	11°15'48" N	92°42'30" E
		B	11°18'24" N	92°44'12" E
		C	11°19'48" N	92°43'24" E
		D	11°18'42" N	92°42'00" E
		E	11°16'42" N	92°41'42" E
10	Dugong Creek	A	10°47'18" N	92°35'20" E
		B	10°49'38" N	92°35'56" E
		C	10°49'38" N	92°34'00" E
11	Hut Bay	A	10°34'48" N	92°34'20" E
		B	10°39'15" N	92°34'54" E
12	Mus Car Nicobar (West)	A	09°13'03" N	92°43'27" E
		B	09°15'20" N	92°46'28" E

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13	Mus Car Nicobar (East)	A	09°10'00" N	92°49'54" E
		B	09°10'00" N	92°51'00" E
		C	09°11'30" N	92°51'00" E
		D	09°11'30" N	92°49'30" E
14	Tillanchang	A	08°28'50" N	93°36'49" E
		B	08°30'42" N	93°35'15" E
		C	08°34'18" N	93°36'18" E
15	Tillanchang (Castle Bay)	A	08°26'14" N	93°37'12" E
		B	08°27'54" N	93°38'03" E
16	Chowra	A	08°25'36" N	93°02'00" E
		B	08°27'18" N	93°00'48" E
		C	08°28'54" N	93°02'50" E
		D	08°27'12" N	93°03'52" E
17	Teressa	A	08°12'30" N	93°11'48" E
		B	08°20'48" N	93°08'10" E
18	Nancowry Harbour	A	08°00'00" N	93°29'14" E
		B	07°59'08" N	93°30'06" E
		C	08°00'42" N	93°33'52" E
		D	08°02'20" N	93°35'13" E
		E	08°07'06" N	93°33'21" E
		F	08°07'06" N	93°31'04" E
19	Katchal (East Bay)	A	07°58'00" N	93°25'24" E
		B	08°00'00" N	93°25'48" E
		C	08°00'00" N	93°23' 54" E
20	Pillomillow	A	07°23'40" N	93°41'21" E
		B	07°23'57" N	93°41'08" E
		C	07°24'33" N	93°40'54" E
		D	07°24'46" N	93°41'48" E
21	Kondul	A	07°12'48" N	93°42'25" E
		B	07°13'27" N	93°42'54" E
		C	07°13'34" N	93°42'14" E
22	Campbell Bay	A	06°57'10" N	93°56'36" E
		B	06°58'45" N	93°56'48" E
		C	06°59'28" N	93°56'32" E
23	South Bay	A	06°45'12" N	93°49'57" E
		B	06°47' 30" N	93°52'48" E
24	Port Meadow	A	11°56'6" N	92°47'3" E
		B	11°56'45" N	92°59'10" E
		C	12°8'50" N	92°57'30" E
		D	12°11'58" N	92°56'4" E
		E	12°11'7" N	92°56'50" E

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13. Andhra Pradesh Maritime Board

S.No.	Name of Scheduled Port	Port Limits			
		North Boundary	South Boundary	East Boundary	West Boundary
1.	Meghavaram (Vishakhapatnam Dist.)	Point 'A'	Point 'B'	Point 'C'	Point 'D'
		Lat-18°30'47.16" N	Lat-18°28'27.93" N	Lat-18°27'2.38" N	Lat-18°29'22.85" N
		Long-84°18'02.81" E	Long-84°20'10.79" E	Long-84°18'28.17" E	Long-84°16'19.64" E
2.	Bhavanapadu (Srikakulam Dist.)	Area in between the two lines drawn due East up to 10 Meters of water seaward from A Point Lat. 18° 33' N Long 84° 20' E as southern limit and drawn due East up to 10 Meters of water seaward from A Point Lat. 18° 34' 7" N Long. 84° 20' E as northern limit			
3	Calingapatnam (Srikakulam Dist.)	A line running due east from the boundary pillar on the north bank of the Vamsadhar a river in Ampalam village to 9 fathoms of water	A line running due east from the lighthouse to 9 fathoms of water.	Nine fathoms line seawards.	A line passing through the lighthouse to the first port limit boundary stone to the west, then north ward through the port limit boundary stone to the flag staff situated 780 yards from the entrance of the Vamsadhar a river, then across the Vamsadhar

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					a river to the port limit boundary stone situated 50 yards above high water mark on the north bank of the river on to the northern boundary pillar
4	Bheemunipatnam (Vishakatnam Dist.)	The boundary pillar near the small hill north of the river.	The boundary pillar near the burial ground the seashore between them to within 50 yards of high water mark sparing tides.	The space enclosed by the lines running due east from the boundary pillars to 10 fathoms of water.	The foreshore 50 yards above high water mark from the south boundary pillar to the boundary stone at the north-eastern corner of the coconut tope well lying 26 chains 80 links and 315° 15' from the north western corner of the Port Office thence direct to the north

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					boundary pillar
5	Gangavaram (Vishakhapatnam Dist.)	A line drawn from a position Lat 17° 38' 33.44" N and Long 83° 15' 37.37" E to a position Lat 17° 34' 53.63" N and Long 83° 21' 53.63" E	A line drawn from a position Lat 17° 31' 47.55" N and Long 83° 05' 27.87" N to a position Lat 17° 24' 46.10" N and Long 83° 13' 31.43" E	A line drawn from a position Lat 17° 34' 53.63" N and Long 83° 21' 46.10" N and Long 83° 13' 31.43" E	Upto high water mark between a position Lat 17° 38' 33.44" N and Long 83° 15' 37.37" E to a position Lat 17° 31' 47.55" N and Long 83° 05' 27.87" E
6	Nakapalli (Vishakhapatnam Dist.)	A line drawn from a position LAT 17° 21' 22.61" N LONG 82° 43' 51.48" E to a position LAT 17° 22' 10.59" N LONG 82° 45' 30.98" E	A line drawn from a position LAT 17° 20' 20.98" N LONG 82° 44' 19.78" E to a position LAT 17° 20' 51.71" N LONG 82° 45' 45.91" E	A line drawn from a position LAT 17° 22' 10.59" N LONG 82° 45' 30.98" E to a position LAT 17° 20' 51.71" N LONG 82° 45' 45.91" E	A line drawn from a position LAT 17° 21' 22.61" N LONG 82° 48' 51.40" E to a position LAT 17° 20' 20.98" N LONG 82° 44' 19.78" E
7	Kakinada Special Economic Zone (East Godavari Dist)	(Area between the following co-ordinates)			
		Lat 17° 17' 00" North. Long 82° 37' 00" East.	Lat 17° 06' 00" North. Long 82° 22' 00" East.	A line joining position 'A' Lat 17° 06' 00" North Long 82° 40' 00" East and position	A line drawn 500 m into the land from high tide mark between north and south boundaries

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				'B' Lat 17° 17' 00" North Long 82° 40' 00" East	
8.	Kakinada (East Godavari Dist.)	A line five miles north of Vakalapudi light house drawn joining the points 1.50 KM west of high water mark in spring tides and position 17° 5.8' North 82° 31.5' East.	A line drawn east from a point half a mile south of old Kakinada light house and 1.50 KM west of high water mark in spring tides and position 16° 55.9' North 82° 30' East.	A line connecting the eastern extreme as per the co-ordinates for the extremities as mentioned here under. A). 17° 5.8' North 82° 31.5' East. B). 17° 0' North 82° 31.5' East. C). 16° 55.9' North 82° 30' East.	A line drawn 1.50 Km to the west of the high water mark in spring tides and joining the north and south limits.
9.	Rawa (East Godavari Dist.)	Area between the following coordinates			
		Point 'A'	Point 'B'	Point 'C'	Point 'D'
		LAT 16°24' 05" N LONG 81° 57' 30" E	LAT 16° 34' 55" N LONG 82° 17' 55" E	LAT 16° 18' 25" N LONG 82° 17' 55" E	LAT 16° 18' 25" N LONG 81° 57' 30" E
10.	Narsapur (West Godavari Dist.)	A line running due east and west from the junction of the north bank of the Narsapur canal with the west	The five fathoms line of soundings between its inter sections with the eastern and western	A line drawn 50 yards to the east from the high water mark spring tides along the east bank of the eastern	A line drawn 50 yards to the west from the high water mark spring tides along west bank of the river from the

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		bank of Vasishtha Godavari river and terminating on either side of the river 50 yards beyond the high water mark spring tides	boundaries of the port	extremity of the river Northern boundary to the mouth of river. A straight line due east half a mile a straight line due south extending to 5 fathom line of soundings	western extremity of the northern boundary to the mouth of the river. A straight line due south extending to the 5 fathom line of soundings
11	Machilipatnam (Krishna Dist.)	A line joining the point of 16° 21' 43.27" N, 81° 27' 57.86" E to point 16° 8' 5.15" N, 81° 27' 44.48" E.	A line joining the point of 15° 57' 24.12" N, 81° 6' 46.69" E to point 15° 57' 6.19" N, 81° 20' 22" E	A line joining the point of 16° 8' 5.15" N, 81° 27' 44.48" E to the point 15° 57' 6.19" N, 81° 20' 50.22" E.	A line parallel to coast drawn from the point 16° 21' 43.27" N, 81° 27' 57.86" E to point 15° 57' 24.12" N, 81° 6' 46.69" E
12.	Nizampatnam (Guntur Dist.)	A line drawn from a position Lat 15° 52' 52" N and Long 80° 42' 39" E to a position Lat 15° 36' 42" N and Long 80° 51' 37" E.	A line drawn from a position Lat 15° 34' 39" N and Long 80° 43' 50" E to a position Lat 15° 51' 43" N and Long 80° 34' 21" E.	A line drawn from a position Lat 15° 36' 42" N and Long 80° 51' 37" E to a position Lat 15° 34' 39" N and Long 80° 43' 60"E.	Up to high water mark between position Lat 15° 51' 43" N and Long 80° 34' 21" E and Lat 15° 52' 52" N and Long 80° 42' 39" E

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13.	Vadarevu (Prakasam Dist.)	A line drawn from a position Lat 15° 45' 32" N and Long 80° 21' 32" E to position Lat 15° 33' 10.5" N and Long 80° 41' 05" E	A line drawn from a position Lat 15° 25' 41" N and Long 80° 31' 44" E to position Lat 15° 36' 32" N and Long 80° 14' 34" E.	A line drawn from a position Lat 15° 33' 10.5" N and Long 80° 41' 05" E to position Lat 15° 25' 41" N and Long 80° 31' 44" E	Up to high water mark between position Lat 15° 36' 32" N and Long 80° 14' 34" E and Lat 15° 45' 32" N and Long 80° 21' 32" E
14	Ramayyapatnam (Prakasam Dist.)	Point 'A': Lat 15°10'44" N Long 80°04'40" E	Point "B": Lat 15°10'44" N Long 80°17'57" E	Point "C": Lat 14°44'34" N Long 80°18'6" E	Point "D": Lat 14°44'34" N Long 80°6'53" E
15	Krishnapatnam (Nellore Dist.)	A line drawn due east from the boundary pillar in position Lat 14° 18.75' N, Long 80° 8.5' E to 10 fathoms of water.	A line drawn due east from the boundary pillar in position Lat 14° 12' N, Long 80° 7.2' E to 10 fathoms of water.	A line drawn from the eastern extremities of the North and south limits.	A line drawn parallel to the coast line from the northern boundary pillar (in position Lat 14° 18.75' N, Long 80° 8.5' E) to northern head of the Khandalam back water extending to the eastern most point

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					<p>of the Buckingham canal with so much of the shores thereof as are within 50 yards above high water mark at spring tides. Also the southern head of the Khandaleru back waters with shore thereof as are within 50 yards above high water mark from the entrance of Buckingham canal (south lock) to a line drawn parallel to the coast line from the south boundary pillar in position Lat 14° 12' N, Long 80° 7.2' E.</p>
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14. Goa

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S.No.	Name of Scheduled Port	Port Limits
1.	Panaji Port	<p>North: From the point on the coast in the parallel of latitude 15°29'42" North, due West along the same parallel point in latitude 073°37'30" East.</p> <p>West: From the position in Lat. 15°29'42" N and Long. 073°37'30" E in due South direction to the position in Lat. 15°27'30" N and Long. 073°37'30" E</p> <p>South: From the position in Lat 15°27'30" N and Long. 073°37'30" E due East along the parallel Lat. 15°27'30" N to a point where this parallel meets the coast and also coinciding within the northern limit of MPT.</p> <p>East: All the tidal waters of the River Mandovi, Rivers Mapusa, Naroa (including Cumbarjua Canal) and the waters of river Zuari, eastward at the Agaciam- Cortalim ferry points.</p>
2.	Chapora Port	Tidal waters of River Chapora East of meridian passing through Long. 073°44' East
3.	Betul Port	Tidal waters of the River Sal East of meridian passing through Long. 073°57' East

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4.	Tiracol Port	<p>North: From the point on the coast in the parallel of latitude 15°43'39.0" North, due west along the same parallel point in longitude 73°34'00.0" East</p> <p>West: From the position in latitude 15°43'39.0" North and longitude 73°34'00.00" East.</p> <p>South: From the position in latitude 15°42'00.0" North and longitude 73°34'00.00" East, due East along the parallel latitude 15°42'00.00" North to a point where this parallel meets the coast.</p> <p>East: All the tidal waters of river Tiracol falling within the territorial inland waters of the state of Goa.</p>
5.	Talpona Port	<p>North: From the point on the coast in the parallel of latitude 15°01'36.0" North, due West along the same parallel point in longitude 73°53'36.0 East</p> <p>West: From the position in latitude 15°01'36.0" North and longitude 73°53'36.0" East in due South direction to the position in latitude 14°55'00.0" North and longitude 73°53'36.0" East.</p>

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		<p>South: From the position in latitude 14°55'00.0" North and longitude 73°53'36.0" East, due East along the parallel latitude 14°55'00.0" North to a point where this parallel meets the coast.</p> <p>East: All the tidal waters of rivers Talpona and Galgibag.</p>
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15. Maharashtra Maritime Board

S.No.	Name of Scheduled Port	Port Limits
1.	Dahanu	Dahanu Port limits will be, Point (A) Latitude 19°57'59"N, Longitude 72°42'18" E, from here along the coast northwards to point (B) Latitude 20°01'36" N, Longitude 72°42'53" E, including banks and shores up to high water line including 50 yards landwards from High water marks and creeks within the line as far as navigable and into the sea westwards to Point (C) Latitude 20°01'36" N, Longitude 72°32'24" E, thence southward to point (D) Latitude 19°59'36" N, Longitude 72°32'24" E, and back to co-ordinate (A) on the coast and within these limits free navigational passage for all local fishing and non-fishing vessels.

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2.	Tarapur	Tarapur Port limits will be, Point (A) Latitude 19°50'00" N, Longitude 72°39'10" E, from here along the coast northwards to Point (B) Latitude 19°54'26" N, Longitude 72 40'34" E, including banks and shores up to high water line including 50 yards landwards from High Water Mark, and creeks within the line as far as navigable and in to the sea westward to Point (C) Latitude 19°54'22" N, Longitude 72°38'18" E, thence southward to point (D) Latitude 19°50'00"N, Longitude 72°38'18"E, and back to co-ordinate (A) on the coast and within these limits free navigational passage for all local fishing and non-fishing vessels.
3.	Nawapur	The coast line one mile seaward from the south-west point of village Dilodi in the north to the south-west point of the village Nandgaon in the south including the banks and shores 50 yards landwards from the high-water-mark and creeks within the line, as far as navigable with anchorages at Pofran, Ucheli, Alewadi and Nandgaon.
4.	Satpati	The coast line one mile seaward from south-west point of village Nandgaon in the north west point of Wadrai creek in the south including the banks, shores 50 yards landwards from the high water mark, and

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		creeks within the line as far as navigable with anchorages at Shirgaon.
5.	Kelva (Mahim)	The coast line one mile seaward from the north-west point of Wadrai creek in the north to Narkhadi creek (including Narkhadi) in the south including the banks and shores 50 yards landwards from the high water mark and creeks within the line as far as navigable and with anchorages at Wadrai, Tembhi, Mahim and Usarni.
6.	Arnala (including Dantiware)	The coast line one mile seaward from the south-west point Narkhadi in the north to the north-east point of Arnalla Fort in the south. Thence in a straight line to the eastward extremity of Wadhiv Island, the creeks and shores north and east of this line and both the banks of the Manor creek of the Vaitarna river as far as navigable. The banks and shores 50 yards landwards from the high water mark, and creeks within the coast line with anchorages at Edwan and Kore. The southern extremity of Usarni thence from the south-west boundary of the port Dantivra to the north-west extremity of Arnalla island and thence following the shore to the southern most point of that island upto the north bank of Rangaon creek one mile seaward and then in a southern easternly

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		direction to the mainland both the banks of Bhatna creek of Vaitarna river as far as navigable.
7.	Bassein	A line following the coast and extending ten mile seawards from the north bank of Rangaon creek and thence drawn across that creek to Dharavi. The shores 50 yards landwards from the high-water-mark and banks of Dongri and Rai Murdha creek half a mile beyond the salt works south and coast of Sopara creek as far as Manikpur bridge, the Kaman creek and of the Bassein creek including the village of Kharbav as far as the boundary of the port of Bhiwandi.
8.	Uttan	A line drawn one mile seaward from north point of Dharavi hill thence south along the coast one mile as far as south-western extremity of Gorai village and 50 yards landwards from the high water mark and the coast within that line.
9.	Manori	A line drawn one mile seaward from south-west extremity of Gorai village then following the contour of the coast at the same distance from it to a point half a mile to the west of the southern most extremity of Manori. Thence touching the mainland at the north-western extremity of Aksa village and all shores, 50 yards landwards from the high water mark and banks included within these limits as far as navigable.

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10.	Versova	A line drawn from the shore at the north-western extremity of Aksa village to a point one mile seaward then following the contour of the coast at the same distance from it to the south-western most point of Madh. Then taken in an easterly direction to the mainland upto point one mile seaward from the northern boundary of Bandra Port and shores 50 yards landwards from the high water mark, and creeks within these limits as far as navigable.
11.	Bandra	A line drawn from the northern extremity of Tara village to a point one mile seaward thence following the coast at same distance to the mouth of the Bandra creek, further up to Raj Bhavan one sea mile seaward from coast, up to the northern port limit of Mumbai Port and bank and shores 50 yards landwards from the high-water-mark, within these limits as far as navigable.
12.	Bhiwandi	A line drawn from the west point of the village of Kalher to the east point of the village Kolshet, and thence due north to the east point of the village Kolshet, and thence due north to the east point of the village Owla and further on to the village of Kharbav on the opposite shores 50 yards landwards from the high-water-mark, including the

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		Banks of the Bassein Creek and all creeks within those limits.
13.	Kalyan	A line drawn from the northern limit of the Thana Bridge bearing the Pune road at Kalwa to the eastern point of the village of Kolshet due east to the opposite shore 50 yards land-wards from the high water mark and including the banks of Bassein and Kalyan creek within these limits.
14.	Thane	From the north limits of Trombay port to the line marking the northern limit of the Thana Bridge, bearing Pune Road including the banks of the river and creeks 50 yards land-wards from high water mark, within these limits.
15.	Trombay	A line from the northern most boundary pillar of the port of Bombay near the village of Trombay to a point on the Bombay boundary line halfway between the above mentioned pillar at Trombay and the pillar on the Hog island thence to the north limit to of the port of Panvel in the village of Turbhe and another line from the west point of the village of Dewh due west to the opposite shores 50 yards land-wards from the high-water mark and coast and banks within those limits.

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16.	Ulwa (Belapur Panvel)	From a point on the north shore of Hog island quarter of a mile eastward of Hydraulic Lift to southern most boundary of village of Trombay on east bank of Thana creek 50 yards landwards from the high water mark and the coast and creeks within these limits as far as navigable.
17.	Mora	(West) A line drawn from the Bombay boundary pillar on the shore, one mile seaward west of the Mora village to Bombay boundary pillar on the shore to the south west of Hydraulic Lift, Hog island including banks and shores 50 yards landwards from the high-water-mark and creeks within that line as far as navigable. In the Sheva-Nhawa creek the farthest limits is the Panvel Road.
18.	Karanja	(i) A line drawn from Karanja Village Point in position Lat. 18' 50'54" N Long. 72° 56'24" E, thence towards South to point Lat. 18° 50'30" N Long. 72° 56'24" E, thence towards East South East to a point in position, Lat. 18'49'42" N Long. 72° 59'24" E, from here towards North in Karanja creek, both East and West coast on banks including 50 yards landwards from High Water Mark.

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		<p>(ii) A line drawn from Vasheni village Point in position Lat. 18° 49' 00" N Long. 73° 01' 12" E, thence towards South West to point Lat. 18° 47' 00" N Long. 73° 00' 20" E, from here towards East along North and South coast on both banks of Patalganga and Bhogeshwari (both tributaries) including 50 yards landwards from High Water Mark as far as navigable.</p> <p>(iii) Both banks and navigable channel of Dharamtar Creek adjoining Rewas-Aware (Thal) port from a line joining point Lat. 18° 47' 00" N Long. 72° 59' 00" E and point Lat. 18° 47' 00" N Long. 73° 00' 20" E, from here towards South along East and, West coast on both banks including 50 yards landwards from High Water Mark inside the Dharamtar Creek (Amba River) as far as navigable."</p>
19.	Mandwa	Mandwa comes in Karanja Port Limits. The banks and shores 50 yards landwards from the high water-mark and the creeks as far as navigable within a line drawn from the beacon at Thal-Knob in a north easterly direction to the boundary pillar on the mainland of Karanja opposite Nawkhar

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		point. In the Jasai creek of the Panvel road is farthest limit.
20.	Rewas-Aware (Thal)	<p>(i) A line drawn from Lat. 18° 42' 20" N Long. 72° 51' 36" E to South of Khanderi Island Lat. 18° 42' 06" N Long. 72° 48' 54" E along Southern limit of MbPT, thence towards North West Point along Western Limit of MbPT to Point Lat. 18° 46' 48" N Long. 72° 46' 00" E, thence towards South West to point Lat. 18° 41' 30" N Long. 72° 39' 30" E, thence towards South to point Lat. 18° 34' 48" N Long. 72° 39' 30" E, thence towards North East to Northern point of Varsoli creek Lat. 18° 40' 00" N Long. 72° 52' 00" E, from here to the North along coast including 50 yards landwards from High Water Mark.</p> <p>A line drawn from point Lat. 18° 48' 12" N Long. 72° 53' 12" E, Mandwa Village towards North East to the point Lat. 18° 50' 54" N Long. 72° 56' 24" E Karanja Village, thence southward to point Lat. 18° 50' 30" N Long. 72° 56' 24" E, thence toward East South East to point Lat. 18° 49' 42" N Long. 72° 59' 24" E, thence along the coast on bank including 50 yards landwards from High Water Mark upto point Lat. 18° 49' 00" N Long. 73° 01' 12" E (Vasheni Village), thence towards South West South point Lat. 18° 47' 00" N Long. 73° 00' 20" E, thence towards West to point Lat. 18° 47' 00" N Long. 72° 59' 00" E, thence along coast</p>

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		including 50 yards landwards from High Water Mark upto point Lat. 18° 48' 12" N Long. 72° 53'12"E (Mandwa Village)."
21.	Alibag	The coast line one mile seawards from north point of Fort, north-east to the shore and the north bank for the Varsoli creek with an anchorage and the line one mile seaward from the south point of Fort east. South east to the Choul Khadi Beacon along the coast to the North bank of the Theronda creek, the shores 50 yards, landwards from the high-water-mark, bay and creeks within those limits as far as navigable.
22.	Revdanda	The banks and channel of the Theronda creek as far as navigable then a line from the north-west corner of the Choul Fort to Choul Kadu Beacon thence line seven sea mile seaward to a line ten sea mile seaward from north-west extremity of Korlai fort, including banks and shores 50 yards landwards from the high-water-mark and rivers as far as navigable on both the banks.
23.	Borli-Mandla	The southern coastline one mile seaward from the south-west corner of Korlai Fort upto the northern out skirts of Kashid village including the foreshore 50 yards landwards from the high-water-mark.
24.	Nandgaon	The coastline one mile seaward from Kashid village upto the north western point of More

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		village at banks and shores 50 yards landwards from the high water mark and creeks within the limits as far as navigable.
25.	Murud-Janjira	A line drawn from South West point of More Village on the coast, Lat.18°20'.89 N Long. 72°55'11 E to one mile Westward, Lat.18° 20'.89 N Long. 72° 54'.07 E thence South-East to Point Lat. 18° 18'.8 N Long. 72° 55'.3 E, thence towards South-East to Point Lat.18° 17'. 8 N Long.72° 57'. 57 E, thence East to Point Lat. 18° 17'.98 N Long. 72° 58'.94 E, from here towards North along coast including 50 yards landwards from High Water Mark upto SW Point of More village including both banks and 50 yards from High Water Mark of Yekdara Creek as far as navigable.

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26.	Rajpuri (Dighi) Port	A line drawn from Point in position, Lat.18° 16'.23N Long.72°58'.28 E to the point in position Lat.18°16'.86 N Long.72°59'.52 E, from here towards North along the coast including 50 yards landwards from High Water Mark to a point Lat. 18°17'.98"N Long.72° 58.94 E, thence towards West to a Point Lat.18° 17'.80 N Long.72° 57'.57 E, thence towards North West to a Point Lat.18° 18'. 8 N Long.72° 55'. 3 E, thence towards West to a Point Lat. 18°18'.8 N Long.72° 47'. 33 E, thence towards South-West to a Point Lat. 18°16'.8 N Long. 72° 46'. 40 E, thence towards East to a point Lat. 18° 16'.8N Long. 72°56'.2 E, from here to the East along coast including 50 yards landwards from High Water Marks upto Point Lat. 18° 16'.23.N Long. 72° 58'.28 E above. Within these limits free navigational passage for all types of vessels, visiting Mandad Port (Mandad and Mhasla Creek/rivers).
27.	Kumbharu	The entire coastline one mile seaward from Nanoli Lighthouse point southward upto the shores of the village of Shekhadi, both shores 50 yards landwards from the high water mark and banks of the channels of Divaghar and Karle as far as navigable.
28.	Shrivardhan	The coastline one mile seaward from Shekhadi village southwest upto the head land of Hareshwar. All shores 50 yards

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		landwards high-water-mark banks and creeks within these limits as far as navigable.
29.	Mandad	Bank and navigable channel of Rajpuri Creek adjoining Dighi Port from a line drawn from Point in position Lat. 18°16.23 N Long. 72° 58'.28 E to a Point in position Lat. 18° 16'. 86 N Long.72° 59'.52 E, from here towards South and East along the coast on both banks including 50 yards landwards from High Water Mark inside the Rajpuri Creek upto Mandad and Mhasla Creek, as far as navigable.
30.	Bankot	The coast line ten mile seaward from the north to the south entrance of the Bankot river and banks of the river as far as navigable thence ten mile seaward from the following shore to south of Padla village, the shores 50 yards landwards from the high-water-mark creeks and banks within these limits as far as navigable.
31.	Harnai	The coastline ten mile seaward from south of Padla village to the north shore of entrance to Jog river then to the south corner of southern most fort thence in a straight line to a point south of Palande Hamlet and thence ten sea mile following the shore to the north-western most point of Kolthara village, the shores 50

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		yards landwards from the high-water-mark creeks within these limits as far as navigable.
32.	Kelshi	Kelshi comes in Harnai Port limit. The coast line one mile seaward from south of Padla village to the north shore of entrance to Jog river then to the south corner of southern most fort thence in straight line to a point south of Palande Hamlet and thence following the shore to the north western most point of Kolthara village, the shores 50 yards landwards from the high-water-mark creeks within these limits as far as navigable.
33.	Dabhol	The coastline ten mile seaward from the north wester extremity of the Kolthara village as far as Wanoshi, thence a line drawn direct to a point on the shore due west of Anjanwel lighthouse and thence following coast ten mile seaward to the south-west corner of Asgoli village, the shores 50 yards landwards from the high-water-mark, creeks and banks within these limits as far as navigable.
34.	Palshet	The shores 50 yards landwards from the high-water mark, creeks within the limits as far as navigable from the northern most point of the Palshet village.
35.	Borya	The coastline ten mile seaward from the southern most point of Palshet village round

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		<p>Borya headland to its southern most point thence a line drawn direct to north-west extremity at promontory south of Sakhari and the coast line to the south bank of Narvan shores 50 yards landwards from the high-water-mark the banks and creeks with these limits as far as navigable.</p>
36.	Jaigad	<p>1. Excluding the area of JSW Jaigarh Port Limited and Angre Port Private Limited mentioned in clause 2 and 3 below, all water bound by a line drawn from point south of Narvan Bay in position (A1) Latitude 17° 20' 00" N, Longitude 73° 13' 19" E, thence westward to the point (B1) Latitude 17° 20' 00" N, Longitude 73° 02' 54" E, thence south westward to the point (C1) Latitude 17° 18' 09" N, Longitude 73° 01' 06" E, thence south eastward to the point (D1) Latitude 17° 16' 01" N, Longitude 73° 01' 56" E, thence south eastward to the point (E1) Latitude 17° 14' 07" N, Longitude 73° 03' 31" E, thence eastward to the north west of village Undi to the point (F1) on coast, Latitude 17° 14' 07" N, Longitude 73° 13' 56" E, from here</p>

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		<p>to the north along the coast including 50 yards</p> <p>landwards from the High Water Mark upto the point (G) Latitude 17° 18' 12" N, Longitude 73° 11' 31" E, thence north westward to the point (F) Latitude 17° 18' 53" N, Longitude 73° 09' 28" E, thence north eastward to the point (E) Latitude 17° 19' 50" N, Longitude 73° 10' 08"E, thence eastward to the point (F2) Latitude 17° 19' 50" N, Longitude 73° 11' 53" E, thence south eastward to the point (G1) Latitude 17° 18' 18" N, Longitude 73° 14' 09" E, thence south westward to the point(H) Latitude 17° 17' 33" N, Longitude 73° 13' 48" E, thence eastward to the point (J) Latitude 17° 17' 30" N, Longitude 73° 14' 09" E, thence north eastward to the point (K) Latitude 17° 17' 42"N, Longitude 73° 15' 00" E, thence southward to the point (M) Latitude 17° 16' 50" N, Longitude 73° 14' 58" E, from here to the south along the coast of Jaigad creek/river on both banks as far as navigable, including 50 yards landwards from the High Water Mark and thence</p>
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		<p>along north bank upto the point (A) Latitude 17° 20' 00" N, Longitude 73° 13' 19" E.</p> <p>2. JSW Jaigarh Port Limited limits will be, all water bound by a line drawn from point north west of Jaigad Fort in position (A) Latitude 17° 18' 25" N, Longitude 73° 13' 14" E, thence north westward to the point (B) Latitude 17° 18' 37" N, Longitude 73° 13' 04" E, thence north westward to the point (C) Latitude 17° 18' 51" N, Longitude 73° 12' 49" E, thence north westward to the point (D) Latitude 17° 19' 03" N, Longitude 73° 12' 24" E, thence north westward to the point (E) Latitude 17° 19' 50" N, Longitude 73° 10' 08" E, thence south westward to the point (F) Latitude 17° 18' 53" N, Longitude 73° 09' 28" E, thence south eastward to the point (G) on coast, Latitude 17° 18' 12" N, Longitude 73° 11' 31" E, from here to the east along the coast including 50 yards landwards from High Water Mark up to the point (A) Latitude 17° 18' 25" N, Longitude 73° 13' 14" E, within these limits free navigational passage for all local fishing and non-fishing vessels.</p>
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		<p>3. Angre Port Private Limited limits will be, all water bound by a line drawn from point north west of Jaigad Fort in position (A) Latitude 17° 18' 25" N, Longitude 73° 13' 14" E, thence north westward to the point (B) Latitude 17° 18' 37" N, Longitude 73° 13' 04" E, thence north westward to the point (C) Latitude 17° 18' 51" N, Longitude 73° 12' 49" E, thence north westward to the point (D) Latitude 17°19' 03" N, Longitude 73° 12' 24" E, thence north westward to the point (E) Latitude 17°19' 50" N, Longitude 73° 10' 08" E, thence eastward to the point (F2) Latitude 17° 19' 50" N, Longitude 73° 11' 53" E, thence south eastward to the point (GI) Latitude 17° 18' 18" N, Longitude 73° 14' 09" E, thence south westward to the point (H) Latitude 17° 17' 33" N, Longitude 73°13' 48" E, thence eastward to the point (J) Latitude 17° 17' 30" N, Longitude 73° 14' 09" E, thence north eastward to the point (K) Latitude 17° 17' 42" N, Longitude 73° 15' 00" E, thence southward to the point (M) Latitude 17° 16' 50" N, Longitude 73° 14' 58" E, from here to the north along the coast, including 50 yards landwards from High Water Mark up to the point (A)</p>
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		Latitude 17°18' 25" N, Longitude 73° 13'14" E, excluding MMB jetty, within these limits free navigational passage for all local fishing and non-fishing vessels.
37.	Varoda	The coast line ten mile seaward from the north western most point of Undi Headland skirting the Tivri Bay and extending along the coast line to the north-western most point of Ara Hill the shores 50 yards landwards from the high-water-mark, the creeks and banks within these limits as far as navigable.
38.	Ratnagiri	The coast line ten mile seaward from the north western point of the Ara hill following the coast line upto Mirya, thence to the southern most point of that promontory and thence skirting Ratnagiri fort to the northern, extremity of Kushipur point extending along the coast line to the south-west shores of Pawas Bay shores 50 yards landwards from the high-water-mark, the creeks and banks within these limits as far as navigable.
39.	Purnagad	The coast line one mile seaward from south west shore of Pawas Bay to the western extremity of the north head land 'of the Purnagad Bay outside the entrance of the Muchkund river and thence to the western most extremity of the south head land of the same bay the sea beach within that line shores

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		50 yards landwards from the high-water-mark and the banks of Muchkund river as far as navigable.
40.	Jaitapur	The coast line ten mile seaward from Kasholi headland in the north i.e. Amulghar headland and thence to light house on south headland to Yeshwantghar creek and all shores 50 yards landwards from high-water-mark, creeks, bank within these limits as far as navigable.
41.	Vijaydurg	The coast line ten mile seaward from Jaitapur lighthouse on the headland at the entrance of the Wagotan river on the north coast ten mile seaward and thence southward as far as including Kaloshi to the North Bank of entrance to Wada river to the south and all the creeks and banks within these limits as far as navigable and all shores 50 yards landwards from high-water-mark.
42.	Devgad	From the north bank of Wada river on the north along the coast ten mile seaward and thence southwards upto Katwan hills to the south and all shores 50 yards landwards from the high-water-mark, creeks, banks within these limits as far as navigable.
43.	Achra	From Katwan hills on the north along the coast one mile seaward and thence

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		southwards to the extremity of the Achra head land thence to a point one mile due south of it, and thence in straight line to the shore one mile seaward and along the shore southward upto the northern bank of entrance to Sarjekot creek and all shores 50 yards landwards from the high-water-mark, creeks and banks within these limits as far as navigable.
44.	Malvan	From the northern bank of the entrance to Sarjekot creek to south point to Kavda Rock, from Kavda Rock to the western extremity of Sindhurg and from this point one mile seaward to south bank of entrance of Karli river and all creeks including Karli river and shores 50 yards landwards from the high-water-mark and creeks within these limits as far as navigable.
45.	Nivti	From the south bank of entrance of Karli river, and thence following the line of coast one mile seaward, to the south boundary of village Kelus including the Nivti creeks as far as navigable and shores 50 yards landwards from the high-water-mark and banks within these limits.

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46.	Vengurla	The coast line one mile seaward from the south boundary of village Kelus in the north to north-west extremity of the light house, head land and thence to a point one mile due west of it, and thence in a straight line to west point of Muth Head and the coast south as far as south bank of entrance to Mochimad creek, and all shores 50 yards landwards from high water mark all creeks and banks within these limits as far as navigable.
47.	Kiranpani	A line drawn from eastern most boundary of Terekhol village southward to middle of the creeks and thence following the centre or thread of the stream as far as the river is navigable the shores 50 yards landward from the high-water-mark and banks to north and east to this line.
48.	Redi	1. Excluding the area of Redi Port Limited mentioned in clause-2 below, all water bound by a line drawn from the point at the south entrance of Mochemad Creek in position (A) Latitude 15° 47' 30" N, Longitude 73° 39' 15" E, thence westwards to the point (B) Latitude 15° 47' 30" N, Longitude 73° 28' 53" E, thence southwards to point (C) Latitude 15° 47' 00" N, Longitude 73° 28' 53" E, thence eastwards to point (D) on coast

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		<p>Latitude 15° 47' 00" N, Longitude 73° 39' 25"E and from here to the North along the coast including 50 yards landwards from High Water Line up to point (A) Latitude 15° 47' 30" N, Longitude 73° 39' 15" E, including in creek as far as navigable.</p> <p>Redi Port Limited limits will be, all water bound by a line drawn from point, south of Mochamad creek entrance in position (D) Latitude 15° 47' 00" N, Longitude 73° 39' 25"E, thence westward to the point (C) Latitude 15° 47' 00" N, Longitude 73° 28' 53" E, thence southwards to point (E) Latitude 15° 43' 39" N, Longitude 73° 28' 53" E, thence eastwards to point (F) on coast Latitude 15° 43' 39" N, Longitude 73° 40' 30" E, from here to the North along the coast including 50 yards landwards from High Water Line up to point (D) Latitude 15° 47' 00" N, Longitude 73° 39' 25" E, including in creek as far as navigable. within these limits, free navigational passage for all local vessels.</p>
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16. Tamil Nadu Maritime Board

S.No.	Name of Scheduled Port	Port Limits	
		Latitude	Longitude
	Kattupalli Port	13° 18' 57.26" N	80° 20' 45.68" E
		13° 20' 45.33" N	
		13° 20' 45.41" N	80° 22' 54.72" E
		13° 17' 40.15" N	80° 23' 27.96" E
		13° 17' 39.76" N	80° 23' 28.01" E
			80° 20' 49.00" E

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	Ennore Minor Port	13° 12' 43" N 13° 12' 59" N 13° 13' 30" N 13° 12' 05.4" N	80° 19' 40" E 80° 19' 43" E 80° 21' 22" E 80° 21' 48.3" E
	Panaiyur Port	12° 18' 22.19" N 12° 18' 45.08" N 12° 17' 05.43" N 12° 16' 09.40" N 12° 17' 54.81" N	80° 02' 12.73" E 80° 04' 13.60" E 80° 05' 20.84" E 80° 04' 44.38" E 80° 01' 53.76" E
	Cuddalore Port	11° 44' 24" N 11° 44' 24" N 11° 36' 45" N 11° 36' 45" N	79° 47' 24" E 79° 50' 48" E 79° 50' 48" E 79° 45' 30" E
	Thiruchopuram Port	11° 36' 00" N 11° 37' 00" N 11° 33' 00" N 11° 34' 00" N	79° 45' 40" E 79° 53' 00" E 79° 53' 00" E 79° 45' 42" E
	Silambimangalam Port	11° 34' 00.00" N 11° 33' 00.00" N 11° 32' 17.30" N 11° 33' 19.40" N	79° 45' 30.00" E 79° 53' 00.00" E 79° 53' 00.00" E 79° 45' 32.00" E
	Parangipettai Port	11° 31' 39" N 11° 30' 46" N 11° 29' 40" N 11° 30' 53" N 11° 30' 53" N	79° 46' 00" E 79° 49' 42" E 79° 50' 03" E 79° 46' 39" E 79° 46' 19" E
	Py-03 Oil Field	11° 19' 14" N	80° 03' 33" E

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		11°20'16" N 11°18'17" N 11°14'07" N 11°13'45" N	80° 01' 00" E 79° 58' 38" E 79° 58' 13" E 80° 02' 12" E E
	Thirukkadaiyur Port	11°04'27.5" N 11°05'31.0" N 11°05'31.0" N 11° 03'18.0" N 11°03'18.0" N 11°04'22.7" N	79° 51' 29.3" E 79° 52' 32.5" E 79° 56' 02.5" E 79° 56' 02.5" E 79° 52' 32.5" E 79° 51' 28.9" E E
	Nagapattinam Port	10°49'36" N 10°49'36" N 10°44'51" N 10°44'51" N	79° 51' 06" E 79° 57' 06" E 79° 57' 30" E 79° 51' 06" E
	Thirukkuvalai Port	10° 35' 00" N 10° 35' 00" N 10° 33' 18" N 10° 33' 18" N	79° 51' 24" E 79° 59' 00" E 79° 59' 00" E 79° 51' 36" E E
	Pamban Port	9° 21' 30" N 9° 17' 13" N 9° 15' 31" N 9° 13' 30" N 9° 11' 45" N 9° 16' 30" N 9° 17' 04" N 9° 21' 30" N	79° 13' 13" E 79° 13' 13" E 79° 15' 43" E 79° 15' 43" E 79° 08' 54" E 79° 08' 54" E 79° 09' 16" E 79° 09' 16" E 16" E
	Rameswaram Port	9° 19' 30" N 9° 19' 30" N 9° 14' 00" N 9° 14' 00" N	79° 19' 48" E 79° 29' 00" E 79° 29' 00" E 79° 21' 18" E E
	Udangudi Port	08° 26' 21" N 08° 23' 27" N 08° 22' 31" N 08° 26' 06" N	78° 04' 45" E 78° 09' 29" E 78° 08' 57" E 78° 04' 33" E E
	Koodankulam Port	8° 10' 24" N 8° 07' 00" N 8° 07' 00" N	77° 44' 00" E 77° 44' 00" E 77° 39' 24" E

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		8°09' 30" N	77° 39' 24" E
	Kanyakumari Port	8° 05' 30" N 8° 04' 00" N 8° 04' 00" N 8° 05' 30" N	77° 35' 00" E 77° 35' 00" E 77° 33' 00" E 77° 33' 00" E E
	Colachel Port	8°10' 20" N 8° 09' 27" N 8° 09' 14" N 8° 10' 24" N	77° 15' 36" E 77° 15' 36" E 77° 14' 15" E 77° 14' 48" E E

17. West Bengal Maritime Board

S.No.	Name of Scheduled Port	Port Limits
1.	Kulpi Port	North-East: Lat- 22°06'21.6" N Long- 88°13'29.7" E South East: Lat- 22°4'51.6" N Long- 88°13'56.2" E North-West: Lat- 22°6'21.6" N Long- 088°13'12" E South-West: Lat- 22°4'51.6" N Long- 088°13'29.8" E
2	Tajpur Port	North East: Lat- 21°39'35.13" N Long- 87°38'56.71" E North West: Lat- 21°37'43.27" N Long- 87°30'8.00" E South East: Lat- 21°26'41.37" N

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		Long- 87°41'5.42" E
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18. Karnataka Maritime Board

S.No.	Name of Scheduled Port	Port Limits
1.	Karwar	<p>North- Entire area enclosed by a line from the Southern Most limit of the Goa Border on sea coast to blackrock (Kumbse) extending due west upto 30 Mtrs contour into the sea</p> <p>East- Seashore of Karwar bay and Majali from Southernmost limits of Goa border 50 Mtrs, above high-watermark including Kalinady and all branches thereof as far as navigable and the shores and banks within 50Mtrs. of high-water mark spring tides and thence and Majali to Karwar head. All patta land and other private sites excluded.</p> <p>South- A line joining Position Latitude 14° 48.' 17 N Longitude 074°05.' 60 E, Latitude 14°47.' 60 N Longitude 074° 05.'40 E Latitude 14° 42.' 70 N Longitude 073° 59.' 50 E upto 30 Mtrs contour into the sea.</p> <p>West- A line joining Northern and Southern</p>

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		limits along upto 30 Mtrs-contour into the sea
2.	Belikeri	<p>North- A line drawn from due west connecting the following Points.</p> <p>1) (Latitude 14°44.' 60 N Longitude 074° 14.' 50 E)</p> <p>2) (Latitude 14° 42.' 40 N Longitude 074° 1 1.' 80 E)</p> <p>3) (Latitude 14° 43.' 20N Longitude 074° 11.' 10 E)</p> <p>4) (Latitude 14° 36.' 80 N Longitude 074° 05.' 00 E)</p> <p>East- Seashore of Belekeri Bay 50 mtrs above high watermark from South boundary mark Latitude 14° 37.' 60N including the Belekeri creek, Ankola creek, Belambar creek and all branches thereof as far as navigable and the shores and Banks within 50 mtrs of high water mark spring tides including Islands (All patta lands and other private sites excluded)</p> <p>South- Latitude 14°37.'60 N Longitude 074° 16.'30 E & Bearing 240° to the west upto 30 Mtrs contour.</p> <p>West- A line joining Northern and Southern limits along to 30 Mtrs contour into the sea.</p>

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3	Tadri	<p>North- A line drawn from the position latitude 14°33' North and longitude 74° 18'.80 East due west upto 30 Mtrs contour.</p> <p>East- Seashore of Tadri 50 Mtrs. Above high water-mark spring tide between North and South boundary mark including the Tadri Aghanashini river and all branches thereof as far as navigable and the shores and banks within 50 Mtrs. of high-water mark spring tides including all islands. All patta lands and other private sites excluded.</p> <p>South- A line drawn from the Latitude 14° 25' North and Longitude 74° 24' East due west into the sea upto 30 Mtrs contour.</p> <p>West- A line joining Southern and Northern limits of along 30 Mtrs contour into the sea.</p>
4.	Honnavar	<p>North- A line drawn from the position latitude 14°18' North and longitude 74°24'90 East due west of upto 30 Mtrs. contour in to the sea.</p> <p>East- Seashore of Honnavar 50 Mtrs. above high-water mark between North and</p>

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		<p>South boundary mark including the Sharavathi river and all branches thereof as far as navigable and the shores and banks within 50 Mtrs. of high-water mark spring tides including all islands. All patta lands and other private sites excluded.</p> <p>South- A line drawn from the position Latitude 14° 13' North and Longitude 74° 27' East due west 30 Mtrs. contour into the sea.</p> <p>West- A line joining Northern and Southern limits along 30 Mtrs contour into the sea.</p>
5	Manki	<p>North- A line drawn from latitude 14°13' North Longitude 74°27' East due west upto 13 Mtrs contour into the sea.</p> <p>East- Seashore of Manki 50 Mtrs above high water mark between north and south boundary of high water mark spring tides including all islands (all patta lands and other private sites excluded)</p> <p>South- A line drawn from the position latitude 14° 08' North and longitude 74° 29' East</p>

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		<p>due west upto 13 Mtrs contour into the sea.</p> <p>West- A line joining northern and southern limits along 13 Mtrs contour into the sea.</p>
6	Pavinkurve	<p>North- A line drawn from point 50 Mtrs above high water mark in along the sea shore the latitude 14°22'30" North and Longitude 74°24'30" East upto 30 Mtrs contour into the sea.</p> <p>East- A line drawn from point 50 Mtrs above high water mark between north and south boundary marks on the shore including all islands. All patta lands and other private sites excluded.</p> <p>South- A line drawn point 50 Mtrs above high water mark between North and South boundary marks on the shore including all islands. All patta lands and other private sites excluded.</p> <p>West- A line joining Northern and Southern limits along 30 Mtrs contour into the sea including all islands.</p>
7	Bhatkal	<p>North- A line drawn from the position latitude 14°00' North and</p>

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		<p>longitude 74°30' 80 East due west upto 30 Mtrs contour into the sea.</p> <p>East- Seashore of Bhatkal 50 Mtrs. above high water mark spring tide between Latitude 14°00' North and Huddi point including Sharabi (Bhatkal) river and all branches thereof as far as navigable and the shore and banks within 50 Mtrs. of high-water mark spring tide including all islands. (All patta lands and other private sites excluded)</p> <p>South- A line drawn due west from Huddi point into the sea upto 30 Mtrs. contour into the sea.</p> <p>West- A line joining northern and southern limits along 30 Mtrs contour into the sea.</p>
8	Kundapur	<p>North- A line drawn from the position 13°42' North and longitude 74°38' 80 East due west upto 30 Mtrs contour into the sea</p> <p>East- Seashore of Kundapur 50 Mtrs above high water between north boundary and the south boundary and all branches thereof as far as navigable and the shore and all banks within 50 Mtrs of high water mark</p>

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		<p>spring tides including all islands. All patta lands and other private sites excluded.</p> <p>South- A line drawn from the position latitude 13° 35' North and longitude 74° 40'.70 East due west upto 30 Mtrs contour into the sea.</p> <p>West- The line joining southern and northern limits along 30 Mtrs contour into the sea.</p>
9	Hangarkatta	<p>North- A line drawn from the position latitude 13° 30' North longitude 74° 41' 40 East due west upto 30 Mtrs contour into the sea.</p> <p>East- The eastern bank of the river between the northern and southern boundaries and the shores thereof to 50 Mtrs above high water mark.</p> <p>South- A line drawn from the position latitude 13° 25' North longitude 74° 41'80 East due west upto 30 Mtrs contour in to the sea.</p> <p>West- The space enclosed between the northern and southern boundaries to 30' Mtrs contour in to the sea.</p>
10.	Malpe	<p>North- A line drawn from the position latitude</p>

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		<p>13°23' North longitude 74°42' east due west upto 30 Mtrs contour into the sea.</p> <p>East- The eastern bank of the river and the creek between the northern and southern boundaries and the shores thereof to 50 Mtrs above high water mark.</p> <p>South- A line drawn from the position latitude 13°19' North and longitude 74°43' East due west upto 30 Mtrs contour into the sea.</p> <p>West- The line joining northern and southern limits along 30 Mtrs contour</p>
11	Padubidri	<p>North- A line drawn due westwards from the point of 50 Mtrs above high water mark on the seashore along the latitude 13°10' North and Longitude 74°45'.5 East and upto 30 Mtrs contour into the sea.</p> <p>South- A line drawn from a point of 50 Mtrs above high water mark on the seashore along the latitude 13°04' North, and Longitude 74°46'.8 East and upto 30 Mtrs contour into the sea.</p> <p>East- A line drawn from a point of 50 Mtrs above</p>

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		<p>high water mark between North and South. South boundary marks on the shore and the banks within 50 Mtrs and high water mark spring tides. All patta lands and other private site excluded.</p> <p>West- A line joining Northern and Southern limits along 30 Mtrs contour into the sea.</p>
12	Mangalore	<p>North- A line draw due west Northern boundary pillar on the sea shore above 676 Mtrs. from Sultan's Battery to 12 nautical miles into the sea (NMPT southern limit coincides)</p> <p>East- The backwater and islands as contained between the following limits. A line drawn northwest from the northwest angle of Sultan's Battery to the northern port limit and a line drawn west south west from the eastern.</p> <p>South- A line drawn due west from the Someshwar Rock 50 Mtrs from the shore to the 12 nautical miles into the sea.</p> <p>West- The line between its intersections with the lines above defined as the northern and southern limits upto 12</p>

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		nautical miles into the sea.
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19. Puducherry Port Department

S. No.	Name of Scheduled Port	Port Limits
1	Pondicherry Port	<p>North- A line drawn due east from the boundary pillar erected on the sea shore 1595 metres north from the center of Puducherry new pier to 15 fathoms of water.</p> <p>South- A line drawn due east from the boundary pillar erected on the sea shore 2987 metres south from the center of the Puducherry new pier to 15 fathoms of water.</p> <p>East- A line drawn from the eastern extremities of north and south limits.</p> <p>West- A line drawn from the northern boundary pillar to the southern boundary pillar, measuring approximately 4582 metres, parallel to the shore, 45.72 metres above high water level at spring tide, except that in respect of the stretch of foreshore covered by the point: 147 metres north and 107 metres south from the center of the new pier the line shall recede to 229 metres</p>

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		above high water level at spring tide.
2	Karaikal Port Private Limited, UT of Puducherry	<p>North- Lat 10°50'00" N, Long 79°51'09" E to Lat 10°52'00" N, Long 79°51'09" E</p> <p>South- Lat 10°50'00" N, Long 80°01'00" E to Lat 10°54'00" N, Long 80°01'00" E</p> <p>East- Lat 10°52'00" N, Long 79°51'09" E to Lat 10°52'00" E, Long 79°57'23" E and Lat 10°54'00" N, Long 80°01'00" E (extended)</p> <p>West- Lat 10°50'00" N, Long 80°01'00" E to Lat 10°54'00" N, Long 80°01'00" E</p>

20. SP Mukherjee Port Trust, Kolkata

Name of scheduled port	Port Limits
Syama Prasad Mookherjee Port, Kolkata (erstwhile Kolkata Port Trust)	<p>North- A line drawn due East across the river Hooghly from a pillar at the southern boundary of M/s D. Waldie & Company's Chemical Works & Distillery at Konnagar in the district of Hooghly on the right bank of the river to a pillar on the left bank of the river near Panihati in the district of the 24 Paraganas (N).</p> <p>South- A line joining Sola column in position 21°42'36" N and 88°15'42" E.</p> <p>Excluding the following area-</p> <p>On the north-east- Lat 22°06'21.6" N and Long 88°13'29.7" E (Balari.F.W. Column)</p>

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	<p>On the south-east- Lat 22°04'51.6" N and Long 88°13'56.2" E (Kulpi Pagoda)</p> <p>On the north-west- Lat 22°06'21.6" N and Long 88°13'12" E i.e. the point of intersection of the line joining the two river side corners of the proposed jetty extended due to upstream with the line due west of Balaraj.F.W. Column.</p> <p>On the south-west- Lat 22°04'51.6" N and Long 88°13'29.8" E i.e. the point of intersection of the line joining the two river side corners of the proposed jetty extended due downstream with the line due west of Kulpi Pagoda.</p> <p>The limits of the Port include to the east and west of the river Hooghly-</p> <ol style="list-style-type: none">a) That part of the river Hooghly and the shores thereof as are within 45.7 metres of high water mark at spring tides.b) All lands, sheds, wharves, quays, permanent ways, railway slidings, etc. comprised in the area occupied by Kolkata jetties, Garden reach jetties, Kidderpore docks, Netaji Subhash dock, Petroleum Depot, at Budge bridge and the adjoining lands in possession of the Kolkata port trust and works constructed for the purpose of such jetties, docks and installations.c) That part of tolly's nala as lies to the west of line drawn across the Nala 7.6 metres to the west of Hastings bridge.d) That part of river Haldi, from entrance to river Hooghly to the line drawn north and south through Haldia south mark (22°00'00" N and 88°02'49.5" E (approx.) and the shores thereof within 45.7 metres of the high water mark at Spring Tides.e) All lands, sheds, wharves, quays, permanent ways, railway slidings, etc. comprised in the area occupied by Haldia Dock Complex and adjoining lands in possession of the Kolkata Port Trust and works constituted for the purpose of such dock complex and all installations for allied or incidental purposes. <p>The navigable river and channels leading to the port of Kolkata shall be as follows-</p>
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	<p>On the North- 400 metres down the river Bhagirathi from the centre line of Jangipur barrage and 0.8km up the river Jalengi from its confluence with river Bhagirathi.</p> <p>On the South- the parallel of latitude 20°45' N</p> <p>The limits of the said rivers and channels include all parts of the navigable channels which lie between the longitude of 87°40' E and 88°40' E of river Hooghly and all parts of river Bhagirathi and Hooghly between the northern and southern limits below the highest points reached by ordinary spring tides at any session of the year for tidal portion, and the bed of the river habitually covered by water at any time of the year for the non-tidal portion.</p>
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21. Kerala Maritime Board

22. Odisha

23. Daman & Diu

24. Lakshadweep

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SECOND SCHEDULE

Enactments by Coastal State Governments constituting State Maritime Boards

S.No.	Enactment	Name of State Maritime Board	Constituted under Section
1.	Gujarat Maritime Board Act, 1981	Gujarat Maritime Board	Section 3 of Gujarat Maritime Board Act, 1981
2.	Maharashtra Maritime Board Act, 1997	Maharashtra Maritime Board	Section 3 of the Maharashtra Maritime Board Act, 1997
3.	Tamil Nadu Maritime Board Act, 1995	Tamil Nadu Maritime Board	Section 3 of the Tamil Nadu Maritime Board Act, 1995
4.	The West Bengal Maritime Board Act, 2001	West Bengal Maritime Board	Section 3 of the West Bengal Maritime Board Act, 2001
5.	Karnataka Maritime Board Act, 2015	Karnataka Maritime Board	Section 3 of the Karnataka Maritime Board Act, 2015
6.	Kerala Maritime Board Act, 2017	Kerala Maritime Board	Section 3 of the Kerala Maritime Board Act, 2017
7.	Andhra Pradesh Maritime Board Act, 2019	Andhra Pradesh Maritime Board	Section 3 of the Andhra Pradesh Maritime Board Act, 2019

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THIRD SCHEDULE

Table for classification of offences

Serial No.	Offences	Section of this Act to which offence has referred	Penalties	By whom the offence triable and penalties are imposed
1.	The Master of a Vessel or any person disobeying any rule made under Section 93.	Section 93	Fine of minimum rupees ten thousand extending up to rupees one lakh for vessel up to 500 tons. In addition, vessel above 500 tons, fine of rupees fifty per ton of the vessel exceeding 500 ton	Conservator
2.	If any person wilfully and without reasonable cause refuses or neglects to obey any lawful direction of the conservator.	Section 21(4)	Fine of minimum rupees fifty thousand extending up to rupees one lakh for vessel up to 500 tons. In addition, vessel above 500 tons, fine of rupees one hundred per ton of the vessel exceeding 500 ton	Conservator
3.	The owner or any other person causing any Obstruction or impediment, without lawful excuse, or causes any public nuisance affecting or likely to affect such free navigation or lawful use.	Section 23(2)	For a vessel (which shall include its master and owner), fine of minimum rupees one lakh extending up to rupees two lakh for vessel up to 500 tons. In addition, vessel above 500 tons, fine of rupees	Conservator

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			two hundred per ton of the vessel exceeding 500 ton For any other person a fine of minimum rupees fifty thousand extending up to rupees one lakh.	
4.	If the Master of the Vessel acts in contravention of sub-section (1) of section 28.	Section 28(2)	Fine of minimum rupees fifty thousand extending up to rupees one lakh.	Conservator
5.	Any Master refusing or neglecting to comply with requisition under Section 29(1) shall be punishable and any seafarer, then under his orders who, after being directed by the Master to obey the orders of the conservator or authorized official of the Port for the purpose aforesaid, refuses to obey such orders, shall be punishable.	Section 29 (2)	For the Master- Fine of minimum rupees one lakh extending up to rupees two lakhs. For the seafarer- Fine of minimum rupees fifty thousand extending up to rupees one lakh.	Conservator
6.	Any person acting in contravention of sub-section (1) of section 36.	Section 36(2)	Fine of minimum rupees fifty thousand extending up to rupees two lakhs for vessel up to 500 tons. In addition, vessel above 500 tons, fine of rupees five hundred per ton of	Conservator

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			the vessel exceeding 500 ton	
7.	Liability of the Master if, after receiving notice from the conservator of the Port, or an official authorized by the conservator to desist from discharging ballast, oil, oily waste, noxious liquid substance, garbage, sewage or rubbish or such other thing, any Master continues so to cast, throw or discharge the same.	Section 36(3)	Fine of minimum rupees two lakhs extending up to five lakhs rupees. for vessel up to 500 tons or with imprisonment for a term which may extend to one year or both. In addition, vessel above 500 tons, fine of rupees five hundred per ton of the vessel exceeding 500 ton	Conservator in case of fine; Magistrate in case of imprisonment
8.	If a Master contravenes sub-section (1) of Section 37	Section 37(2)	Fine of minimum rupees fifty thousand extending up to rupees one lakh for vessel up to 500 tons. In addition, vessel above 500 tons, fine of rupees fifty per ton of the vessel exceeding 500 ton	Conservator
9.	If the Master of any Vessel wilfully omits to take order to extinguish the fire or obstructs the conservator or any person acting under the authority of the conservator in extinguishing or attempting to extinguish the fire.	Section 39	Fine of minimum rupees fifty thousand extending up to rupees two lakhs for vessel up to 500 tons. In addition, vessel above 500 tons, fine of rupees one hundred per ton of the vessel exceeding 500 ton	Conservator
10.	Any person offending against sub-section (1) of Section 41 shall be	Section 41(2)	Fine of minimum rupees twenty-five thousand extending up to rupees	Conservator

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	punishable for every such offence.		seventy-five thousand.	
11.	If any person contravenes sub-section (1) of section 42.	Section 42(2)	Fine of up to rupees fifty thousand and/or Imprisonment and fine as per the Prevention of Damage to Public Property Act, 1984	Magistrate
12.	Liability of the Master, if any Vessel, except in case of urgent necessity, enters, leaves or is moved in the Port in contravention of sub-section (1) of Section 43.	Section 43(3)	Fine of minimum rupees ten thousand up to rupees fifty thousand for vessel up to 500 tons. In addition, vessel above 500 tons, fine of rupees fifty per ton of the vessel exceeding 500 ton	Conservator
13.	If any Port or Port-facility or Port-officer contravenes any of the provisions of Chapter VIII or the rules made thereunder or the directions given by the Central Government or the persons designated by the Central Government in this regard, or contravenes any condition, limitation or restriction subject to which any approval, sanction, confirmation, direction or exemption in relation to any matter has been accorded, given or granted by the Central or by the	Section 48(3)	Fine of minimum rupees two lakhs extending up to five lakhs rupees.	Conservator

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	persons designated by the Central.			
14.	If any Port, Repair Port, Terminal or Port-facility or Port-officer contravenes any of the provisions of Chapter IX or the rules made thereunder or the directions given by the Central Government or the persons designated by the Central Government.	Section 52(2)	Fine of minimum rupees two lakhs extending up to five lakhs rupees.	Conservator
15.	If the Owner, agent or Master of any Vessel fails to comply with Section 55.	Section 55(4)	Fine of minimum rupees fifty thousand up to rupees one lakh for vessel up to 500 tons. In addition, vessel above 500 tons, fine of rupees hundred per ton of the vessel exceeding 500 ton	Conservator
16.	If the owner fails to pay the deficiency in port-dues, fees or other charges within one month of such demand.	Section 57(2)	Fine of minimum rupees one lakh which may extend up to five lakhs, for vessel up to 500 tons. In addition, vessel above 500 tons, fine of rupees hundred per ton of the vessel exceeding 500 ton	Conservator
17.	Any person disobeying any rule or order made by the Government under the Act, for which no other penalty is provided.	Section 79	Fine of minimum rupees fifty thousand extending up to rupees one lakh	Conservator

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Comparative Table- The Indian Ports Act, 1908 and The Indian Ports Bill, 2020

Please note- The new provisions and chapters inserted by the Bill are specified after the tables comparing the chapters of The Indian Ports Act, 1908 with The Indian Ports Bill, 2020.

Chapter I of The Indian Ports Act, 1908 (S.1-3)

Chapter I of The Indian Ports Bill, 2020 (S.1,2)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
1	<p>S.1. Title and extent –</p> <p>(1) This Act may be called The Indian Ports Act, 1908</p> <p>(2) It shall extend, save as otherwise appears from its subject or context, -</p> <p>(a) to the ports mentioned in the first schedule, and to such parts of the navigable rivers and channels leading to such ports respectively as have been declared to be subject to Act</p>	<p>S.1. Short title, commencement and application-</p> <p>(1) This Act may be called the Indian Ports Act, 2020.</p> <p>(2) It shall come into force on such date as the Central Government may, by Notification in the Official Gazette, appoint</p> <p>(3) It applies to-</p> <p>(a) All ports and all vessels within port limits; and</p> <p>(b) To such parts of navigable waters including rivers, waterways and channels as may be notified by the Central Government in the Official Gazette and hereinafter referred to as the appointed date; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the</p>	<p>This Bill applies to all ports and vessels within port limits and to such parts of navigable waters including rivers, waterways and channels as may be notified by the Central Government.</p>

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	<p>XXII of 1855 <i>(for the Regulation of Ports and Port-dues)</i> or to the Indian Ports Act, 1875 (12 of 1875), or to the Indian Ports Act, 1889 (10 of 1889)</p> <p>(b) to the other ports or parts of navigable rivers or channels to which the Government, in exercise of the power hereinafter conferred, extends this Act.</p> <p>(c) But nothing in section 31 or section 32 shall apply to any port, river or channel to which the section has not been specially extended by the Government.</p>	<p>commencement of this Act shall be construed as a reference to the coming into force of that provision.</p> <p>Provided that nothing in this Act shall apply to-</p> <p>(c) Any Vessel of war, military aircraft or military sea-plane or</p> <p>(d) Any Vessel in the service of the Government during the period when the security of India or any part of territory thereof is threatened by war or external aggression or armed rebellion or during proclamation of emergency under clause (1) of article 352 of the Constitution, or</p> <p>(e) any foreign Vessel of war,</p> <p>(f) or any other Vessel or port which may be notified by the Central Government</p>	
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	<p>S.2. Savings — Nothing in this Act shall— (i). apply to any vessel belonging to, or in the service of, the Central Government or a State Government or to any vessel of war belonging to any Foreign Prince or State, or (ii). deprive any person of any right of property or other private right, except as hereinafter expressly provided, or (iii). affect any law or rule relating to the customs or any order or direction lawfully made or given pursuant thereto.</p>	<i>Deleted</i>	<p>The proviso to Clause 2(3) of the Bill enlists the vessels to which the Bill does not apply, including</p>
2	<p>S.3. Definitions – In this Act, unless there is anything repugnant in the subject or context, - (1) “Magistrate” means a person exercising powers under</p>	<p>S.2.Definitions- In this Act, unless there is anything repugnant in the subject or context – (26) “Tribunal” means the Maritime Ports Tribunal constituted under Section 9 of this Act; (27) “Appellate Tribunal” means the Maritime Ports</p>	<p>Cl.2 of the Bill modifies earlier definitions and adds several new definitions in accordance with significant policy</p>

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	<p>The Code of Criminal Procedure, 1973</p> <p>(2) “master” when used in relation to any vessel or any aircraft making use of any port, means, subject to the provisions of any other enactment for the time being in force, any person (except a pilot or harbour-master of the port) having for the time being the charge or control of the vessel or the aircraft, as the case may be;</p> <p>(3) “pilot” means a person for the time being authorised by the Government to pilot vessels;</p> <p>(4) “port” includes also any part of a river or channel in which this Act is for the time being in force;</p> <p>(5) “port officer” is synonymous with master-attendant;</p>	<p>Appellate Tribunal established under Section 11 of this Act;</p> <p>(28) “Appointed date” means such date or dates as the Central Government may, by Notification, appoint for purpose of different provisions of this Act;</p> <p>(29) “Area” in relation to any provision of the Act, means such area which may include, any water, any land, or any Port or any part of any navigable river or channel;</p> <p>(30) “Authority” means the Maritime Port Regulatory Authority established under Section 7;</p> <p>(31) “Coastal State” with reference to the mainland of India as well as the individual or composite group or groups of islands constituting part of the territory of India means the States and Union Territories in, or bordering on the territorial waters of India as defined in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 including any creeks and tidal rivers;</p> <p>(32) "Conservator" means a person appointed by the Government under Section 21 of this Act;</p> <p>(33) "Deputy Conservator" means a person appointed by the Government under Section 21 of this Act;</p> <p>(34) “Dock” includes all basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, slipways, gridirons,</p>	<p>changes and operational practices in the Port sector since the enactment of the Indian Ports Act, 1908.</p>
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<p>(6) “ton” means a ton as determined or determinable by the rules made under section 74 of the Merchant Shipping Act, 1958 for regulating the measurement of the gross tonnage of ships;</p> <p>(7) “vessel” includes anything made for the conveyance mainly by water of human beings or of property;</p> <p>(8) “major port” means any port which the Central Government may by notification in the Official Gazette declare, or may under any law for the time being in force have declared, to be a major port; and</p> <p>(9) “Government”, as respects major ports, for all purposes, and, as respects other ports, for the purposes of</p>	<p>moorings, transit-sheds, warehouses, tramways, railways and other works and things appertaining to any dock, and also the portion of the sea enclosed or protected by the arms or groynes of a harbour;</p> <p>(35) “Foreshore” means the part of a shore between high- and low-water marks;</p> <p>(36) "Convention" means any International Convention or Treaty or Agreement in relation to maritime matters and their protocols to which India is a party and as are adopted by the Central Government or made applicable by the Central Government from time to time;</p> <p>(37) “Government”, unless otherwise provided in this Act, shall mean State Government for Ports other than Major Ports and the Central Government for Major Ports;</p> <p>(38) “Guidelines” mean the guidelines issued by the Government and/ or by the Authority under this Act;</p> <p>(39) "High-water-mark" means a line drawn through the highest points reached by ordinary spring-tides at any season of the year at the port;</p> <p>(40) “Land” includes the bed of the sea or river, and also things attached to the earth or permanently fastened to anything attached to the earth;</p> <p>(41) "Low-water-mark" means the lowest point reached by the sea, river, lake, water channel or any other water body during ordinary springtime;</p>
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	<p>making rules under clause (p) of section 6 (1) and of the appointment and control of port health-officers under section 17, means the Central Government, and save as aforesaid, means the State Government</p>	<p>(42) “Magistrate” means a person exercising powers under the Code of Criminal Procedure, 1973 (Act No. 2 of 1974);</p> <p>(43) “Major Port” means any Port which the Central Government may by Notification in the Official Gazette declare, or may under any law for the time being in force have declared, to be a Major Port;</p> <p>(44) “Master”, when used in relation to any Vessel making use of any Port, includes, any person (except a pilot or harbour-master) having command or charge of a ship;</p> <p>(45) “National Port Policy” means National Port Policy notified under Section 6 by the Central Government;</p> <p>(46) “National Ports Plan” means National Ports Plan issued under Section 6;</p> <p>(47) "Net Ton" means net tonnage as determined or determinable by the Merchant Shipping Act, 1958 (Act No. 44 of 1958) and the rules made therein;</p> <p>(48) “Notification” means a Notification published in the Official Gazette and the expression “notify” shall be construed accordingly;</p> <p>(49) “Obstruction” includes any material including any cargo, bunker or pollutant or such other thing including any Vessel or part of a Vessel, or of any public nuisance in any part of the Port which impedes or is likely to impede port activity or</p>	
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		<p>which pollutes or is likely to pollute the environment;</p> <p>(50) “Owner”, —</p> <p>(iv). in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods; and</p> <p>(v). in relation to any aircraft making use of any Port, means an owner as provided in Section 2(1) of Aircraft Act, 1934 (Act No. of 1934);</p> <p>(vi). in relation to any Vessel making use of any Port, includes any part-owner, charterer, consignee, or mortgagee in possession thereof;</p> <p>(32) “Pier” includes any stage, stairs, landing place, hard, jetty, floating barge, floating storage unit, transhipper or pontoon and any bridges or other works connected therewith;</p> <p>Explanation. —For the purposes of this definition, the term “transhipper” means a floating craft or Vessel, whether dumb or self-propelled, on which gears are provided for discharging cargo from a barge or wharf and loading it into a ship;</p> <p>(33) “Pilot” means a person for the time being authorised to pilot Vessels in the manner prescribed by the Central Government under this Act or any other Act for the time being in force;</p> <p>(34) “Port” includes any terminal, offshore terminal, captive jetty,</p>	
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		<p>shipyard, repair yard or roadstead or port facility or single buoy mooring which is normally used for the loading, unloading, building or repair or anchoring of Vessels, or any other place at which a vessel can call, or any part of a river or channel;</p> <p>(35) "Port Activity" is not restricted to and includes</p> <ul style="list-style-type: none"> (i). the movement, mooring, hauling out, maintenance and launching of Vessels; (ii). the movement of, and provision of services to passengers of Vessels; and (iii). the movement, handling and storage of goods; or (iv). any other such activity as may be notified or as may be permitted by any Port; <p>(36) "Port Assets" is not restricted to and includes any asset within the port limits including land, movable or immovable property or any other property, whether tangible or intangible, owned by the Port or vested with the Port through the Central Government or the State Government, as the case may be;</p>	
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		<p>(37) “Port Facility” or “Port Facilities”, is not restricted to and includes</p> <ul style="list-style-type: none">(i). unless indicated otherwise in the Act, facilities provided for or in relation to Port activities or the administration of the Port which includes:<ul style="list-style-type: none">d) maritime structures and other buildings, structures and enclosures; ande) railways; andf) machinery, equipment, vessels, vehicles and aircraft;(ii). For the purposes of Chapter IX and X, port facility means a specific location in a Port where passengers or commodities are transferred between land and water carriers or between two water carriers, including wharves, piers, sheds, warehouses, yards, and docks;	
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		<p>(42) “Port Limits” means the limits notified by the Government as port limits and will include any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels or for the improvement, maintenance or good governance of the Port and its approaches, whether within or without high-water-mark, and, subject to any right of private property therein, any portion of the shore or bank within fifty metre of high-water-mark;</p> <p>(43) “Port Officer” is an officer of the Port who is appointed by the Government;</p> <p>(44) “Port Operation” is not restricted to, and includes,</p> <ul style="list-style-type: none"> d) the carrying out of port activities or port works; or e) the provision of port services; or f) the provision, management or operation of port facilities; <p>(45) “Port Operator” means a person who carries out port operations under this Act.</p> <p>(46) “Port Service” is not restricted to and includes:</p> <ul style="list-style-type: none"> (b) carrying out Port activities; (b) dredging, engineering, marine civil construction, pollution management, 	
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		<p>security, pilotage, towage, vessel movement control, emergency response, shore stabilization and waste management services; and</p> <p>(c) supplying provisions or equipment to vessels; and</p> <p>(d) supplying water, fuel or electricity; and</p> <p>(e) providing for the use or hire of port facilities; and</p> <p>(f) providing labour for any purpose;</p> <p>(g) port terminal services;</p> <p>(h) handling, storage and transportation of goods on land adjoining the Port and for the handling of passengers carried by vessels;</p> <p>(i) embarking or disembarking of master, crew and other personnel;</p> <p>(j) any other services notified for the purposes of this definition;</p> <p>(47) “Port Service Provider” means a person who carries out port services in accordance with this Act;</p> <p>(48) “Port Works” are not restricted to and includes works for port purposes and includes</p> <p style="padding-left: 40px;">(c) designing, constructing, extending, maintaining, removing or demolishing: -</p> <p style="padding-left: 80px;">(iii). maritime structures and other buildings, structures, machineries,</p>	
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		<p style="text-align: center;">equipment and enclosures; and</p> <p style="text-align: center;">(iv). railways, roads, bridges, and embankments; and</p> <p style="text-align: center;">(d) reclaiming land from the sea or a river;</p> <p>(49) "Prescribed" means prescribed by the rules made under this Act;</p> <p>(50) "Reception Facilities", in relation to a Port means facilities for enabling vessels using the Port, terminal shipyard, ship repair facility, ship breaking facility, or ship recycling facility to discharge or deposit any substance subject to control by relevant and applicable pollution prevention Conventions;</p> <p>(51) "Regulations" means the regulations made by the Government and/or by the Authority under this Act;</p> <p>(53) "Schedule" means a Schedule to this Act;</p> <p>(54) "Scheduled Port" means a Port which is listed or deemed to be listed under the First Schedule;</p> <p>(55) "Specification" means a description of goods, article, process, system, port service, or port operations, as far as practicable by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, material, mode of manufacture or processing, consistency and reliability of service delivery or other</p>	
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		<p>characteristics to distinguish it from any other goods, article, process, system, port service or port operations;</p> <p>(56) “Specify” means as specified by the regulations made under this Act;</p> <p>(57) “Standards” means in relation to goods, article, process, system, port service or port operations means the standards specified by the authority under this Act;</p> <p>(58) “State Government”, unless provided otherwise, shall mean the Government in Coastal states; and in relation to the State Maritime Board, shall mean the State Governments within the territory of which the Ports administered by the State Maritime Board are located;</p> <p>(59) “State Maritime Board” means the State Maritime Board constituted under Section 33 of this Act;</p> <p>(60) “Table” means table for classification of offences provided in the third Schedule to this Act;</p> <p>(61) “Ton” means a ton as determined or determinable by the Merchant Shipping Act, 1958 (Act No. 44 of 1958) and the rules made therein, for regulating the measurement of the gross tonnage of ships;</p> <p>(62) “Vessel” includes any ship, boat, sailing vessel or other description of vessel used or constructed for use in navigation by water, whether</p>	
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		<p>it is propelled or not, and includes a barge, lighter or other floating vessel, a hovercraft, an off-shore industry mobile unit, a vessel that has sunk or is stranded or abandoned and the remains of such a vessel;</p> <p>Explanation. — A vessel shall not be deemed to be a vessel for the purposes of this clause, when it is broken up to such an extent that it cannot be put into use for navigation, as certified by a surveyor;</p> <p>(63) “Wharf” includes any wall or stage and any part of the Land or Foreshore that may be used for loading or unloading goods, or for the embarkation or disembarkation of passengers and any wall enclosing or adjoining the same.</p>	
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Chapter II of The Indian Ports Act,1908 (S.4- 6)

Chapter II of The Indian Ports Bill, 2020 (S. 3,4)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
3	<p><i>Powers of The Government</i></p> <p>S.4. Power to extend or withdraw the Act or certain portions thereof-</p> <p>(1) The Government may, by notification in the Official Gazette, -</p> <p>(a) extend this Act to any port in which this Act is not in force or to any part of any</p> <p>(b) navigable river or channel which leads to a port and in which this Act is not in force;</p> <p>(c) specially extend the provisions of section 31 or section 32 to any port to which they have not been so extended;</p>	<p><i>Declaration of Port and its Port Limits</i></p> <p>S.3. Power to extend or withdraw the Act or certain portions thereof-</p> <p>(5) The Government may, after obtaining prior recommendation from the Maritime Port Regulatory Authority (hereinafter, "Authority") in such a manner as provided under this Act, declare by way of notification in the Official Gazette, that—</p> <p>(d) This Act shall be extended to any port in which this Act is not in force or to any part of any navigable river or channel which leads to any port and in which this</p>	<p>Cl.3 of the draft Bill introduces a new regulatory authority namely, the Maritime Port Regulatory Authority ("Authority"). New provisions have been added in the bill dealing with the classification of ports as scheduled ports under Cl. 3 (3).</p>

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	<p>(d) withdraw this Act or section 31 or section 32 from any port or any part thereof in which it is for the time being in force.</p> <p>(2) A notification under clause (a) or clause (b) of sub-section (1) shall define the limits of the area to which it refers.</p> <p>(3) Limits defined under sub-section (2) may include any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance or good government of the port and its approaches, whether within or without high-water-mark, and, subject to any rights of private property therein, any portion of the shore or bank within fifty yards</p>	<p>Act is not in force;</p> <p>(e) Specially extend the provisions of this Act to any port to which they have not been so extended;</p> <p>(f) Withdraw this Act or any part thereof in which it is for the time being in force.</p> <p>(6) A notification under clause (a) and (b) of sub-section (1) shall define the limits of the Area to which it refers.</p> <p>(7) The port so notified under sub-section (1) shall be deemed to be a Scheduled Port from the date on which such notification comes into force;</p> <p>(8) Anything done or any action taken or purported to have been done or taken, including any act, order, rule, regulation, by-law, Notification, policy made or issued or any operation undertaken or any direction given by the State Government or any person authorised by the State</p>	
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	<p>of high-water-mark.</p> <p>(4) In sub-section (3) the expression “high-water-mark” means the highest point reached by ordinary spring tides at any season of the year.</p>	<p>Government, to the extent that they are inconsistent with this Section or any Notification issued under this Section, will stand repealed on such date as the Central Government may, by Notification in the Official Gazette, appoint.</p>	
4	<p>S.5. Alteration of limits of ports –</p> <p>(1) The Government may, subject to any rights of private property, alter the limits of any port in which this Act is in force.</p> <p><i>Explanation.</i> — For the removal of doubts, it is hereby declared that the power conferred on the Government by this sub-section includes the power to alter the limits of any port by uniting with that port any other port or any part of any other port.</p> <p>(2) When the Government alters the limits of a port under sub-section (1), it shall declare or describe, by notification in</p>	<p>S.4. Alteration of Port Limits –</p> <p>(5) Notwithstanding anything contained in any other law, or any notification issued under the Indian Ports Act, 1908, the Government may, after obtaining prior recommendation from the Maritime Port Regulatory Authority in such a manner as may be provided under this Act, by notification, in the Official Gazette, subject to any right of a person of his private property, alter the port limits of Scheduled Ports.</p> <p><i>Explanation.</i> – For the removal of doubts, it is hereby declared that the power conferred on the Government under this</p>	<p>Cl.4 of the draft Bill grants the Authority the power to issue recommendations for the alteration of port limits in the manner prescribed.</p>

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	<p>the Official Gazette, and by such other means, if any, as it thinks fit, the precise extent of such limits.</p>	<p>sub-section includes the power to alter the port limits by uniting such port with any other port or any part of any other port.</p> <p>(6) The notification under sub-section (1), shall declare or describe the precise distance between two Scheduled Ports or the precise extent of such limits, as the case may be, by notification in the Official Gazette and by such other means, if any, as it thinks fit.</p> <p>(7) The port limit of Scheduled Ports as notified under sub-section (1) and (2) shall be deemed to be applicable with respect to the Scheduled Ports from the date on which such notification comes into force;</p> <p>(4) Anything done or any action taken or purported to have been done or taken, including any act, order, rule, regulation, by-law, Notification, policy made or issued or any operation undertaken or any</p>	
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		<p>direction given by the State Government or any person authorised by the State Government, to the extent that they are inconsistent with this Section or any Notification issued under this Section, will stand repealed, on such date as the Central Government may, by Notification in the Official Gazette, appoint.</p>	
<i>Deleted</i>	<p>S.6. Power to make port rules-</p> <p>(1) The Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely:</p> <p>—</p> <p>(a) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in</p>	<i>Deleted</i>	<p>While the specific rule making power under Section 6 of the Act has been deleted, Cl. 93 of the Bill vests the Central Government with the general power to make rules to give effect to provisions of the Bill along with specific matters on which rules may be framed by the Central Government.</p>

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	<p>and on which, vessels generally or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act;</p> <p>(b) for regulating the berths, stations and anchorages to be occupied by vessels in any such port;</p> <p>(c) for striking the yards and top masts, and for rigging-in the booms and yards, of vessels in any such port, and for swinging or taking-in davits, boats and other things projecting from such vessels;</p> <p>(d) for the removal or proper hanging or placing of anchors, spars and other things being in or attached to vessels in any such port:</p>		
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	<p>(e) for regulating vessels whilst taking-in or discharging passengers, ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged;</p> <p>(ee) for regulating the manner in which oil or water mixed with oil shall be discharged in any such port and for the disposal of the same;</p> <p>(eee) for regulating the bunkering of vessels with liquid fuel in any such port and the description of barges, pipe lines or tank vehicles to be employed in such bunkering;</p> <p>(f) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharves, piers, docks, moorings and other works in or adjoining to the same, and for marking out the spaces so to be kept free;</p>		
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	<p>(g) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port;</p> <p>(h) for regulating the moving and warping of all vessels within any such port and the use of warps therein;</p> <p>(i) for regulating the use of the mooring buoys, chains and other moorings in any such port;</p> <p>(j) for fixing the rates to be paid in a port other than a major port for the use of such moorings when belonging to the Government, or of any boat, hawser or other thing belonging to the Government;</p> <p>(jj) for regulating the use of piers, jetties, landing places, wharves, quays, warehouses and sheds when belonging to the Government;</p> <p>(jja) for fixing the rates to be paid for the use of piers, jetties, landing places, wharves, quays, warehouses and sheds of any port, other than a major port, when</p>	
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	<p>belonging to the Government;</p> <p>(k) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other boats plying, whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without any such port, and for licensing and regulating the crews of any such vessels; and for determining the quantity of cargo or number of passengers or of the crew to be carried by any such vessels and the conditions under which such vessels shall be compelled to ply for hire, and further for the conditions under which any licence may be revoked;</p> <p>(kk) for providing for the fees payable in respect of the services specified in clause</p> <p>(k) for any port, other than a major port;</p> <p>(l) for regulating the use of fires and lights within any such port ;</p>		
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	<p>(m) for enforcing and regulating the use of signals or signal-lights by vessels by day or by night in any such port;</p> <p>(n) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port;</p> <p>(o) for regulating the employment of persons engaged in cleaning or painting vessels, or in working in the bilges, boilers or double bottoms of vessels in any such port;</p> <p>(p) for the prevention of danger arising to the public health by the introduction and the spread of any infectious or contagious disease from vessels arriving at, or being in, any such port, and for the prevention of the conveyance of infection or contagion by means of any vessel sailing from any such port, and in particular and without prejudice to the generality of this provision, for—</p> <p>(i) the signals to be hoisted and the places of anchorage to be</p>		
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	<p>taken up by such vessels having any case, or suspected case, of any infectious or contagious disease on board, or arriving at such port from a port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when the vessel left such port, any infectious or contagious disease;</p> <p>(ii) the medical inspection of such vessels and of persons on board such vessels;</p> <p>(iii) the questions to be answered and the information to be supplied by masters, pilots and other persons on board such vessels;</p> <p>(iv) the detention of such vessels and of persons on board such vessels;</p> <p>(v) the duties to be performed in cases of any such disease by masters, pilots and other persons on board such vessels;</p> <p>(vi) the removal to hospital or other place approved by the health-</p>		
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	<p>officer and the detention therein of any person from any such vessel who is suffering or suspected to be suffering from any such disease;</p> <p>(vii) the cleansing, ventilation and disinfection of such vessels or any part thereof and of any articles therein likely to retain infection or contagion, and the destruction of rats or other vermin in such vessels;</p> <p>(viii) the disposal of the dead on such vessels; and</p> <p>(q) for securing the protection from heat of the officers and crew of vessels in any such port by requiring the owner or master of any such vessel—</p> <p>(i) to provide curtains and double awnings for screening from the sun's rays such portions of the deck as are occupied by, or are situated immediately above, the quarters of the officers and crew;</p> <p>(ii) to erect windsails so far as the existing</p>		
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	<p>portholes or apertures in the deck admit of their being used for ventilating the quarters of the officers and crew;</p> <p>(iii) when the deck is made of iron and not wood-sheathed, to cover with wooden planks or other suitable non-conducting material such portions of the deck as are situated immediately above the quarters of the officers and crew;</p> <p>(iv) when the quarters used by the crew and the galley are separated by an iron bulk-head only, to furnish a temporary screen of some suitable non-conducting material between such quarters and the galley.</p> <p>(2) The power to make rules under sub-section (1) is subject to the condition of the rules being made after previous publication: Provided that nothing in this sub-section shall be construed to affect the validity of any rule in force immediately before the commencement of the Indian Ports Act, 1889</p>		
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	<p>(10 of 1889) and continued by section 2, sub-section (2), of that Act.</p> <p>(2A) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.</p> <p>(2B) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be</p>		
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	<p>without prejudice to the validity of anything previously done under that rule.</p> <p>(3) If any person disobeys any rule made under clause (p) of sub-section (1), he shall be punishable for every such offence with fine which may extend to one thousand rupees.</p> <p>(4) If a master fails wholly or in part to do any act prescribed by any rule made under clause</p> <p style="padding-left: 40px;">(1) (p) of sub-section (1), the health-officer shall cause such act to be done, and the reasonable expenses incurred in doing such act shall be recoverable by him from such master.</p>		
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Chapter III of The Indian Ports Act,1908 (S.7-18)

Chapter V of The Indian Ports Bill, 2020 (S. 20-31)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
20	<p><i>Port Officials and their Powers and Duties</i></p> <p>S.7. Appointment of Conservator-</p> <p>(1) The Government shall appoint some officer or body of persons to be conservator of every port subject to this Act</p> <p>(2) Subject to any direction by the Government to the contrary-</p> <p>(a) In ports where there is a port-officer, the port-officer shall be the conservator.</p> <p>(b) In ports where there is no port-officer, but where there is harbour-master, the harbour-master shall be the conservator.</p> <p>(3) Where the harbour-master is not conservator, the</p>	<p><i>Port Officials, Their Powers and Functions</i></p> <p>S.20. Appointment of Conservator-</p> <p>(1) The Government shall appoint an officer or body of persons to be the conservator for the port, or for two or more ports.</p> <p>(2) In a port where the conservator is not in place, the Deputy Conservator shall be deemed to be the Conservator of that port;</p> <p>(3) The conservator may, with the approval of the Government, delegate such of his powers as he thinks fit to a Deputy Conservator, Harbour-Master or other official of the Government.</p> <p>(4) The Deputy Conservator, and his assistants, including the Harbour-Master shall be subject to the supervision and</p>	<p>Cl.20 of The Bill allows the deputy conservator to exercise power in the absence of the conservator. The conservator shall, additionally, supervise the deputy conservator, harbour-master and others assisting the office.</p>

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	<p>harbour-master and his assistants shall be subordinate to, and subject to the control of, the conservator.</p> <p>(4) The conservator shall be subject to the control of the Government, or of any intermediate authority which the Government may appoint.</p>	<p>control of the conservator.</p> <p>(5) The conservator shall be subject to the control of the Government, or of any intermediate authority as the Government may appoint.</p>	
21	<p>S.8. Power of conservator to give and enforce directions for certain specified purposes-</p> <p>(1) The conservator of any port subject to this Act may, with respect to any vessel within the port, give directions for carrying into effect any rule for the time being in force therein under section 6.</p> <p>(2) If any persons wilfully and without lawful excuse refuses or neglects to obey any lawful direction of the conservator, after notice thereof has been given to him, he shall, for every such offence, be punishable with fine which may extend to one hundred rupees, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for every day during which, after such notice as aforesaid, he is proved to have wilfully and without lawful excuse</p>	<p>21. Powers of conservator-</p> <p>(1) The conservator of a port, with respect to any Vessel within the port, subject to the provision of this Act may issue directions for complying with any rule for the time being in force.</p> <p>(2) The conservator of a port, with respect to any Vessel within the Port, may, subject to such conditions as the Conservator may think fit to impose-</p> <p>(e) direct where the Vessel shall be berthed, moored or anchored and the method of anchoring;</p> <p>(f) direct the removal of the vessel from any place within the Port to any other place and the time within which such removal is to be effected;</p>	<p>Cl.21(2) sets out the additional powers of the conservator with respect to vessels within the port. Further, power is vested with the conservator for the purpose of discharging their duties and functions under Cl.21(6) to call before them any person as well as to get a declaration of truth signed from them.</p>

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<p>continued to disobey the direction.</p> <p>(3) In case of such refusal or neglect, the conservator may do, or cause to be done, all acts necessary for the purpose of carrying the direction into execution, and may hire and employ proper persons for that purpose, and all reasonable expenses incurred in doing such acts shall be recoverable by him from the person so refusing or neglecting to obey the direction.</p>	<p>(g) regulate, restrict or prohibit the movement of vessels in the port and the approaches to the Port; or</p> <p>(h) prohibit any Vessel from entering or leaving the Port, where such a Vessel fails to comply with the mandatory provisions of this Act or of any other Law in force or of such rules, regulations, orders or directions which may be given under this Act or under any other Law in force.</p> <p>(3) The Conservator in exercise of his powers under this Act, shall be bound by the provisions of this Act or any other Law in force or of such mandatory rules, regulations, orders or directions which may be given under this Act or under any other Law in force.</p> <p>(4) If any person wilfully and without reasonable cause refuses or neglects to obey any direction of the conservator, after notice thereof has been given to him, he shall, for every such refusal or neglect, be</p>	
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		<p>punishable as provided in the Table and in the case of a continuing refusal or neglect, with such action as the Government may deem appropriate.</p> <p>(5) In case of such refusal or neglect, the conservator may cause or cause to be done, all the necessary acts for execution of the directions and may hire and employ suitable persons for this purpose, and all expenses incurred in this behalf shall be recoverable from the person for such refusal or neglect.</p> <p>(6) The Conservator, for the purposes of discharge of his duties and functions under this Act, shall have: -</p> <p>(c) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask; and</p> <p>(d) power to require any person so questioned to make and sign a declaration of the truth of the statements made by him.</p>	
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22	<p>S.9. Power to cut warps and ropes –</p> <p>The conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser endangering the safety of any vessel in the port or at or near to the entrance thereof.</p>	<p>S.22. Power to cut warps and ropes –</p> <p>The Conservator of a port may, in case of urgency cut or cause to be cut, any warp, rope cable or hawser endangering the safety of any vessel or port asset in the port or at or near the entrance thereof and move the vessel to a different place at the cost of the person having control over the vessel.</p>	<p>Cl.22 of the Bill imposes the cost of moving a vessel that endangers the safety of any vessel or any port asset on the individual having control of the vessel sought to be moved.</p>
23	<p>S.10. Removal of obstructions within limits of port –</p> <p>(1) The conservator may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of any such port, which in his opinion obstructs or impedes the free navigation thereof or the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring or other work on any part of the shore or bank which has been declared to be within the limits of the port and is not private property.</p>	<p>S.23. Removal of obstruction within limits of Port-</p> <p>(1) The Conservator may remove, or cause to be removed, any obstruction or impediment being in any part of a port, which in his opinion obstructs or impedes the port Activity or the lawful use of any pier, jetty, landing-place wharf, quay, dock, mooring or other work on any part of the shore or bank which has been declared to be within the limits of the port.</p> <p>(2) The person causing any obstruction or impediment shall be liable to pay the reasonable expenses for the removal thereof and if such</p>	<p>Cl. 23(3) of the Bill changes Sec. 10(3) of the Indian Ports Act, 1908 to the extent that the power of removal of any obstruction or impediment vests with the conservator only and not the conservator or any magistrate having jurisdiction. Further, Cl. 23(4) restricts the courts from issuing any injunction in respect of any action taken by the conservator to remove any obstruction or impediment.</p>

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	<p>(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.</p> <p>(3) The conservator or any Magistrate having jurisdiction over the offence may cause any such nuisance to be abated.</p>	<p>owner or any other person has without lawful excuse caused any such obstruction or impediment or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable as provided in the table and shall also be liable for any damages caused to the Port.</p> <p>(3) The conservator may cause removal of Obstruction or impediment within the Port Limits, including dismantling of the obstruction or impediment if required, either on his own, or through any external agency or through an officer authorised by the conservator in this regard, in accordance with such rules, regulations, orders or directions which may be given by the Central Government under this Act or under any other Law in force.</p> <p>(4) No injunction shall be granted by any court or other authority in respect of any action taken or to be taken by the Conservator for removal of any</p>	
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		obstruction, where such removal is done for the purpose of uninterrupted navigation in such Port or to contain pollution of the environment.	
24	<p>S.11. Recovery of expenses of removal-</p> <p>If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance as is mentioned in the last foregoing section, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the Official Gazette or in such other manner as the Government by general or special order directs, the conservator may cause such timber, raft or other thing, or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction; and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surplus of such proceeds, or deliver so much of the thing or materials as may remain</p>	<p>S.24. Recovery of expenses for removal of Obstructions. -</p> <p>(1) The conservator may recover expenses incurred for removal of obstruction in any part of the port, from the person causing such obstruction by public auction of the obstruction; and may retain all the expenses for such removal and sell out the proceeds of the sale, and shall pay the surplus of such proceeds, or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same and if no such person is available, the conservator shall cause the same to be kept and deposited in such manner as the Government directs;</p> <p>(2) The Conservator may, if necessary, recover the expenses of keeping the unsold thing or materials</p>	<p>Cl. 24 (2) of the Bill grants the conservator the power to collect any shortfall in expenses following public auction from the person causing such obstruction.</p>

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	<p>unsold, to the person entitled to receive the same; and, if no such person appears, shall cause the same to be kept and deposited in such manner as the Government directs; and may, if necessary, from time to time, realise the expenses of keeping the same, together with the expenses of sale, by a further sale of so much of the thing or materials as may remain unsold.</p>	<p>together with the expenses of sale, by further sale of so much of the thing or materials as may remain unsold from time to time;</p> <p>PROVIDED THAT, if the sale proceeds are not adequate to meet the expenses incurred, such person shall be liable to pay the shortfall along with the interest as may be directed by the Conservator;</p>	
25	<p>S.12. Removal of lawful obstructions-</p> <p>(1) If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the conservator shall report the same for the information of the Government, and shall, with the sanction of the Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.</p>	<p>S.25. Removal of lawful obstructions beyond limits of port-</p> <p>(1) If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the conservator shall report the same for the information of to the Government, and shall, with the sanction of the Government, cause the same to be removed or altered, making reasonable compensation to the person suffering</p>	<i>No Change.</i>

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	(2) Any dispute arising concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.	damage by such removal or alteration. (2) Any dispute arising concerning such compensation shall be determined according to the law relating to disputes in the case of land required for public purposes.	
26	<p>S.13. Fouling of Government moorings-</p> <p>(1) If any vessel hooks or gets foul of any of the buoys or moorings laid down by or by the authority of the Government in any such port, the master of such vessel shall not, nor shall any other person, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the conservator; and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel; and the master of such vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same.</p> <p>(2) Any master or other person offending against the provisions of this section shall, for every</p>	<p>S.26. Fouling of moorings-</p> <p>If any vessel hooks or gets foul of any of the buoys or moorings laid down by or by the authority of the Government in any such port, the Master of such vessel shall not, nor shall any other person, except in case of emergency, lift the buoys or moorings for the purpose of unhooking or getting clear from the same without the assistance of the conservator; and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel; and the master of such vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same and for repairing the damages or for the replacement,</p>	<p>S. 13(2) specifying the penalty amount has been removed.</p>

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	such offence, be punishable with fine which may extend to one hundred rupees.	if required, notwithstanding his right to reimbursement, if any	
27	<p>S.14. Raising or removal or wreck impeding navigation within limits of port-</p> <p>(1) If any vessel is wrecked, stranded or sunk in any port in such a manner as to impede or likely to impede any navigation thereof, the conservator shall give notice to the owner of the vessel to raise, remove or destroy the vessel within such period as may be specified in the notice and to furnish such adequate security to the satisfaction of the conservator to ensure that the vessel shall be raised, removed or destroyed within the said period:</p> <p>Provided that the conservator may extend such period to such further period as he may consider necessary having regard to the circumstances of such case and the extent of its impediment to navigation.</p> <p>(1A) Where the owner of any vessel to whom a notice has been issued under sub-section (1) fails</p>	<p>27. Raising or removal of wreck impeding Port Activity within limits of Port.</p> <p>(7) If any Vessel is wrecked, stranded, abandoned, stateless or sunk in any Port with or without cargo, the conservator shall give notice to the Owner of the Vessel to raise, or remove or dismantle the Vessel within such period as may be stipulated in the notice and to furnish such adequate security to the satisfaction of the conservator to ensure that the Owner of the Vessel shall cause the Vessel to be raised, or removed or dismantle within the said period;</p> <p>PROVIDED THAT the conservator may extend such period to such further period as he may consider necessary having regard to the circumstances of such case and the extent of its impediment to navigation</p>	<p>Cl. 27(6) of the Bill grants the conservator power to recover shortfall in removal expenses following sale of property from the owner of the vessel as debt in any court of competent jurisdiction.</p>

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<p>to raise, remove or destroy such vessel within the period specified in the notice or the extended period or fails to furnish the security required of him, the conservator may cause the vessel to be raised, removed or destroyed.</p> <p>(1B) Notwithstanding anything contained in the foregoing sub-sections, if the conservator is of the opinion that any vessel which is wrecked, stranded or sunk in any port is required to be immediately raised, removed or destroyed for the purpose of uninterrupted navigation in such port, he may, without giving any notice under sub-section (1), cause the vessel to be raised, removed or destroyed.</p> <p>(2) If any property recovered by a conservator acting under sub-section (1A) or sub-section (1B) is unclaimed or the person claiming it fails to pay the reasonable expenses incurred by the conservator under that sub-section and a further sum of twenty per cent. of the amount of such expenses, the conservator may sell the property by public auction, if the property is of a perishable nature,</p>	<p>and pollution of the environment.</p> <p>(8) Where the Owner of any Vessel to whom a notice has been issued under sub-section (1) fails to raise or remove or dismantle such Vessel within the period stipulated in the notice or the extended period or fails to furnish the security required of him, the conservator may cause the Vessel to be raised, or removed or dismantled.</p> <p>(9) Notwithstanding anything contained in the foregoing sub-sections, if the conservator is of the opinion that any Vessel which is wrecked, stranded, abandoned, stateless or sunk in any Port is required to be immediately raised, removed or destroyed for the purpose of uninterrupted navigation in such Port, he may, without giving any notice under sub-section (1), cause the Vessel to be raised, removed or dismantled.</p>	
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<p>forthwith, and, if it is not of a perishable nature, at any time not less than thirty days after the recovery thereof.</p> <p>(3) The expenses and further sum aforesaid shall be payable to the conservator out of the sale-proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to any person thereafter establishing his right thereto:</p> <p>Provided that the person makes his claim within three years from the date of the sale</p> <p>(4) Where the sale proceeds of the property are not sufficient to meet the expenses and further sum aforesaid, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the conservator on demand, and if the deficiency be not paid within one month of such demand the conservator may recover the deficiency from such owner in the manner laid down in sub-section (2) of section 57</p>	<p>(10) No injunction shall be granted by any court or other authority in respect of any action taken or to be taken by the Conservator for raising, removal or dismantling of any such wreck, where such an act is carried out for the purpose of uninterrupted navigation in such Port or to contain pollution of the environment</p> <p>(11) If any property recovered by a conservator acting under sub-section (2) or sub-section (3) is unclaimed or the person claiming it fails to pay the expenses incurred by the conservator under that sub-section and a further sum of twenty per cent of the amount of such expenses, the conservator may sell the property by public auction, if the property is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time not less than thirty days after the recovery thereof.</p> <p>(12) The expenses and further sum</p>
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	<p>for recovery of expenses and damages or in any other manner according as the deficiency does not or does exceed one thousand rupees.]</p>	<p>aforesaid shall be payable to the conservator out of the sale proceeds of the property, and the balance, shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to any person thereafter establishing his right thereto:</p> <p>Provided that the person makes his claim within three years from the date of the sale.</p> <p>(1) Where the sale proceeds of the property are not sufficient to meet the expenses and further sum aforesaid, the Owner of the Vessel at the time the Vessel was wrecked, stranded, abandoned or sunk shall be liable to pay the deficiency to the conservator on demand, and if the deficiency be not paid within one month of such demand the conservator may recover the deficiency from such Owner as debt in any</p>	
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		court of competent jurisdiction.	
28	<p>S. 15. Power to board vessels and enter buildings.</p> <p>(1) The conservator or any of his assistants may, whenever he suspects that any offence against this Act has been, or is about to be, committed, or whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, and the person appointed under this Act to receive any port dues, fees or other charges payable in respect of any vessel, may, whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.</p> <p>(2) If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in subsection (1) to board or enter such vessel, building or place in the</p>	<p>28. Power to board Vessels and enter buildings. -</p> <p>(3) The conservator or a person authorized by the conservator, whenever he suspects that any offence against the provisions of this Act has been, or is about to be committed, or whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, and the person appointed under this Act to receive any Port dues, fees or other charges payable in respect of any Vessel, may, whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, either alone or with any other person, board any Vessel, or enter any building or place, within the limits of any Port subject to this Act</p> <p>(4) If the Master of the Vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in subsection (1) to board or enter such Vessel, building or place in the performance of any duty</p>	<i>No Change.</i>

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	performance of any duty imposed upon him by this Act, he shall for every such offence be punishable with fine which may extend to two hundred rupees.	imposed upon him by this Act, he shall for every such offence be punishable as provided in the Table.	
29	<p>S.16 Power to require crews to prevent or extinguish fire.</p> <p>(1) For the purpose of preventing or extinguishing fire in any port subject to this Act, the conservator or port-officer may require the master of any vessel within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the order of such master.</p> <p>(2) Any master refusing or neglecting to comply with such requisition shall be punishable with fine which may extend to five hundred rupees, and any seaman then under his orders who, after being directed by the master to obey the orders of the conservator or port-officer for the purpose aforesaid, refuses to obey such orders, shall be punishable with fine which may</p>	<p>29. Power to require crews to prevent or extinguish fire, or other aspects pertaining to safety, security, pollution prevention of the Vessel, personnel and Port. -</p> <p>(3) For the purpose of preventing or extinguishing fire, or for any matter affecting the safety, security or pollution prevention aspect of the Vessel or personnel in any Port subject to this Act, the conservator or duly authorized official of Port may require the Master of any Vessel within the Port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such Master.</p> <p>(4) Any Master refusing or neglecting to comply with such requisition shall be punishable as provided in the Table, and any seafarer, then under his orders who, after being directed by the Master to obey the orders of the conservator</p>	Penalties have been raised to act as suitable deterrents

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	extend to twenty-five rupees.	or authorized official of the Port for the purpose aforesaid, refuses to obey such orders, shall be punishable as provided in the Table.	
30	<p>S.17. Appointment and powers of health-officer.</p> <p>(1) The Government may appoint at any port subject to this Act an officer to be called the health-officer.</p> <p>(2) A health-officer shall, subject to the control of the Government, have the following powers, within the limits of the port for which he is appointed, namely:--</p> <p>(a) with respect to any vessel, the powers conferred on a shipping-master by the Indian Merchant Shipping Act, 1852 (1 of 1859), section 71;</p> <p>(b) power to enter on board any vessel and medically examine all or any of the seamen or apprentices on</p>	<p>30. Appointment and powers of health-officer.</p> <p>-</p> <p>(3) The Central Government may appoint at any Port subject to this Act, an officer, or an empanelled medical practitioner as the health-officer at the place to carry out the functions of the Port health officer.</p> <p>(4) A health-officer shall be subject to the control of the Central Government and have the following powers, within the limits of the Port for which he is appointed, or empanelled, namely: -</p> <p>(a) with respect to any Vessel, the powers of inspection of provisions, water and sanitation of a Vessel including accommodation of the Vessel.</p> <p>(b) power to enter on board any Vessel and medically examine all or any of the seafarer or apprentices on board the Vessel;</p> <p>(f) power to require and enforce the production of the log-book and any other books, papers or documents which he</p>	<i>No change</i>

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	<p>board the vessel;</p> <p>(c) power to require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board the vessel;</p> <p>(d) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask;</p> <p>(e) power to require any person so questioned to make and subscribe a declaration of the truth of the statements made by him.</p>	<p>thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board the Vessel.</p> <p>(g) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask; and</p> <p>(h) power to require any person so questioned to make and sign a declaration of the truth of the statements made by him. .</p>	
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31	<p>S.18. Indemnity of Government against act or default of port -official or pilot.</p> <p>The Government shall not be responsible for any act or default of any conservator, port-officer or harbour-master, of any port subject to this Act, or of any deputy or assistant of any of the authorities aforesaid, or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any pilot, or for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the vessel:</p> <p>Provided that nothing in this section shall protect the Government from a suit in respect of any act done by or under the express order or sanction of the Government.</p>	<p>31. Indemnity of Government against act or default of Port-official or Pilot. -</p> <p>(1) The Government shall not be responsible for any act or default of any conservator, or harbour-Master, of any Port subject to this Act, or of any deputy or assistant of any of the authorities aforesaid, or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any Pilot, or for any damage sustained by any Vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the Vessel.</p> <p>Provided that nothing in this section shall protect the Government from a suit in respect of any act done by or under the express order or sanction of the Government.</p>	<i>No Change.</i>
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Chapter IV of The Indian Ports Act, 1908 (S.19-32)

Chapter VII of The Indian Ports Bill, 2020 (S. 35-44)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
35	<p><i>Rules for the Safety of shipping and the conservation of Ports</i></p> <p style="text-align: center;"><i>General Rules</i></p> <p>S.19. Injuring buoys, beacons and moorings-</p> <p>(1) No person shall, without lawful excuse, lift, injure, loosen or set adrift any buoy, beacon or mooring fixed or laid down by, or by the authority of, the Government, in any port subject to this Act.</p> <p>(2) If any person offends against the provisions of this section, he shall for every such offence be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.</p>	<p><i>Safety of shipping and the conservation of ports</i></p> <p>35. Damage to the property of the Port: -</p> <p>(3) No person shall, without lawful excuse, remove, destroy or damage any property including any wharf or jetty belonging to or in the custody or possession of the Port or hinder or prevent such property from being used or hinder or prevent such property from being used or operated in the manner which it is intended to be used or operated.</p> <p>(4) If any person offends against the provisions of this section, he shall be punishable with a fine not exceeding One</p>	<p>Cl. 35 of the Bill modifies S. 19 of the Act insofar as removing references to specific items such as buoys or beacons and states in general that damage to port property shall attract penalty. The penalty and fine amount has been vastly enhanced to act as suitable deterrent.</p>

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		Lakh Rupees and shall be liable to make good any loss, destruction or damage suffered by the Port, including the expenses of any inspection or survey carried out by the Port to ascertain such loss, destruction or damage.	
	<p>S.20. Wilfully loosening vessel from moorings-</p> <p>If any person wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or master of the vessel, he shall, for every such offence, be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.</p>	<i>deleted</i>	<i>deleted</i>
36	<p>S.21. Improperly discharging ballast-</p> <p>(1) No ballast or rubbish, and no other thing likely to form a bank or shoal or to be detrimental to</p>	<p>36. Improperly discharging ballast, oil, garbage and sewage from ships and emission from ships –</p> <p>(4) No emissions or ballast, oil, oily waste,</p>	Cl.36 of the Bill penalises emission or discharge of garbage, oil, oily waste, noxious liquid substances, etc. from vessels

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	<p>navigation, shall, without lawful excuse, be cast or thrown into any such port or into or upon any place on shore from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods and no oil or water mixed with oil shall be discharged in or into any such port, to which any rules made under clause (ee) of sub-section (1) of section 6 apply, otherwise than in accordance with such rules.</p> <p>(2) Any person who by himself or another so casts or throws any ballast or rubbish or any such other thing or so discharges any oil or water mixed with oil, and the master of any vessel from which the same is so cast, thrown or discharged, shall be punishable with fine which may extend to five lakh rupees, and shall pay any reasonable expenses which may be incurred in removing the same.</p> <p>(3) If, after receiving notice from the conservator of the port to desist from so casting or throwing any ballast</p>	<p>noxious liquid substance, garbage, sewage shall be emitted or discharged from a Vessel in contravention of the provisions of the MARPOL Convention, or Ballast Water Convention or such other Convention as may be applicable.</p> <p>(5) Any person, who contravenes the provision of sub-section (1), in addition to the punishment, shall be liable to pay the expenses incurred in removing or cleaning such oil, oily wastage, noxious liquid substance, garbage, sewage as</p>	<p>Cl.36 (2) of the Bill imposes penalty on any person involved in the discharge of above substances from their vessel, thereby shifting the responsibility solely on the master of the vessel to pay penalty.</p>
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	<p>or rubbish or such other thing or from so discharging any oil or water mixed with oil, any master continues so to cast, throw or discharge the same, he shall also be liable to simple imprisonment for a term which may extend to one year and to fine which may extend to five lakh rupees.</p> <p>(4) Nothing in this section applies to any case in which the ballast or rubbish or such other thing is cast or thrown into or the oil or water mixed with oil is discharged in or into any such port with the consent in writing of the conservator, or within any limits within which such act may be authorised by the Government.</p>	<p>provided in the Table.</p> <p>(6) If, after receiving notice from the conservator of the port, or an official authorized by the conservator to desist from discharging ballast, oil, oily waste, noxious liquid substance, garbage, sewage or rubbish or such other thing, any Master continues so to cast, throw or discharge the same, he shall also be punishable as provided in the Table.</p>	
	<p>S.22. Graving vessel within prohibited limits-</p> <p>If, any person graves, beams or smokes any vessel in any such port, contrary to the directions of the conservator, or at any time within any limits at or within which such act</p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>

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	is prohibited by the Government, he and the master of the vessel shall for every such offence be punishable with fine which may extend to five hundred rupees each.		
	<p>S.23. Boiling pitch on board vessel within prohibited limits-</p> <p>If any person boils or heats any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Government, or contrary to the directions of the conservator, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.</p>	<i>deleted</i>	<i>deleted</i>
	<p>S.24. Drawing spirits by unprotected artificial light-</p> <p>If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, he and the master of the vessel shall for every such offence be punishable</p>	deleted	<i>deleted</i>

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	with fine which may extend to two hundred rupees each.		
37	<p>S.25. - Warping-</p> <p>(1) Every master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until required so to do.</p> <p>(2) A master offending against sub-section (1) shall be punishable for every such offence with fine which may extend to two hundred rupees.</p>	<p>S.37. Warping-</p> <p>(1) Every Master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until required so to do.</p> <p>(2) A Master offending against sub-section (1) shall be punishable for every such offence as provided in the Table.</p>	<i>No change</i>
	<p>S.26- Leaving out warp or hawser after sunset-</p> <p>(1) A master of a vessel shall not cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act after sunset in such a manner as to endanger the safety of any other vessel navigating in the port.</p> <p>(2) A master offending against sub-section (1) shall be punishable for</p>	deleted	<i>deleted</i>

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	every such offence with fine which may extend to two hundred rupees.		
	<p>S.27. Discharge of fire - arms in port-</p> <p>If any person, without lawful excuse, discharges any firearm in any port subject to this Act, or on or from any pier, landing place, warp or quay thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Government, he shall for every such offence be punishable with fine which may extend to fifty rupees.</p>	deleted.	<i>No change</i>
39	<p>S.28. Penalty on master omitting to take order to extinguish fire-</p> <p>If the master of any vessel in which fire takes place while lying in any such port wilfully omits to take order to extinguish the fire or obstructs the conservator or the port-officer, or any person acting under the authority of the conservator or port-officer, in extinguishing or attempting to extinguish</p>	<p>S.39. Penalty on master omitting to take order to extinguish fire-</p> <p>If the Master of any vessel in which fire takes place while lying in any such port wilfully omits to take order to extinguish the fire or obstructs the conservator or any person acting under the authority of the conservator in extinguishing or attempting to extinguish the fire, he shall be punishable as provided in the table.</p>	<i>No change</i>

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	the fire, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both.		
40	-	<p>40. Offences in connection with safety of Vessels, etc. – Any person who —</p> <p>(e) wilfully and without lawful excuse loosens or removes from its moorings or from its fastenings any Vessel in the port without leave or authority from the master or owner of such Vessel; or</p> <p>(f) wilfully and without lawful excuse lifts, injures, makes a Vessel fast to, loosens or sets adrift any moorings, buoys, beacons or sea or landmarks; or</p> <p>(g) without any lawful excuse discharges any gun in the</p>	<p>This clause lists the offences in connection with the safety of Vessels and prescribes the penalty for such an offence. The offence includes unlawful loosening and removal of moorings from fastenings, injury to vessel or setting them adrift, boiling any combustible material on board any vessel, using unprotected artificial light on board, using defective vessel likely to cause injury and leaves out any warp or hawser attached to his vessel after sunset which is likely to cause injury.</p>

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		<p>port except for such purpose as is allowed under any law in force; or</p> <p>(h) graves, breams or smokes any Vessel in the port, or boils or heats any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within the port, at any time or within any limits at or within which such act is prohibited by the Government, or contrary to the orders or directions of the Conservator;</p> <p>or</p> <p>(i) by an unprotected artificial light draws off spirits on board any Vessel within any ship</p>	
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		<p>subject to this Act; or</p> <p>(j) does or omits to do any act on board any vessel in the port which has caused or may cause fire on board such vessel; or</p> <p>(k) uses a Vessel or permits a Vessel to be used in the port when such vessel is in such a state that by reason of the defective condition of its hull, equipment or machinery, or by reason of under-manning or otherwise, the life of any person is likely to be endangered or the safety of any other Vessel navigating in the Port is likely to be endangered; or</p> <p>(l) causes or suffers any warp or</p>	
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		<p>hawser attached to his Vessel to be left out in any Port subject to this Act after sunset in such a manner as to endanger the safety of any other Vessel navigating in the Port;</p> <p>such person and the Master of the Vessel shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one lakh rupees or to imprisonment for a term not exceeding 6 months or to both.</p>	
41	<p>S.29. Unauthorised person not to search for lost stores-</p> <p>(1) No person, without the permission of the conservator, shall, in any port subject to this Act, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.</p> <p>(2) If any person offends against the provisions of sub-section (1), he shall be punishable with fine which may extend to one hundred rupees.</p>	<p>S.41. Unauthorised person not to search for lost stores-</p> <p>(1) No person, without the permission of the conservator, shall, in any port subject to this Act, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.</p> <p>(2) If any person commits an offence in contravention of provisions of sub-section (1), he shall be</p>	<i>No change</i>

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		punishable as provided in the table.	
42	<p>S.30. Removing stones or injuring shores of port prohibited-</p> <p>(1) No person without the permission of the conservator shall in any port subject to this Act remove or carry away any rock, stones, shingle, gravel, sand or soil or any artificial protection from any part of the bank or shore of the port; and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as the conservator may appoint to take part in or overlook the performance of such work.</p> <p>(2) If any person offends against sub-section (1), he shall for every such offence be punishable with fine which may extend to one hundred</p>	<p>S.42. Removing stones or injuring shores of port prohibited-</p> <p>(1) No person without the permission of the conservator shall in any port remove or carry away any rock, stones, shingle, gravel, sand or soil or any artificial protection from any part of the bank or shore of the port; and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing or do commit such an act any other thing which is likely to injure or can to be used so as to injure such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as the conservator may appoint to take part in or overlook the performance of such work.</p> <p>(2) If any person offends against sub-section (1), he shall for every</p>	<i>No change</i>

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	rupees and shall pay any reasonable expenses which may be incurred in repairing any injury done by him to the bank or shore.	such offence be punishable as provided in the table; and shall pay any reasonable expenses which may be incurred in repairing any injury done by him to the bank or shore.	
43	<p><i>Special Rules</i></p> <p>S.31. Moving of vessels without pilot or permission of harbour-master-</p> <p>(1) No vessel of the measurement of two hundred tons or upwards shall enter, leave or be moved in any port to which this section has been specially extended without having a pilot, harbour -master or assistant of the port-officer or harbour-master on board; and no mechanically propelled vessel of any measurement less than two hundred tons and no other vessel of any measurement less than two hundred tons and exceeding one hundred tons shall enter, leave or be moved in any such port without having a pilot, harbour -master or assistant of the port-officer or harbour-master on board, unless authority in writing so to</p>	<p>S.43. Moving of vessels without pilot or permission of harbour-master-</p> <p>(1) No Vessel shall enter, leave or be moved in any port without having a pilot, Harbour-Master or assistant of the Harbour-Master on board, unless authority in writing so to do has been obtained from the conservator or some officer authorised by him to give such authority;</p> <p>Provided that the Government may, by notification in the Official Gazette, direct that in any port provided in such notification the provisions of this sub-section shall not apply to sailing vessels of any measurement not exceeding a measurement so provided.</p>	Clause 43 applies to moving of all vessels and removes the weight criterion imposed by Section 31(1) in the Indian Ports Act of 1908.

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<p>do has been obtained from the conservator or some officer empowered by him to give such authority.</p> <p>Provided that the Government may, by notification in the Official Gazette, direct that in any port specified in such notification the provisions of this sub-section shall not apply to sailing vessels of any measurement not exceeding a measurement so specified.</p> <p>(2) Notwithstanding anything in sub-section (1), the owner or master of a vessel which is by that sub-section required to have a pilot, harbour-master or assistant of the port-officer or harbourmaster on board, shall be answerable for- any loss or damage caused by the vessel or by any fault of the navigation of the vessel, in the same manner as he would have been if he had not been so required by that sub-section:</p> <p>Provided that the provisions of this sub-</p>	<p>(2) Notwithstanding anything in sub-section (1), the Owner or Master of a Vessel which is by that sub-section required to have a pilot, Harbour-Master or assistant of the Harbour-Master on board, shall be answerable for any loss or damage caused by the Vessel or by any fault of the navigation of the Vessel, in the same manner as he would have been if he had not been so required by that sub-section:</p> <p>(3) If any Vessel, except in case of urgent necessity, enters, leaves or is moved in the port contrary to the provisions of subsection (1), the Master of the Vessel shall for every such offence be punishable as provided in the table, unless upon application to the proper officer, the Master was unable to procure a pilot, Harbour-Master or assistant of the Harbour-Master to go on board the Vessel</p>	
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	<p>section shall not take effect till the first day of January, 1918, or such earlier date as the Central Government may notify in that behalf in the Official Gazette.</p> <p>(3) If any vessel, except in case of urgent necessity, enters, leaves or is moved in the port contrary to the provisions of subsection (1), the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees, unless upon application to the proper officer the master was unable to procure a pilot, harbour-master or assistant of the port-officer or harbour-master to go on board the vessel.</p>		
38	<p>S.32. Provision of certain vessels with fire-extinguishing apparatus-</p> <p>(1) Every vessel exceeding the measurement of two hundred tons and lying in any port to which this section has been specially extended shall be provided with a proper force pump and</p>	<p>S.38. Provision of vessels with life saving and fire-extinguishing appliances-</p> <p>(1) Every vessel lying in any port to shall be provided with such life-saving appliances and fire extinguishing appliances as may be mandated under the Merchant Shipping Act, 1958 and the Rules, Regulations,</p>	<i>No change</i>

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	<p>hose and appurtenances, for the purpose of extinguishing any fire which may occur on board.</p> <p>(2) The master of such a vessel who, having been required by the conservator to comply with the provisions of sub-section (1), neglects or refuses, without lawful excuse, so to do for the space of seven days after such requisition, shall be punishable with fine which may extend to five hundred rupees.</p>	<p>Orders and Notifications made thereunder.</p> <p>(2) The Master of such a vessel who, having been required by the conservator to comply with the provisions of sub-section (1), neglects or refuses, without lawful excuse, so to do so for the within a space of seven days after such requisition, shall be punishable with fine which may extend to one lakh rupees.</p>	
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Chapter V of The Indian Ports Act, 1908 (S.33-50)

Chapter X of The Indian Ports Bill, 2020 (S. 53-60)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
53	<p><i>Port Dues, Fees and Other Charges</i></p> <p>S.33. Levy of port dues-</p> <p>(1) Subject to the provisions of subsection (2), in each of the ports mentioned in the first schedule other than a major port such port-due, not exceeding the amount specified for the port in the third column of the schedule as the Government, directs, shall be levied on vessels entering the port and described in the second column of the schedule, but not oftener than the time fixed for the port in the fourth column of the schedule.</p> <p>(2) The Government may, by notification in the Official Gazette, alter or add to any entry in the first schedule relating to ports in any State or, as</p>	<p><i>Port Dues, Fees and Other Charges</i></p> <p>S.53. Levy of port charges-</p> <p>(1) Every port may levy such port charges for different port activities, port facilities and port services provided by of the port including pilotage charges, and such other charges, which are reasonable and in line with commercial prudence.</p> <p>PROVIDED THAT the port may provide different rates for different type of vessels, different port activities and different port services and different facilities and will cause the same to be published in such a manner as is directed by the Government .</p> <p>PROVIDED THAT the fixation, levy and implementation of such Port charges, fees, rates and conditions shall be in consonance with the</p>	<p>This clause empowers every port to levy port charges for the services, facilities and activities provided. This clause also lists the conditions for the fixation, levy and implementation of such Port-charges.</p>

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	<p>the case may be, in the State, and this power shall include the power to regroup any such ports:</p> <p>(3) Whenever the Government, declares any other port other than a major port to be subject to this Act, it may, by the same or any subsequent declaration, further declare,—</p> <p>(a) in the terms of any of the entries in the second column of the first schedule the vessels which are to be chargeable with port -dues on entering the port,</p> <p>(b) the highest rates at which such dues may be levied in respect of vessels chargeable therewith, and</p> <p>(a) the times at which such vessels are to be so chargeable.</p>	<p>norms as may be specified by the Authority and shall—</p> <p>(iv) be reasonable and in line with commercial prudence;</p> <p>(v) not be with retrospective effect; and</p> <p>(vi) not be inconsistent with the provisions of the Competition Act, 2002</p> <p>(2) The port-charges shall come into force on such date as is notified by the Government.</p> <p>(3) The port-charges currently leviable in any port shall continue to be so leviable till the same are altered.</p>
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	<p>(4) All port-dues now leviable in any port shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.</p> <p>(5) An order increasing or imposing port -dues under this section shall not take effect till the expiration of thirty days from the day on which the order was published in the Official Gazette.</p>		
54	<p>S.34. Variation of port dues by Government-</p> <p>The Government may after consulting,—</p> <p>(a) in case of ports other than major ports, the authority appointed under section 36;</p> <p>(b) in case of major ports, the Authority constituted under section 47A of the Major Port Trusts Act, 1963 (38 of 1963), exempt, subject to such conditions, if any, as it thinks fit to impose, any vessel or class of vessels entering a port subject to this Act from payment of port -dues and cancel the exemption, or may</p>	<p>S.54. Power to remit or exempt-</p> <p>The Government may, in special cases, remit or exempt the whole or any portion of the port charges.</p>	<p>Cl. 54 modifies section 34 of the Indian Ports Act of 1908 to the extent that the power to remit or exempt port charges vests with the State Government, to be exercised in special cases.</p>

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	<p>vary the rates at which port dues are to be fixed in the port, in such manner as, having regard to the receipts and charges on account of the port it thinks expedient, by reducing or raising the dues, or any of them or may extend the periods for which any vessel or class of vessels entering a port shall be exempt from liability to pay port -dues: Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.</p>		
	<p>S.35. Fees for pilotage and certain other services-</p> <p>(1) Within any port subject to this Act not being a major port, fees may be charged for pilotage, hauling mooring, re-mooring, hooking, measuring and other services rendered to vessels, at such rates as the Government, may direct:</p> <p>(2) The fees now chargeable for such services shall continue to be chargeable unless and until they</p>	<i>deleted</i>	<p>Fees for pilotage included in Cl. 53 of the Bill.</p>

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	<p>are altered in exercise of the power conferred by sub-section (1).</p> <p>(3) The Government may, in special cases, remit the whole or any portion of the fees chargeable under sub-section (1) or sub-section (2).</p>		
	<p>S.36. Receipt, expenditure and account of port-charges-</p> <p>(1) The Government shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorised to be taken by or under this Act to receive the same and, subject to the control of the Government, to expend the receipts on any of the objects authorised by this Act.</p> <p>(2) Such officer or body shall keep for the port a distinct account, to be called the port fund account, showing, in such detail as the Government prescribes, the receipts and expenditure of the port, and shall publish annually as soon after the first day of April as may be practicable an</p>	<p><i>Deleted</i></p>	<p>Section 36 of the Indian Ports Act of 1908 is no longer necessary as the powers pertaining to administration of port charges now lie with the State Maritime Board.</p>

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	<p>abstract, in such form as the Government prescribes, of the account for the past financial year:</p> <p>Provided that the port fund account for any port may, if so authorised under the provisions of any Act relating to such port, be merged with the general account of that port, and in such a case, the provisions of sub-section (6) shall not apply and the provisions of sub-sections (4) and (5) shall have effect as if for the words “the port fund account of the port ” therein, the words “the general account of the port ” had been substituted.</p> <p>(4) All money received under this Act at or on account of any port subject to this Act, excluding receipts on account of pilotage but including -</p> <p>(a) fines other than those creditable to the pilotage. account of the port under sub-section (5a),</p> <p>(b) proceeds of waifs, and</p>	
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	<p>(c) any balance of the proceeds of a sale under section 14 where no right to the balance has been established on a claim made within three years from the date of the sale, shall be credited in the port fund account of the port.</p> <p>(5) All expenses incurred for the sake of any such port, excluding expenses on account of pilotage but including—</p> <p>(a) the pay and allowances of all persons upon the establishment of the port,</p> <p>(b) the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in or entering or leaving the port or passing through the rivers or channels leading thereto,</p> <p>(c) pensions, allowances and gratuities of persons who have been employed in the port under this or any other enactment relating to ports and port dues, or such portion of those pensions, allowances</p>	
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	<p>and gratuities as the Government may by rule determine.</p> <p>(d) with the previous sanction of the Government, contributions towards the support of public hospitals or dispensaries suitable for the reception or relief of seamen or otherwise towards the provision of sanitary superintendence and medical aid for the shipping in the port and for seamen whether ashore or afloat, belonging to vessels in the port, and</p> <p>(e) with the like sanction, contributions towards sailors' homes, institutes, rest-houses and coffeehouses and for other purposes connected with the health, recreation and temporal well-being of sailors, shall be charged to the port fund account of the port.</p> <p>(5a) All fees charged for pilotage at any port subject to this Act other than a major port and all fines and penalties levied under the Act or under any other Act relating to the port from</p>		
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	<p>pilots or other persons employed in the pilot service other than fines and penalties imposed by a court, shall be credited to a distinct account to be called the pilotage account of the port.</p> <p>(5b) All sums so credited to the pilotage account may be applied, in such proportions as the Government may from time to time direct, to the following purposes, namely:—</p> <p style="padding-left: 40px;">(a) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores or other things as the officer or body appointed under subsection (1) may deem it necessary to purchase, maintain or supply for the efficiency of the pilot service;</p> <p style="padding-left: 40px;">(b) the payment of the salaries, wages and allowances of pilots and other</p>		
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	<p>persons employed in the pilot service or in the supervision thereof:</p> <p>(c) the payment of pensions, retiring gratuities, compassionate allowances or bonuses to pilots and other persons engaged in the pilot service, and of the contributions, if any, duly authorised to be made in their behalf to any provident fund or welfare fund;</p> <p>(d) the payment of pensions, gratuities and compassionate allowances granted by the officer or body appointed under sub-section (1) to pilots and other persons engaged in the pilot service who have been injured in the execution of their duty and to the surviving</p>		
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	<p>relatives of pilots and other persons so engaged who have been killed in the execution of their duty or who may die while still in the service of such officer or body;</p> <p>(e) the provision of educational, recreational and other amenities for pilots and other persons employed in the pilot service;</p> <p>(f) the payment of contributions or appropriations to any special fund or funds established under the provisions of any other Act relating to the port to which the officer or body appointed under sub-section (1) considers contributions or appropriations should be made from the pilotage account;</p>		
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	<p>(g) any other expenditure which may, with the previous sanction of the Government, be incurred in respect of the pilot service.</p> <p>(5c) If the officer or body appointed under sub-section (1) at any port is also the authority responsible for maintaining the general account of the port, then notwithstanding the absence of any provision in that behalf in the Act under which such general account is maintained, such officer or body may, with the previous sanction of the Government, apply any sum out of the moneys credited to such general account towards meeting deficits, if any, in the pilotage account of the port, or transfer the whole or any part of any surplus funds, in the pilotage account to the general account of the port.</p> <p>(6) Subject to the provisions of any local law as to the disposal of any balance from time to time standing to the</p>		
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	<p>credit of a port fund account or of a pilotage account, any such balance may be temporarily invested in such manner as the Government, may direct.</p>		
	<p>S.37. Grouping of ports-</p> <p>(1) The State Government may direct that for the purposes of the last foregoing section any number of ports in the State not being major ports shall be regarded as constituting a single port, and thereupon all moneys to be credited to the port fund account under sub-section (4) of that section shall form a common port fund account which shall be available for the payment of all expenses incurred for the sake of any of the ports:</p> <p>(2) Where ports are grouped by or under this Act, the following consequences ensue, namely:—</p> <p>(a) the State Government, in the exercise of its control over expenditure debitable to the</p>	<p><i>Deleted</i></p>	<p><i>Deleted</i></p>

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	<p>common port fund account of the group, may, make rules with respect to the expenditure of the fund for the sake of the several ports of the group on the objects authorised by this Act and</p> <p>(b) by the State Government may exercise its authority under section 34 as regards all the ports in the group collective by or as regards any of them separately.</p>		
	<p>S.38. Receipts for port charges-</p> <p>The person to whom any dues, fees or other charges authorized to be taken by or under this Act are paid shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the dues, fees or other charges are paid, and the name, tonnage and other proper description of the vessel in respect of which the payment is made.</p>	<i>Deleted</i>	<i>Deleted.</i>
55	S.39. Master to report arrival-	55. Owner, agent or Master to report arrival or departure –	Cl. 55 of the Bill has been modified from Section 39 of the Indian Ports

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<p>(1) Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port -dues under this Act, the master of the vessel shall report her arrival to the conservator of the port.</p> <p>(2) A master failing without lawful excuse to make such report within the time aforesaid shall for every such offence be punishable with fine which may extend to one hundred rupees.</p> <p>(3) Nothing in this section applies to tug-steamers, ferry steamers or river steamers plying to and from any of the ports subject this Act.</p>	<p>(5) The Owner, agent or Master of a Vessel shall provide intimation to the conservator of its arrival within the limits of a Port immediately after the arrival but in any case, not later than six hours after such arrival.</p> <p>(6) The owner, agent or Master of the Vessel arriving in the Port shall provide within such time and by such means to the Conservator: -</p> <p>(f) a general declaration of arrival in such form as the Central Government may direct with respect to such Vessels;</p> <p>(g) the clearance from the last port;</p> <p>(h) a list of passengers and/ or crew on board;</p> <p>(i) the particulars of insurance or any other financial security maintained in respect of the Vessel</p>	<p>Act of 1908 to the extent the power to report arrival/departure has been extended to owners or agents of such vessel. The revised clause also goes into greater detail and specifies the role of the conservator and procedures for reporting.</p>
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		<p>including the details regarding the name and address of the insurer and/or guarantor, the limits of liability under such insurance or financial security, the period of validity of such insurance or financial security along with production of satisfactory evidence in support of the details provided, in such form as the Central Government may direct with respect to such Vessels; and</p> <p>(j) such other documents or information as may be required by the Conservator or is mandated by the Government from time to</p>	
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		<p style="text-align: center;">time with respect to such Vessels.</p> <p>(7) The Owner, agent or Master of the Vessel intending to enter or leave the Port shall furnish, before entering or leaving the Port, such information as the Conservator may require or the Government may direct relating to such Vessels, its cargo, the estimated time of entering or leaving the Port, the details of the persons on board such Vessel including their health and medical condition or as to whether they are accused or convicted of any offence, the number of armed guards, fire arms or any other weapons on board such Vessel, if any.</p> <p>(8) The Owner, agent or Master of any Vessel who fails without lawful excuse to comply with the</p>	
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		provisions of this Section in whole or in part, shall be punishable as provided in the Table.	
56	<p>S.40. Conservator may in certain cases ascertain draught and charge expense to master-</p> <p>If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be ascertained by means of the operation of hooking, and the master of the vessel shall be liable to pay the expenses of the operation.</p>	<p>56. Conservator may in certain cases ascertain draught and charge expense to Master.-</p> <p>If any Vessel is in any Port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be ascertained and the Master of the Vessel shall be liable to pay the expenses for the same.</p>	Cl. 56 of the Bill grants the conservator the freedom to use any kind of means to ascertain draught and charge expenses of any vessel.
	<p>S.41. Ascertainment of tonnage of vessel liable to port-dues-</p> <p>In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed, namely:—</p> <p>(1)</p> <p style="padding-left: 40px;">(a) If the vessel is a British registered vessel or a vessel</p>	<i>Deleted</i>	<i>Deleted</i>

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	<p>registered under the Indian registration of Ships Act, 1841 (10 of 1841), or the Indian Registration of Ships Act, (1841) Amendment Act, 1850 (11 of 1850), or under any other law for the time being in force for the registration of vessels in India, the conservator may require the owner or master of the vessel or any person having possession of her register to produce the register for inspection.</p> <p>(b) if the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservator as to what is the true tonnage of the vessel in respect of which the port-dues are</p>		
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	<p>payable, he shall be punishable with fine which may extend to one hundred rupees, and the conservator may cause the vessel to be measured, and the tonnage thereof to be ascertained, according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.</p> <p>(2) If the vessel is not a British registered vessel or a vessel registered under the Indian Registration of Ships Act, 1841 (10 of 1841), or the Indian Registration of Ships Act (1841) Amendment Act, 1850 (11 of 1850), or under any other law for the</p>		
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	<p>time being in force for the registration of vessels in India, and the owner or master thereof fails to satisfy the conservator as to what is her true tonnage according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, the conservator shall cause the vessel to be measured' and the tonnage thereof to be ascertained, according to the mode aforesaid, and in such case the owner or master of the vessel shall be liable to pay the expenses of the measurement.</p> <p>(3) If the vessel is a vessel of which the tonnage cannot be ascertained according to the mode of measurement mentioned in clauses (1) and (2), the tonnage of the vessel shall be determined by the conservator on such an estimate as may seem to him to be just.</p>		
57	<p>S.42. Distraint and sale on refusal to pay port-charges-</p> <p>If the master of any vessel in respect of</p>	<p>S.57. Distraint and sale on refusal to pay port-charges-</p> <p>If the master of any vessel in respect of which any</p>	<p>Cl. 57 of the Bill modifies Section 42 of the Indian Ports Act of 1908 to the extent that the proviso</p>

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<p>which any port-dues, fees or other charges are payable under this Act, refuses or neglects to pay the same on demand, the authority appointed to receive such port -dues, fees or other charges may distrain or arrest the vessel, and the tackle, apparel and furniture belonging thereto or any part thereof, and detain the same until the amount due is paid; and in case any part of the port-dues, fees or other charges or of the costs of the distress or arrest or of the keeping of the vessel or other thing distrained or arrested remains unpaid for the space of five days next after any such distress or arrest, may cause the vessel or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port -dues, fees or other charges and the costs including the costs of the remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand.</p> <p>Provided that where such vessel or other thing is already arrested under the order of a</p>	<p>port-dues, fees or other charges are payable under this Act, refuses or neglects to pay the same on demand, the authority appointed to receive such port-dues, fees or other charges, may distrain or arrest the vessel, and the tackle apparel and furniture belonging thereto or any part thereof, and detain the same until the amount due is paid; and in case any part of the port-dues fees, or other charges, or of the costs of the distress or arrest or of the keeping of the vessel, or other thing distrained or arrested remains unpaid within for the space of five days next post after any such distress or arrest, may cause the vessel, or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, fees or other charges and the cost including the costs of sale remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand:</p> <p>PROVIDED THAT where such vessel or other thing is already arrested under the order of a Court or other authority, the authority appointed to receive port dues, fees or</p>	<p>deeming the buyer of said vessel as the owner under the Merchant Shipping Act of 1958 is removed.</p>
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	<p>court or other authority, the authority appointed to receive port-dues, fees or other charges, may sell the vessel or other thing only with the prior permission of such court or other authority and satisfy the port-dues, fees or other charges and the costs including costs of sale remaining unpaid, and disburse the surplus, if any, in accordance with the orders or directions of such court or other authority:</p> <p>Provided further that the person to whom the vessel or other thing is sold under this section shall be deemed to be the owner thereof and registered as such under the Merchant Shipping Act, 1958.</p>	<p>other charges, may sell the vessel or other thing only with the prior permission of such Court or other authority and satisfy the port dues, fees or other charges and the costs including costs of sale remaining unpaid, and disburse the surplus, if any in accordance with the orders or directions of such Court or other authority.</p> <p>(2) Where the sale proceeds of the property are not sufficient to meet the Port-dues, fees or other charges and the cost including the costs of sale remaining unpaid, the Owner of the Vessel shall be liable to pay the deficiency to the authority appointed to receive such Port-dues, fees or other charges on demand, and if the deficiency be not paid within one month of such demand to the authority appointed to receive such Port-dues, fees or other charges , such Owner shall be punishable for such offence as is provided in the Table.</p>	
58	<p>S.43. No port – clearance to be granted until port-charges are paid-</p> <p>The officer of the Government whose</p>	<p>S. 58. No Port-clearance to be granted until Port-charges are paid.-</p> <p>The officer of the Government whose duty is to grant a Port-clearance for any Vessel</p>	<p>Cl. 58 of the Bill modifies Section 43 of the Indian Ports Act of 1908 to the extent that it is condensed into a single clause.</p>

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	<p>duty it is to grant a port-clearance for any vessel shall not grant such clearance—</p> <p>(a) until her owner or master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and other charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act,</p> <p>(b) until all expenses, which by the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60.), section 207, are to be borne by her owner incurred since her arrival in the port from which he seeks clearance, have been paid.</p>	<p>shall not grant such clearance until its Owner or Master or agent, has paid or secured to the satisfaction of such officer the amount of all Port-dues, fees and other charges, and of all fines, penalties and expenses to which the Vessel or her Owner or Master is liable under this Act or under the Merchant Shipping Act, 1958, unless such a Vessel or type of Vessel is exempted from the application of this Section by the Central Government by way of notification.</p>	
59	<p>S.44. Port charges payable in one port recoverable at any other port-</p> <p>(1) If the master of any vessel in respect of which any such sum as is mentioned in the last foregoing section is payable causes her to leave any port without having paid the sum, the authority appointed to receive port-dues, fees</p>	<p>59. Port-charges payable in one Port recoverable at any other Port. —</p> <p>(1) If the Master of any Vessel in respect of which any such sum as is mentioned in section 58 is payable, causes her to leave any Port without having paid the sum, the authority appointed to receive Port-dues, fees and</p>	<i>No change</i>

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	<p>and other charges at the port under this Act may require in writing the authority appointed to receive port-dues, fees and other charges under this Act at any other port in India to which she may proceed, or in which she may be, to levy the sum.</p> <p>(2) The authority to whom the requisition is directed shall proceed to levy such sum in the manner prescribed in section 42, and a certificate purporting to be made by the authority appointed to receive port-dues, fees and other charges at the port where such sum as is mentioned in the last foregoing section became payable, stating- the amount payable, shall be sufficient <i>prima facie</i> proof of such amount in any proceeding under section 42 and also (in case the amount payable is disputed) in any subsequent proceeding under section 59.</p>	<p>other charges at the Port under this Act may require in writing the authority appointed to receive Port- dues, fees and other charges under this Act at any other Port in India to which she may proceed, or in which she may be, to levy the sum.</p> <p>(2) The authority to whom the requisition is directed shall proceed to levy such sum in the manner Prescribed and a certificate purporting to be made by the authority appointed to receive Port-dues, fees and other charges at the Port where such sum as is mentioned in the section 58 became payable, stating the amount payable, shall be sufficient <i>prima facie</i> proof of such amount in any proceeding and also (in case the amount payable is disputed) in any subsequent proceedings.</p>	
60	<p>S.45. Penalty for evading payment of port-charges –</p> <p>(1) If the master of a vessel evades the payment of any such</p>	<p>60. Penalty for evading payment of Port-charges. -</p> <p>(4) If the Master of a Vessel evades the payment of any such sum as is</p>	<i>No change</i>

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	<p>sum as is mentioned in section 43, he shall be punishable with fine which may extend to five times the amount of the sum.</p> <p>(2) In any proceeding before a Magistrate on a prosecution under sub-section (1), any such certificate as is mentioned in section 44, sub-section (2), stating that the master has evaded such payment, shall be sufficient <i>prima facie</i> proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.</p> <p>(3) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.</p>	<p>mentioned in section 58, he shall be punishable with fine which may extend to five times the amount of the sum.</p> <p>(5) In any proceeding before a Magistrate on a prosecution under sub-section (1) any such certificate stating that the Master has evaded such payment, shall be sufficient <i>prima facie</i> proof of the evasion, unless the Master shows to the satisfaction of the Magistrate that the departure of the Vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.</p> <p>(6) Any Magistrate having jurisdiction under this Act in any Port to which the Vessel may proceed, or in which she may be found, shall be</p>	
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		deemed to have jurisdiction in any proceeding under this section.	
	<p>S.46. Port due on vessels in Ballast-</p> <p>A vessel entering any port not being a major port subject to this Act in ballast and not carrying passengers shall be charged with a port-due at a rate to be determined by the Government and not exceeding three-fourths of the rate with which she would otherwise be chargeable.</p>	<i>Deleted</i>	<i>Deleted</i>
	<p>S.47. Port due on vessels not discharging or taking in cargo-</p> <p>When a vessel enters a port not being a major port subject to this Act, but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), she shall be charged with a port -due at a rate to be determined by the Government and not exceeding half the rate with which she would otherwise be chargeable.</p>	<i>Deleted</i>	<i>Deleted</i>

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<p>S.48. Port due not to be chargeable in certain cases-</p> <p>No port-due shall be chargeable in respect of—</p> <p>(a) any pleasure yacht, or</p> <p>(b) any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, or</p> <p>(c) any vessel which, having entered any port in the territories which, immediately before the 1st November, 1956, were comprised in the States of Madras and Andhra or the Port of Gopalpur in the State of Orissa, leaves it within forty-eight hours without discharge or taking in any passengers or cargo.</p>	<i>Deleted</i>	<i>Deleted</i>
<p>S.49. Power to impose hospital port-dues-</p> <p>(1) The Central Government may, by notification in the Official Gazette, order that there shall be paid in respect of every vessel entering any port subject to this Act,</p>	<i>Deleted</i>	<i>Deleted</i>

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	<p>within a reasonable distance of which there is a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Central Government thinks fit.</p> <p>(2) Such port-dues shall be called hospital port-dues, and the Central Government shall, in making any order under sub-section (1), have regard to any contributions made under section 36, sub-section (5), clause (d).</p> <p>(3) An order imposing or increasing hospital port-dues shall not take effect till the expiration of sixty days from the day on which the order was published in the Official Gazette.</p> <p>(4) Whenever the Central Government is satisfied that proper provision has been made by the owners or agents of any class of vessels for giving medical aid to the seamen employed on board such class of vessels, or that such provision is</p>	
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	<p>unnecessary in the case of any class of vessels, it may, by notification in the Official Gazette, exempt such class of vessels from any payment under this section.</p>		
	<p>S.50. Application and account of hospital port-dues-</p> <p>(1) Hospital port-dues shall be applied, as the Central Government may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical aid for the shipping in the port in which they are levied and for the seamen belonging to the vessels therein, whether such seamen are ashore or afloat.</p> <p>(2) The Central Government shall publish annually in the Official Gazette, as soon after the first day of April as may be, an account, for the past financial year, of the sums received as hospital port-dues at each port where such dues are payable, and of the expenditure charged against those receipts.</p>	<p><i>Deleted</i></p>	<p><i>Deleted</i></p>

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	(3) Such account shall be published as a supplement to the abstract published under section 36, sub-section (2).		
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Chapter VI of The Indian Ports Act, 1908 (S.51-53)

Chapter XI of The Indian Ports Bill, 2020 (S. 62-64)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
62	<p><i>Hoisting Signals</i></p> <p>S.51. Master to hoist number of vessel-</p> <p>(1) The master of every inward or outward-bound vessel, on arriving within signal distance of any signal-station established within the limits of the river Hooghly, or within the limits of any part of a river or channel leading to a port subject to this Act, shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.</p> <p>(2) If the master of a vessel arriving as aforesaid offends against sub-section (1), he shall be punishable for every such offence with fine which may extend to one thousand rupees.</p>	<p>S.62. Master to hoist number of vessel-</p> <p>(1) In any port where hoisting the number of the vessel is mandated by the conservator, the Master of every inward or outward bound Vessel, on arriving within signal distance of any signal-station established, or within the limits of any part of a river or channel leading to a port subject to this Act, shall, on the requisition of the pilot in charge of the Vessel, signify the name of the Vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.</p> <p>(2) If the Master of a Vessel arriving as aforesaid offends against sub-section (1), he shall be punishable for every such offence with fine,</p>	<i>No change</i>

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		which may extend to fifty thousand rupees.	
63	<p>S.52. Pilot to require master to hoist number-</p> <p>(1) Every pilot in charge of a vessel shall require the number of the vessel to be duly signalled as provided by the last foregoing section.</p> <p>(2) When, on such requisition from the pilot, the master refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.</p>	<p>S.63. Pilot to require master to hoist number-</p> <p>(1) Every Pilot in charge of a vessel shall require the number of the vessel to be duly signalled as provided by the last foregoing section.</p> <p>(2) When, on such requisition from the pilot, the master refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.</p>	<i>No change</i>
64	<p>S.53. Penalty on pilot disobeying provisions of this Chapter-</p> <p>Any pilot in charge of a vessel who disobeys, or abets disobedience to, any of the provisions of this Chapter, shall be punishable with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and, in addition, shall be liable to have his authority to act as a pilot withdrawn.</p>	<p>S.64. Penalty on pilot disobeying provisions of this Chapter-</p> <p>Any Pilot in charge of a vessel who disobeys, or abets disobedience to, any of the provisions of this Chapter, shall be punishable with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and, in addition, shall be liable to have his authority to act as a pilot withdrawn.</p>	<i>No change</i>

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Chapter VII of The Indian Ports Act, 1908 (S.54-61)

Chapter XII of The Indian Ports Bill, 2020 (S. 79-88)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
79	<p><i>Provisions with respect to Penalties</i></p> <p>S.54. Penalty for disobedience to rules and orders of the Government-</p> <p>If any person disobeys any rule or order which a Government has made in pursuance of this Act and for the punishment of disobedience to which express provision has not been made elsewhere in this Act, he shall be punishable for every such offence with fine which may extend to one hundred rupees.</p>	<p><i>Penalties and Procedures</i></p> <p>S.79. Punishment for disobedience to rules and orders of the Government-</p> <p>Any person who disobeys any rule or order made by the Government made in pursuance of this Act for which express provision has not been made elsewhere in the Act, he shall be punishable for every such offence with fine as provided in the Table.</p>	No change
82	<p>S.55. Offences how triable, and penalties how recovered-</p> <p>All offences against this Act shall be triable by a Magistrate, and any Magistrate may, by warrant under his</p>	<p>S.82. Offences how triable, and penalties how recovered-</p> <p>Any offence under this Act punishable with imprisonment shall be triable by a Magistrate, having jurisdiction, and any Magistrate may, by warrant under his hand,</p>	Cl. 82 of the Bill modifies Section 55 of the Indian Ports Act of 1908 to the extent that whereas all offences under the Act were triable by a Magistrate, Cl.83 states that any offence punishable

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	hand, cause the amount of any fine imposed upon the owner or master of any vessel, for any offence committed on board of the vessel or in the management thereof or otherwise in relation thereto, whereof the owner or master is convicted, to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.	cause the amount of any fine imposed upon the Owner or Master of any vessel, for any offence committed on board of the vessel or in the management thereof or otherwise in relation thereto, whereof the Owner or Master is convicted, to be levied by distress and sale of the vessel, and the tackle apparel and furniture thereof, or so much thereof as is necessary.	with imprisonment shall be triable.
83	<p>S.56. Costs of conviction-</p> <p>(1) In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of the conviction in addition to any fine or expenses to which he may be liable.</p> <p>(2) Such costs may be assessed by the Magistrate and may be recovered in the same manner as any fine under this Act.</p>	<p>S.83. Costs of conviction-</p> <p>(1) In case of any conviction under this Act, the Magistrate may order the convict to pay the assessed costs in addition to any fine or expenses to which he may be liable.</p> <p>(2) Such costs shall be recovered in the same manner as fine under this Act</p>	Sec. 56(2) of the Indian Ports Act 1908 has been modified in Cl. 83 of the Bill to the extent that costs of conviction shall not longer need to be assessed by the magistrate for recovery in the manner prescribed by the Act.
84	S.57. Ascertainment and recovery of expenses and damages payable under this Act-	S.84. Ascertainment and recovery of expenses and damages payable-	<i>No change</i>

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	<p>1) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.</p> <p>(2) Whenever any person is liable to pay any sum, not exceeding one thousand rupees, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.</p>	<p>(1) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a Magistrate upon application made to him for that purpose by either of the parties.</p> <p>(2) Whenever any person is liable to pay any sum, not exceeding one lakh rupees, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.</p>	
85	<p>S.58. Cost of distress-</p> <p>Whenever any fine, expenses or damages is or are levied under this Act, by distress and sale, the cost of the distress and sale may be levied in addition to such fine, expenses or damages, and in the same manner.</p>	<p>S.85. Cost of distress-</p> <p>Whenever any fine, expenses or damages is or are levied under this Act, by distress and sale, the cost of the distress and sale may be levied in addition to such fine, expenses or damages, and in the same manner.</p>	<i>No change</i>

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86	<p>S.59. Magistrate to determine the amount to be levied in case of dispute-</p> <p>If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under the last foregoing section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable, and payment of such costs, if not paid on demand, shall be enforced as if they were a fine.</p>	<p>S.86. Magistrate to determine the amount to be levied in case of dispute-</p> <p>If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under the preceding section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable and payment of such costs, if not paid on demand, shall be enforced as if they were a fine.</p>	<i>No change</i>
87	<p>S.60. Jurisdiction over offences beyond local limits of jurisdiction-</p> <p>(1) Any person offending against the</p>	<p>S.87. Jurisdiction over offences beyond local limits-</p> <p>(1) Any person offending against the provisions of this Act</p>	<i>No change</i>

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	<p>provisions of this Act in any port subject to this Act shall be punishable by any Magistrate having jurisdiction over any district or place adjoining the port.</p> <p>(2) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.</p>	<p>in any port subject to this Act shall be punishable by any Magistrate having jurisdiction over any district or place adjoining the port.</p> <p>(2) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.</p>	
88	<p>S.61. Conviction to be quashed on merits only-</p> <p>(1) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of</p>	<p>S.88. Conviction to be quashed on merits only-</p> <p>(1) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or</p>	<i>No change</i>

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	<p>form or procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.</p> <p>(2) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in the depositions.</p>	<p>procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.</p> <p>(2) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by the content recorded in the depositions.</p>	
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Chapter VIII of The Indian Ports Act, 1908 (S. 62-68D)

Chapter XI of The Indian Ports Bill, 2020 (S. 61, 65-71, 73)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
61	<p>S.62. Hoisting unlawful colours in port-</p> <p>(1) If any vessel belonging to any citizen of India or commonwealth citizen or sailing under Indian or British colours, hoists, carries or wears, within the limits of any port subject to this Act, any flag, jack, pennant or colours, the use whereof on board such vessel has been prohibited by the Merchant Shipping Act, 1894 (57 & 58 Viet., c. 60) or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of the regulations in force for the time being, the master of the vessel shall, for every such offence, be punishable with fine which may extend to fifty rupees.</p> <p>(2) Such fine shall be in addition to any other penalty recoverable in respect of such an offence.</p>	<p>S.61. Hoisting unlawful colours in port-</p> <p>In any Port where hoisting is mandated by the Conservator, if any Vessel hoists, carries or wears, within the limits of any Port subject to this Act, any flag, jack, pennant or colours, the use whereof is unlawful, the Master of the Vessel shall, for every such offence, be punishable with fine which may extend to fifty thousand rupees.</p>	<p>Cl. 61 of the Bill modifies Section 62 of the Indian Ports Act of 1908 to the extent that the conservator no longer has the power to board any vessel to seize the unlawfully hoisted colours.</p>

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	<p>(3) The conservator of the port, or any officer of the Indian Navy, may enter on board any such vessel and seize and take away any flag, jack, pennant or colours so unlawfully hoisted, carried or worn on board the same.</p>		
	<p>S.63. Foreign deserters-</p> <p>Any Magistrate, upon an application being made to him by the Consul of any foreign Power to which section 238 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c.60) has, by an Order in Council or order, been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman. not being a slave, from any vessel of such Foreign Power, may, until a revocation of such order in Council or order has been publicly notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs or, at the instance of the Consul, to be</p>	<i>deleted</i>	<i>deleted</i>

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	<p>detained in custody until the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month:</p> <p>Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during the detention and that the detention of the deserter shall not be continued beyond twelve weeks.</p>		
65	<p>S.64. Application of Sections 10 & 21-</p> <p>(1) The provisions of sections 10 and 21 shall be applicable to all ports heretofore or hereafter declared by the Government to be ports for the shipment and landing of goods but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.</p> <p>(2) Any penalties imposed by him, and any expenses incurred by his order, under the said provisions, shall be recoverable respectively in the manner provided in sections 55 and 57.</p>	<p>S.65. Application of Sections 23,25,27 and 36.-</p> <p>(1) The provisions of sections 23, 25, 27, and 36 shall be applicable to all ports heretofore or hereafter declared by the Government to be ports for the shipment and landing of goods but not otherwise subject to this Act, and may be enforced by any Magistrate under to whose ordinary jurisdiction any such port comes. is subject.</p> <p>(2) Any penalties imposed by him, and any expenses incurred by his order, under the said provisions, shall be recoverable respectively in the manner provided in this Act.</p>	<p>Clause 65 of the Bill expands the applicability to more sections in light of other modifications and no longer permits the disposal of ballast with the consent of the principal officer of customs of the concerned port as noted in Section 64(3) read with Section 21(4) of the Indian Ports Act of 1908.</p>

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	(3) In any of the said ports for the shipment and landing of goods the consent referred to in section 21, sub-section (4), may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Government.		
68	<p>S.65. Grant of sites for sailors institutes-</p> <p>Any local authority in which any immovable property in or near a port is vested may, with the previous sanction, in the case of cantonment authority or the port authority of a major port, of the Central Government, and in other cases, of the State Government, appropriate and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors home or other institution for the health, recreation and temporal well-being of sailors.</p>	<p>S.68. Grant of sites for sailors institutes-</p> <p>Any local authority in which any immovable property in or near a port is vested may, with the previous sanction, in the case of a cantonment authority or the port authority of a Major Port, of the Central Government, and in other cases, of the State Government, appropriate and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors' home or other such institution for the health, recreation and temporal well-being of sailors.</p>	<i>No change</i>
66	<p>S.66. Exercise of powers of conservator by his assistants-</p> <p>(1) All acts, orders or directions by this Act authorized to be done or given by any conservator may, subject to his</p>	<p>S.66. Exercise of powers of conservator by his assistants-</p> <p>(1) All acts, orders or directions by this Act authorized to be done or given by any conservator</p>	<i>No change</i>

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	<p>control, be done or given by any harbour-master, or any deputy- or assistant of such conservator or harbour-master.</p> <p>(2) Any person authorised by this Act to do any act may call to his aid such assistance as may be necessary.</p>	<p>may, subject to his control, be done or given by any harbour-master, or any deputy- or assistant of such conservator or harbour-master.</p> <p>(2) Any person authorised by this Act to do any act may call to his aid such assistance as may be necessary.</p>	
69	<p>S.67. Service of written notices of directions-</p> <p>Any written notice of direction given under this Act, left for the master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of the vessel, shall, for the purposes of this Act, be deemed to have been given to the master thereof.</p>	<p>S.69. Service of written notices of directions-</p> <p>Any written notice of a direction given under this Act, left for the Master of any Vessel with any person employed on board thereof, or affixed on a conspicuous place on board the Vessel, shall, for the purposes of this Act, be deemed to have been given to the Master thereof.</p>	<i>No change</i>
67	<p>S.68. Publication of orders of Government-</p> <p>Every declaration, order and rule of a Government made in pursuance of this Act shall be published in the Official Gazette, and a copy thereof shall be kept in the office of the conservator and at the custom-house, if any, of every port to which the declaration, order or rule relates, and shall there be open at all reasonable times to the inspection of</p>	<p>S.67. Publication of orders of Government-</p> <p>Every declaration, order and rule of a Government made in pursuance of this Act shall be published in the Official Gazette, and a copy thereof shall be kept in the office of the conservator and at the custom-house, if any, of every port to which the declaration, order or rule is applicable. relates, and shall be open at all reasonable times to the inspection of any</p>	<i>No change</i>

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	any person without payment of any fee.	person without payment of any fee.	
70	<p>S.68A. Authorities exercising jurisdiction in ports to co-operate in manoeuvres for defence of port-</p> <p>Every authority exercising any powers or jurisdiction in, or relating to, any port to which this Act for the time being applies shall, if so required by an officer authorised by general or special order of the Central Government in this behalf, co-operate in such manner, as such officer may direct, in carrying out any manoeuvres in connection with any scheme or preparations for the defence of the said port in time of war, and for this purpose shall, if so required, temporarily place at the disposal of such officer the services of any of its staff and the use of any of its vessels, property, equipment or other material:</p> <p>Provided, firstly, that if any vessels are placed at the disposal of such officer in accordance with this section, the Central Government shall, in respect of the period during which they are so at his disposal, bear the</p>	<p>S.70. Authorities exercising jurisdiction in ports to co-operate in manoeuvres for defence of port-</p> <p>Every authority exercising any powers or jurisdiction in, or relating to, any port to which this Act for the time being applies shall, if so required by an officer authorized by general or special order of the Central Government in this behalf, co-operate in such manner, as such officer may direct, in carrying out any manoeuvres in connection with any scheme or preparations for the defence of the said port in time of war, and for this purpose shall, if so required, temporarily place at the disposal of such officer the services of any of its staff and the use of any of its vessels, property, equipment or other material:</p> <p>PROVIDED THAT if any vessels are placed at the disposal of such officer in accordance with this section, the Central Government shall, in respect of the period during which they are so at his disposal, bear the running expenses of such vessels, and be responsible for any damage thereto.</p>	<i>No change</i>

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	<p>running expenses of such vessels, and be responsible for any damage thereto.</p> <p>Explanation. —The expression „running expenses“ in this proviso includes all outlay incurred in connection with the use of the vessels other than any charges for their hire, or for the wages of the officers and crews of such vessels:</p> <p>Provided, secondly, that any officer making a requisition under this section shall exercise his powers in such a way as to cause as little disturbance to the ordinary business of the port as is compatible with the exigencies of the efficient carrying out of the manoeuvres:</p> <p>Provided, thirdly, that no suit or other legal proceeding shall lie against any authority for any default occurring by reason only of compliance with a requisition under this section.</p>	<p>EXPLANATION- The expression 'running expenses' in this proviso includes all outlay incurred in connection with the use of the vessels other than any charges for their hire, or for the wages of the officers and crews of such vessels:</p> <p>Provided further that any officer making a requisition under this section shall exercise his powers in such a way as to cause as little disturbance to the ordinary business of the port as is compatible with the exigencies of the efficient carrying out of the manoeuvres:</p> <p>PROVIDED FURTHER THAT no suit or other legal proceeding shall lie against any authority for any default occurring by reason only of compliance with a requisition under this section.</p>	
71	<p>S.68B. Duties of said authority in an emergency-</p> <p>Whenever the Central Government is of opinion</p>	<p>S.71. Duties of said authority in an emergency-</p> <p>Whenever the Central Government is of the opinion that an emergency</p>	<p><i>No change</i></p>

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	<p>that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68A on the authorities therein mentioned, or other duties of a like nature, should be imposed on such authorities continuously during the existence of the emergency, it may, by general or special order, authorise any officer to require the said authorities to perform such duties until the Central Government is of opinion that the emergency has passed, and the said authority shall comply accordingly, and the provisions of the said section shall apply subject to the following modification, namely:</p> <p>The Central Government shall pay any authority, on whom a requisition has been made, such compensation for any loss or damage attributable to such requisition, and for any services rendered or expenditure incurred in complying therewith as, in default of agreement, shall be decided to be just and reasonable, having regard to the circumstances of the case,</p>	<p>has arisen which renders it necessary that the duties imposed for the purposes of this Act on the authorities herein mentioned, or other duties of a like nature should be imposed on such authorities continuously during the pendency of the emergency situation; then it may, by general or special order, authorise any officer to require the said authorities to perform such duties until the Central Government is of opinion that the emergency has passed, and the said authority shall comply accordingly, and the provisions of the said section shall apply subject to the following modification, namely:-</p> <p>The Central Government shall pay any authority, on whom a requisition has been made, such compensation for any loss or damage attributable to such requisition, and for any services rendered or expenditure incurred in complying therewith as, in default of agreement, shall be decided to be just and reasonable, having regard to the circumstances of the case, by the arbitration of a person to be nominated in this behalf by the Central Government, and the decision of such person shall be final.</p>
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	by the arbitration of a person to be nominated in this behalf by the Central Government, and the decision of such person shall be final.		
73	<p>S.68C. Application of certain provisions of the Act to aircraft-</p> <p>(1) The provisions of sections 6, 13 to 16 (both inclusive), 18, 21 and 28, sub-section (2) of section 31 and sections 33,34, 35, 39, 42 to 48 (both inclusive) and 55 shall apply in relation to all aircraft making use of any port subject to this Act, while on water as they apply in relation to vessels.</p> <p>(2) No such aircraft shall enter or leave any port subject to this Act, except with the permission granted by the Conservator of the Port or by such other officer as may be authorized in this behalf by the Conservator.</p>	<p>S.73. Application of certain provisions of the Act to aircraft and seaplane-</p> <p>(1) The provisions of this Act shall apply in relation to all aircraft and seaplane making use of any part of the port, while on water, as they apply in relation to vessels</p> <p>(2) No aircraft shall enter or leave any port subject to this Act, except with the permission granted by the conservator of the port or by such other officer as may be authorized in this behalf by the conservator.</p>	Cl. 76 of the Bill extends application of the Bill to seaplanes.
	<p>S.68D. Maritime security-</p> <p>A port facility in India shall comply with all the requirements contained in Chapter IXB of the Merchant Shipping Act, 1958 (44 of 1958) or the rules made thereunder so far as they are not</p>	<i>Deleted</i>	

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	inconsistent with the provisions of this Act.		
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NEW PROVISIONS ADDED TO THE DRAFT INDIAN PORTS BILL, 2020

Chapter II of Draft Indian Port Bill, 2020 (S.5, 6)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
5	-	<p>S.5. Commencement of Operations by Scheduled Ports –</p> <p>(1) All Scheduled Ports shall make an application to the Authority for its registration under this Act, in such form and in such manner as specified in this Act and shall be accompanied by such fee as may be determined by the Authority by regulations which may be issued under the rule-making powers of this Act.</p> <p>(2) The Authority may, after making such enquiry and subject to such terms and conditions as it may specify, grant a certificate of registration to the Scheduled Port allowing commencement of port operations.</p> <p>(3) The Authority may, by order, suspend or cancel a certificate of registration granted under sub-section (2) in such manner as may be determined by regulations.</p> <p>PROVIDED THAT no order under this sub-section shall be made unless the concerned Scheduled Port has been given</p>	<p>Cl.5 of the draft Bill introduces a registration mechanism for scheduled ports in order to commence their operations. Further, the clause gives powers to MPRA to cancel the registration of any scheduled port in the manner that is prescribed in the provisions of the Bill.</p>

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		<p>a reasonable opportunity of being heard.</p> <p>(4) No port other than Scheduled Ports registered under sub-section (1) shall commence operations after the Appointed date;</p> <p>PROVIDED THAT all Scheduled Ports notified by the Government under Section 3 of this Act, shall commence operations, within such port limits and in such manner set out in the notification;</p> <p>(5) The Government shall notify, within a period of one year, all the ports which have commenced operation prior to the appointed date; under Section 3 of this Act;</p> <p>PROVIDED THAT all ports operating prior to the appointed date, will continue to operate, for a period not exceeding two (2) years from the date of this Act coming into force and not thereafter, unless such port is specifically permitted by the Central Government.</p> <p>(6) Notwithstanding anything contained in sub-section (3) of this section, all ports operating prior to the appointed date shall be governed by the provisions of this Act from the date this act comes into force, that being the appointed date.</p>	
6		<p><i>National Port Policy and Plan</i></p> <p>S.6. National Port Policy and Plan-</p>	<p>Cl.6 in The Bill proposes the creation of a national port policy and plan in consultation with State Governments and the</p>

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		<p>(5) The Central Government shall, from time to time, prepare and publish the National Port Policy, in consultation with the State Governments and the Maritime Port Regulatory Authority in order to create a framework for the sustainable development of ports based on an optimum utilisation of the coastline of India</p> <p>(6) The Central Government may, from time to time, in consultation with the State Governments and the Authority, review or revise, the National Port Policy referred to in sub-section (1).</p> <p>(7) The Authority shall prepare a National Port Plan in accordance with the National Port Policy and issue the same within such time and in such manner as will be notified by the Central Government:</p> <p>PROVIDED that the Authority, while preparing the National Port Plan shall publish the draft National Port Plan and invite suggestions and objections thereon from the State Maritime Boards, port operators, port officials, employees, dock workers and members of the public within such time as may be notified;</p>	<p>MPA. The intention is to create a framework for the sustainable development of ports based on an optimum utilisation of the coastline of India</p>
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		<p>PROVIDED FURTHER THAT the Authority shall</p> <p>(a) Publish the Plan after obtaining requisite approval of the Central Government;</p> <p>(b) Revise the Plan incorporating the directions, if any, given by the Central Government while granting approval under clause (a).</p> <p>(4) The Authority, from time to time, may review or revise the National Port Plan notified under sub-section (3) in accordance with the National Port Policy.</p>	
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Chapter III of The Indian Ports Bill, 2020 (S.7-17)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
7	-	<p>S.7. Constitution of Authority-</p> <p>(14) With effect from such date as the Central Government may by notification in the Official Gazette specify in this behalf, there shall be established for the purposes of this Act, a body called the Maritime Port Regulatory Authority, hereinafter “Authority”, to exercise such functions and perform such duties as are assigned to it under this Act.</p> <p>(15) The Authority shall consist of the following members, to be appointed by the Central Government, namely</p> <p>(a) a Chairperson to be appointed by the Central Government; and</p> <p>(b) two members to be appointed by the Central Government as full-time members which shall include one Member (Legal); and</p> <p>(c) two members to be appointed by rotation in alphabetical order from such persons as may be nominated by the concerned Coastal State Government to represent the Coastal States as part-time members for a term of two years from the date on which</p>	<p>Cl.7 of the Bill proposes the establishment of a new regulatory authority, namely the Maritime Port Regulatory Authority. The objective of the draft Bill is to introduce a cohesive regulatory framework and the Authority is a part of this objective.</p>

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		<p>they enter upon their office or until they attain the age of seventy years, whichever is earlier;</p> <p>PROVIDED that no person shall be appointed as Member (Legal) unless he —</p> <p>(a) Is eligible to be a Judge of a High Court; or</p> <p>(b) Has been a member of the Indian Legal Service and has held a post in Grade I of that Service for at least three years.</p> <p>PROVIDED THAT the Chairperson, full time members and the nominees of the concerned Coastal States shall be such persons of eminence, having adequate knowledge, or experience in, or shown capacity in, dealing with matters relating to ports, maritime, shipping, management, finance, economics, port policy, law, administration and operation of ports;</p> <p>PROVIDED FURTHER THAT no act done by the Authority shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Authority.</p> <p>(16) The Central Government shall, for the purposes of selecting the Chairperson and other members of the Authority, constitute a Selection Committee consisting of—</p>	
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		<p>(v).Secretary to the Government of India, Ministry of Shipping- Chairperson;</p> <p>(vi). Secretary to the Government of India, Ministry of Finance-Member;</p> <p>(vii).Secretary to the Government of India in charge of Commerce, Ministry of Commerce and Industry-Member; and</p> <p>(viii). Secretary to the Government of India, Department of Legal Affairs, Ministry of Law and Justice-Member.</p> <p>PROVIDED that before appointing any person as the Chairperson or other member, the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to prejudicially affect his functions as Chairperson or such other member;</p> <p>PROVIDED FURTHER THAT any person so appointed who is, prior to appointment, in the service of the Central Government, State Government or an undertaking, corporation or company owned or controlled by the Central Government or any State Government or from any other non-Governmental or corporate body shall resign or retire from such service before joining as the Chairperson or other member, as the case may be.</p>	
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		<p>(17) The Chairperson and full-time members of the Authority shall hold office for a term of five years from the date on which they enter upon their office or until they attain the age of seventy years, whichever is earlier.</p> <p>(18) The salary, and the other terms and conditions of service, of the Chairperson and other Members, shall be such as may be prescribed by the appropriate authority.</p> <p>PROVIDED THAT neither the salary and allowances nor the other terms and conditions of service of the Chairperson or any other member shall be varied to his disadvantage after appointment.</p> <p>(19) The Chairperson or any other member may resign their office by giving notice thereof in writing to the Central Government and on such resignation being accepted, the Chairperson or such other member shall be deemed to have vacated office.</p> <p>(20) The Chairperson or any other member, upon ceasing to hold office as such, —</p> <p>(c) Shall be ineligible for further employment under the Central Government or any State Government; and</p> <p>(d) Shall not accept any commercial employment for a period of two years from the date they cease to hold such office.</p>	
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		<p>EXPLANATION — For the purposes of this section, “commercial employment” means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes also a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advisor or a consultant.</p> <p>(21) The Chairperson shall have the powers of general superintendence and directions in the conduct of the affairs of the Authority and shall, in addition to presiding over the meetings of the Authority, exercise and discharge such other powers and functions of the Authority, as may be assigned to him by the Authority.</p> <p>(22) The Central Government may remove from office the Chairperson or any other member, who –</p> <p>(a) Has been adjudged as insolvent; or</p> <p>(b) Has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or</p> <p>(c) Has become physically or mentally incapable of acting as a member; or</p> <p>(d) Has acquired such financial or other interest as is likely to</p>	
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		<p>prejudicially affect his functions as a member; or</p> <p>(e) Has so abused his position so as to render his continuance in office prejudicial to public interest:</p> <p>PROVIDED THAT no Chairperson or other member shall be removed from office under clause (d) or clause (e) unless the Central Government has satisfied itself that such person ought to be removed on such ground or grounds, after holding an inquiry in accordance with procedure so prescribed on this behalf by any person appointed or authority constituted for the purpose.</p> <p>(10) The head office of the Authority shall be at such place as the Central Government may notify.</p> <p>PROVIDED THAT the Authority may hold its sittings at such other places as the Chairperson may decide from time to time having taken into consideration the convenience to decide the matters referred to it.</p> <p>(11) All questions which come up before any sitting of the Authority shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.</p> <p>(12) All orders and decisions of the Authority shall be authenticated by the Secretary or any other officer of the Authority</p>	
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		<p>duly authorised by the Chairperson in this behalf.</p> <p>(13) The Authority may, with the approval of the Central Government, determine the number, nature, categories and salaries of other officers and employees as may be required to assist the Authority in the efficient discharge of its functions.</p>	
8		<p>S.8. Functions of the Authority-</p> <p>(1) The functions of the Authority shall be to:-</p> <p>(a) To advise the Central Government on matters relating to the National Port Policy and National Port Plan, formulate short-term and perspective plans for development of the port sector and co-ordinate the activities of relevant and authorised planning agencies for the optimal utilisation of the coastline of India to benefit the national economy;</p> <p>(b) To make recommendations, either <i>suo moto</i> or on a request from the Central Government or the State Government or from any other authority under this Act, on the following matters, namely: -</p> <p>(i) Assessing the necessity, feasibility and viability of new and/ or existing ports;</p>	<p>Cl.8 in the Bill lays down the functions of the regulatory authority established by Cl.6 of the Bill.</p>

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		<ul style="list-style-type: none"> (ii) Assessing efficiency, economy, capacity and competitiveness of the existing ports/ facilities; (iii) Determining measures to facilitate competition and promote efficiency in the operation of ports and to facilitate growth of the port sector; (iv) Determining measures for promotion of investment in the port sector; (v) Determining the implementation of technological advancements in the port sector; (vi) Determining measures for the development of the port sector and any other matter in relation to ports in general; (vii) Determining measures for the efficient and optimum utilisation of the available coastline; (viii) Provide recommendations on any other matter referred to the Authority by the Central Government or State Government, as the case maybe; (ix) Provide recommendations on any other matter, if, in the opinion of the Authority, such recommendation would help in improving the management or 	
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		<p>administration of ports, or promote growth of the port sector.</p> <p>PROVIDED that the Government shall seek the advice or recommendations of the Authority in respect of matters provided in clause (a) and (b) of sub-section (1) and the Authority shall forward its advice or recommendations within a period of sixty days from the date on which that Government sought the advice or recommendations;</p> <p>PROVIDED also that if the Government, having considered that a recommendation of the Authority under clause (b) of sub-section (1), comes to a <i>prima facie</i> conclusion that such a recommendation cannot be accepted or needs modifications, it shall refer the recommendation back to the Authority for its reconsideration, and the Authority may, within fifteen days from the date of receipt of such reference, forward its recommendations to the Government after considering the reference made by that Government. After receipt of further recommendation if any, the Government shall take a final decision.</p> <p>(c) Discharge the following functions :-</p> <p>(i) Registration of Scheduled Ports and further empowered to renew, withdraw, suspend or cancel such registrations;</p>	
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		<ul style="list-style-type: none"> (ii) Specify the model terms and conditions for different types of contracts entered into for the purpose of executing port activities, port operations, port services or port works for the Scheduled Ports, including those contracted out to third parties; (iii) Specifying the standards, specifications, and quality of services to be provided by the Scheduled Ports and to ensure compliance thereof by the Scheduled Ports; (iv) Passing of an order that groups any number of ports (not being Major Ports) in the State to be regarded as constituting a single port for the purposes as may be provided in the order so passed; (v) To promote the development of ports and to regulate the functioning and practices of Scheduled Ports; (vi) To monitor the performance of the Scheduled Ports and pass any directions as may be required for compliance with the provisions of this Act and the regulations issued hereunder; (vii) To conduct periodical studies and performance audits of the Scheduled Ports at such intervals as 	
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		<p>may be determined by the Authority;</p> <p>(viii) Specify the manner of collecting and storing data by ports and for providing access to such data;</p> <p>(ix) To collect and maintain any information, records, data, research studies and other information with respect to ports and the port sector, the execution of the National Port Policy, and the National Ports Plan as may be prescribed under the relevant provision of this Act;</p> <p>(x) To publish such information, data, research studies, reports and other information as may be specified by regulations issued by the appropriate and relevant authority from time to time;</p> <p>(xi) To maintain a register which shall be called the Maritime Ports Register and which shall be kept at the head office of the Authority containing such details of ports, as may be specified from time to time.</p> <p>(xii) To allow public access to the data and to the Maritime Ports Register maintained by the Authority in such manner and on payment of such fee as may be</p>	
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		<p>determined by the Authority, by regulations;</p> <p>(xiii) To maintain websites and such other universally accessible repositories of electronic information as may be necessary;</p> <p>(xiv) To enter into Memorandum of Understanding (MoU) with any other statutory authorities established under any other law for the time being in force;</p> <p>(xv) To promote and assist in the timely completion of schemes and projects for the purpose of developing the port sector;</p> <p>(xvi) To submit such reports as may be required by the Central Government, from time to time;</p> <p>(xvii) To review the draft of concession agreements and advise the State Maritime Board on whether any provisions thereof may be incompatible with the promotion of competition, may amount to an anticompetitive practice or may result in an abuse of a dominant position;</p> <p>(d)To discharge such other functions as may be provided in this Act;</p> <p>(2) The Authority may, for the discharge of its functions under clause (c) and clause (d) of sub-section (1), issue such or regulations or guidelines or directions, as it may consider necessary, which shall be binding on</p>	
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	<p>the ports, port officers, port operators, port service providers, State Maritime Boards and on any other authority constituted under any law in force, unless otherwise provided by the Authority.</p> <p>(3) The Authority may request the Government or ports, port officers, port operators, port service providers, or any Authority vested with the power of administration, control or management of ports, in writing, to furnish such information or documents as may be necessary for the purpose of discharging its functions under sub-section (1) and such information shall be supplied by the persons Specified by the Authority within the period Specified by the Authority in such a request.</p> <p>(4) While discharging its functions under this Act, the Authority shall not act against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.</p> <p>(5) The Authority shall ensure transparency while exercising its powers and discharging its functions.</p> <p>(6) In discharge of its functions, the Authority shall be guided by the National Port Policy and by such directions in matters of policy involving public interest as the Central Government may provide in writing from time to time.</p>	
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		(7) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Central Government thereon shall be final.	
9		<p>S.9. Powers regarding complaints and resolution of disputes by the Authority-</p> <p>(13) If any dispute arises, in respect of matters referred to in sub-section (2), such dispute shall be decided by a Bench consisting of the Member (Legal) and one or more members nominated by the Chairperson or the Chairperson himself:</p> <p>PROVIDED THAT if the members of the Bench differ on any point or points, they shall state the point or points on which they differ and refer the same to a full-time member other than a member of the Bench for hearing on such point or points and such point or points shall be decided according to the opinion of that member.</p> <p>(14) The Bench constituted under sub-section (1) shall exercise, on and from the appointed day, all such jurisdiction, powers and authority as are exercisable by a civil court to—</p> <p>(e) Receive and adjudicate any complaint raised by any aggrieved person or reference made by the Central Government or State Government or State Maritime Board, concerning alleged anticompetitive practices or abuse of a</p>	<p>Cl.9 of the Bill lays down the powers of the Maritime Port Regulatory Authority in dealing with complaints related to governance of scheduled ports. This clause states that all disputes in respect of matters laid down in the Bill shall be adjudicated by a bench of the Authority comprising of the Member (Legal) and one or more members appointed by the chairperson or the Chairperson. The matters to which the jurisdiction of the Bench extends to include complaints relating to anticompetitive practices or abuse of a dominant position at Scheduled Ports, Port-charges levied by Scheduled Ports and combinations of shipping lines, port service providers,</p>

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		<p style="text-align: center;">dominant position at Scheduled Ports;</p> <p>(f) Receive and adjudicate any complaint raised by any aggrieved person or reference made by the Central Government or State Government or State Maritime Board in relation to Port-charges levied by Scheduled Ports, and whether those Port-charges are in violation of the provisions of this Act, or amount to or evidence an anti-competitive practice or an abuse of a dominant position;</p> <p>(g) Receive and adjudicate any complaint raised by any aggrieved person or reference made by the Central Government or State Government or State Maritime Board, with respect to any combination of: -</p> <ul style="list-style-type: none"> (v) a shipping line and a terminal operator; (vi) a Port services provider with another Port services provider; or (vii) a terminal operator with another terminal operator in the same Port or in a nearby Port, for causing or being likely to cause an appreciable adverse effect on competition within the relevant market in India; (viii) Disputes of anti-competitive practices, or an abuse of a 	<p>terminal operators for causing or being likely to cause an appreciable adverse effect on competition within the relevant market in India and disputes of anti-competitive practices or abuse of dominant position at Scheduled Ports. The power and procedure for adjudication, limitation period and form for making complaints, nature of reliefs which may be granted by the bench, time period for adjudication are provided in the clause.</p>
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		<p style="text-align: center;">dominant position at Scheduled Ports and to make an order thereon prior to or upon merger;</p> <p>(h) Discharge such other adjudicatory functions as may be assigned to it by the Government under this Act or under any other Act.</p> <p>PROVIDED THAT the Bench shall determine matters connected with clauses (a), (b), and (c), in accordance with the provisions contained in the Competition Act, 2002 (12 of 2003) and in adjudication of these matters shall have the same powers vested in the Competition Commission of India under the Competition Act, 2002;</p> <p>(15) No complaint under sub-section (2) shall be entertained by the Bench unless it is made within a period of three months from the date on which the cause of action first arose;</p> <p>PROVIDED THAT the Bench may allow a complaint under sub-section (2) to be filed after the expiry of the said period of three months if it is satisfied that there was sufficient cause for not filing such complaint but such period shall not exceed sixty days.</p> <p>(16) Each complaint under sub-section (2) shall be made to the Bench in such form, contain such particulars and be accompanied by such documents and fees as may be prescribed.</p>	
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		<p>(17) The Bench, in regard to matters referred under sub-section (2), may pass an order to: -</p> <p>(iv). provide any relief including refund, restitution or compensation for any loss or damage or injury caused to the aggrieved person or complainant; or</p> <p>(v). in relation to matters falling under sub-section (2) clause (a), (b) and (c), pass any order or impose any such penalty which the Competition Commission of India has the power to pass or impose under the Competition Act, 2002; or</p> <p>(vi). in relation to matters falling under sub-section (2) clause (d), impose any fine not exceeding five lakh rupees for violation of the provisions of this Act, or of any Rules, Regulations, Specifications, Orders or Directions given under this Act.</p> <p>(18) Any matter under sub-section (2), which is pending in any court or other authority shall stand transferred to the Bench.</p> <p>(19) The complaint preferred under sub-section (2) shall be dealt with by the Bench as expeditiously as possible and endeavour shall be made by the Bench to dispose of the complaint finally within four months from the date of receipt of the complaint, as the case may be:</p>	
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		<p>PROVIDED THAT where any complaint could not be disposed of within the said period of four months, the Bench shall record its reasons in writing for not disposing of the complaint within that period.</p> <p>(20) The Bench shall ensure transparency while exercising its powers and discharging its functions.</p> <p>(21) In discharge of its functions, the Bench shall be guided by the National Port Policy and the National Port Plan and by such directions as may be issued by the Central Government.</p> <p>(22) Subject to the provisions of this Act, every order made by the Bench under this Act shall be final and shall not be called in question in any suit, application, execution or other proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or intended to be taken in pursuance of any power conferred by or under this Act.</p> <p>(23) The Central Government or a State Government or the State Maritime Board or any person as may be prescribed may make an application to the Authority for adjudication of any dispute referred to in Clause (2).</p> <p>(24) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), the</p>	
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		Authority shall have the power to decide matters referred to in sub-section (2) on or after the appointed day.	
10		<p>S.10. Constitution of Adjudicatory Board and its Functions-</p> <p>(11) The State Government shall, within six months from the appointed date, by notification, constitute an Adjudicatory Board for ports other than Major ports for the purpose of adjudicating any dispute relating to or connected with ports other than Major Ports; Public Private Partnership (PPP) concessionaires; State Maritime Boards; captive users or port officials or port users or port service providers or port operators and such Adjudicatory Board shall consist of a Presiding Officer and such other members not exceeding two in number, as may be appointed by the State Government.</p> <p>(12) The qualifications, term, allowances and salaries of the Presiding Officer and the members of the Adjudicatory Board shall be prescribed by the State Government through rules or regulations, which shall be notified from time to time.</p> <p>(13) The head office of the Adjudicatory Board for ports other than Major Ports shall be at such place as the State Government may notify.</p>	<p>Cl.10 of the Bill creates an adjudicatory board to deal with disputes arising from ports other than major ports, PPP concessionaires, State Maritime Boards, etc. The adjudicatory board additionally has advisory powers and its conduct is guided by the National Port Policy and National Port Plan. The number of members and powers of the adjudicatory board along with the procedure for adjudication are provided in this clause.</p> <p>The rationale for the introduction of adjudicatory body and appellate tribunals (in subsequent clauses) is in order to streamline dispute resolution and ensure timely resolution of matters from the perspective of industry experts on</p>

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		<p>PROVIDED THAT the Adjudicatory Board for ports other than Major Ports may hold its sittings at such other places as the Presiding Officer may decide from time to time having taken into consideration the convenience to decide the disputes referred to it.</p> <p>(14) In addition to its function mentioned in sub-section (1) and in addition to such other functions as may be notified by the State Government, the Adjudicatory Board for ports other than Major ports referred to in sub-section (1) shall perform the following functions, namely: —</p> <p>(e) To receive and adjudicate reference to any dispute or differences or claims relating to rights and obligations of ports other than Major ports for the purpose of adjudicating any dispute relating to or connected with ports other than Major Ports; PPP concessionaires; State Maritime Boards; captive users or port officials or port users or port service providers or port operators or of any other licensee under this Act and to pass orders after considering and hearing all the parties involved in the dispute;</p> <p>(f) To look into the complaints received from port users against the services and terms of service rendered by the ports other than Major</p>	<p>the adjudicatory board.</p>
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		<p>Ports or the private operators operating in the ports other than Major Ports and to pass necessary orders after hearing the parties concerned;</p> <p>(g) To advise the State Government on any matter referred to it by the State Government;</p> <p>(h) To discharge such other functions as may be assigned to it by the Central Government.</p> <p>PROVIDED THAT in regard to matters connected with clauses (a) and (b) above, the Adjudicatory Board shall have the power to adjudicate upon the disputes or to refer such a dispute for arbitration.</p> <p>(15) The Adjudicatory Board shall ensure transparency while exercising its powers and discharging its functions.</p> <p>(16) In the discharge of its functions, the Authority shall be guided by the National Port Policy and the National Port Plan and by such other directions as may be issued by the Central Government or relevant and appropriate authority from time to time.</p> <p>(17) The procedure to be adopted by the Adjudicatory Board, while discharging its functions referred to in sub-</p>	
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		<p>section (1) shall be such as may be prescribed by the relevant and appropriate authority or through the Central Government in exercise of its rule making power under the provisions of this Act.</p> <p>(18) Notwithstanding anything contained in any other law for the time being in force, while exercising the powers under sub-section (1) and (4), the Adjudicatory Board shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—</p> <p>(e) The discovery and production of books of account and other documents, at such place and at such time as may be specified by the Adjudicatory Board;</p> <p>(f) Summoning and enforcing the attendance of persons and examining them on oath;</p> <p>(g) Issuing commissions for the examination of witnesses or documents; and</p> <p>(h) Any other matter which may be prescribed by the relevant and appropriate authority from time to time.</p> <p>(19) Any proceeding before the Adjudicatory Board shall be deemed to be a judicial</p>	
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		<p>proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code and the Adjudicatory Board shall be deemed to a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.</p> <p>(20) Subject to the provisions of this Act, every order made by the Adjudicatory Board under this Act shall be final and shall not be called in question in any suit, application, execution or other proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or intended to be taken in pursuance of any power conferred by or under this Act.</p>	
11		<p>S.11. Constitution of Appellate Tribunal. —</p> <p>(10) The Appellate Tribunal, for the purposes of this Act, shall be the Adjudicatory Board constituted under Section 54 of the Major Port Authorities Act, 2020 and the Presiding Officer and other members of the Adjudicatory Board shall act as the Presiding Officer and members of the Appellate Tribunal.</p> <p>(11) The Appellate Tribunal shall hear and dispose off an Appeal against:</p> <p>-</p>	<p>This clause lays down the provisions for the constitution of an Appellate Tribunal. It provides that the Adjudicatory Board constituted under Section 54 of the Major Port Authorities Act, 2020 shall be the Appellate Tribunal. Appeals against any order passed by the bench and the Authority under Clauses 18 and 19 lies before the Appellate Tribunal. It provides that an appeal must be preferred to the</p>

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		<p>(c) any direction, decision or order passed by the Bench of the Authority under this Act; or</p> <p>(d) any direction, decision or order passed by the Authority under Section 18 or 19 of this Act.</p> <p>(12) The Central Government or a State Government or a local authority or any person aggrieved by any such direction, decision or order which falls under sub-section (2), may prefer an appeal to the Appellate Tribunal.</p> <p>(13) Every appeal under sub-section (3) shall be preferred within a period of thirty days from the date on which a copy of the direction or order or decision made by the Authority is received by the Central Government or the State Government or the local authority or the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be Prescribed:</p> <p>PROVIDED THAT the Appellate Tribunal may entertain any appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period, but such period shall not exceed fifteen days.</p> <p>(14) On receipt of an appeal under sub-section (4), the Appellate Tribunal may, after giving the parties to the dispute or the appeal an opportunity of being heard,</p>	<p>Appellate Tribunal within thirty days from the date on which a copy of direction or order is received by the appellant. It also provides that such period may be extended by a maximum of fifteen days if sufficient cause is shown. Furthermore, it is provided that the Appellate Tribunal shall endeavour to dispose of the appeal finally within ninety days from receipt of appeal or application. The procedure for adjudication is also provided in this clause.</p>
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		<p>pass such orders thereon as it thinks fit.</p> <p>(15) The Appellate Tribunal shall send a copy of every order made by it to the parties to the dispute or the appeal and to the Authority, as the case may be.</p> <p>(16) The appeal preferred under sub-section (3) shall be dealt with by the Appellate Tribunal as expeditiously as possible and endeavour shall be made by the Appellate Tribunal to dispose of the application or appeal finally within ninety days from the date of receipt of application or appeal, as the case may be: PROVIDED THAT where any such application or appeal could not be disposed of within the said period of ninety days, the Appellate Tribunal shall record its reasons in writing for not disposing of the application or appeal within that period.</p> <p>(17) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any direction or order or decision of the Authority referred to in the appeal preferred under sub-section (3), on its own motion or otherwise, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.</p> <p>(18) If at any stage of the hearing of any case or matter, it appears to the Presiding Officer or a Member of the Appellate Tribunal that the case or matter is of such a</p>	
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		nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Presiding Officer to such Bench as the Presiding Officer may deem fit.	
12		<p>S.12. for the Authority and the Appellate Tribunal-</p> <p>(1) The Authority and the Appellate Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely: -</p> <p>(a) Summoning and enforcing the attendance of any person and examining him on oath;</p> <p>(b) Subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or a copy of such record or document, from any office and production of such documents;</p> <p>(c) Receiving evidence on affidavits;</p> <p>(d) Issuing commissions for the examination of witnesses or documents;</p> <p>(e) Dismissing an application for default or deciding it, <i>ex parte</i>;</p>	<p>Cl.13 of the Bill lays down the procedure to be followed by the Authority and the Appellate Tribunal while resolving disputes for which they have been vested the same powers as those of a civil court under The Code of Civil procedure, 1908.</p>

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		<p>(f) Setting aside any order of dismissal of any application for default or any order passed by it, <i>ex parte</i>;</p> <p>(g) Granting interim relief;</p> <p>(h) Reviewing its decision; and</p> <p>(i) Any other matter which may be prescribed.</p> <p>(2) Every proceeding before the Authority and the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860) and the Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)</p> <p>(3) The Authority and the Appellate Tribunal shall be guided by the principles of natural justice and subject to other provisions of this Act and of any rules made thereunder, shall have powers to regulate its own procedure including the places at which it shall conduct its business.</p>	
13		<p>13. Bar of jurisdiction of any court. — No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Adjudicatory Board, Authority or the</p>	<p>Cl.14 of the Bill grants exclusive jurisdiction to the Authority and Appellate Tribunal for resolving disputes under the Act.</p>

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		Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.	
14		<p>14. Dispute Resolution: Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall be determined by such person or persons as the Adjudicatory Board may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Arbitration and Conciliation Act, 1996.</p>	This clause states that where any matter is, by or under the provisions of this bill, directed to be determined by arbitration, the matter shall be determined by such person or persons as the Adjudicatory Board may nominate in that behalf on the application of either party.
15		<p>S.15. Orders passed by Adjudicatory Board, Authority and the Appellate Tribunal to be executable as a decree-</p> <p>(1) An order passed by the Adjudicatory Board, Authority and the Appellate Tribunal under this Act shall be executable by the Authority and the Appellate Tribunal as a decree of civil court, and for this purpose, the Authority and the Appellate Tribunal shall have all the powers of a civil court.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the Authority and the Appellate Tribunal may transmit any order made by it to a civil court having local</p>	Cl.15 of the Bill lays down that all orders passed by the board, authority or the tribunal shall be executed as a decree of a civil court. T

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		jurisdiction and such civil court shall execute the order as if it were a decree made by that court.	
16		<p>S.16. Appeal to Supreme Court-</p> <p>(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or in any other law, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on one or more of the grounds provided in section 100 of that Code.</p> <p>(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.</p> <p>(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against:</p> <p>PROVIDED THAT the Supreme Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time</p>	Cl.16 of the Bill states that all appeals from decisions of the Appellate Tribunal under this Act shall lie to the Supreme Court.
17		<p>S.17. Penalty for wilful failure to comply with orders of Authority and the Appellate Tribunal-</p> <p>If any person wilfully fails to comply with the order of the Authority and the Appellate Tribunal, he shall be punishable with fine which may extend to one lakh rupees and in case of a second or subsequent offence</p>	Cl.17 penalises the failure to comply with any order of the Authority and the Appellate Tribunal and is part of the broad objective of the draft Bill to introduce harsh deterrents.

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		with fine which may extend to two lakh rupees and in the case of continuing contravention with additional fine which may extend to two lakh rupees for every day during which such default continues.	
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Chapter IV of The Indian Ports Bill, 2020 (S.18-19)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
18		<p>S.18. Procedure with respect to exercise of powers under Section 3 and 4 of the Act-</p> <p>(1) If the Government is of the opinion that it is desirous or necessary or expedient, to notify a port under Section 3 of this Act or to alter the port limits of Scheduled Ports under Section 4 of this Act, it shall send to the Authority, the draft notification along with the project proposal in such form and manner as may be specified by the Authority and consult with the Authority for this purpose.</p> <p>(2) The Authority shall, within thirty days of the date of consultation, give its recommendations to the Government with respect to the draft notification.</p> <p>PROVIDED that the Authority shall send the draft notification and the project proposal to the Central Government or the coastal State Governments, as the case may be, for comments, within such time as may be prescribed.</p> <p>PROVIDED also that the Authority will make the recommendation under sub-section (2) after considering the</p>	<p>Cl.18 lays down the procedure for the Government to exercise powers for notifying a port under Cl. 3 or to alter the port limits of scheduled ports under Cl. 4</p>

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	<p>representation of the Central or coastal State Governments, as the case may be.</p> <p>PROVIDED also that such a recommendation by the Authority shall be binding on the Government.</p> <p>PROVIDED also that if the concerned Government, having considered any recommendation of the Authority under sub-section (2) of sub-section (1), comes to a <i>prima facie</i> conclusion that such a recommendation cannot be accepted or needs modifications, it shall refer the recommendation back to the Authority for its reconsideration, and the Authority may, within fifteen days from the date of receipt of such reference, forward to the Government its recommendation after considering the reference made by that Government.</p> <p>PROVIDED that any recommendation provided under sub-section (2) of this Act will only remain valid for a period of 6 months and thereafter, for the purposes of exercise of its power under Section 3 and 4 of this Act, the Government may initiate fresh action under sub-section (1).</p> <p>(3) If the concerned Government, having considered that a recommendation of the Authority under sub-section (2) of sub-section (1), comes to a conclusion that such a recommendation cannot be accepted or needs modifications, then:</p> <p style="padding-left: 40px;">(c) it shall refer the recommendation back to the Authority for its reconsideration, within thirty days from date of receipt of the</p>	
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		<p>recommendation under sub-section (2);</p> <p>(d) The Authority, within thirty days from the date of receipt of such reference, if any, shall withdraw its earlier recommendation and issue a fresh recommendation under sub-section (2) or shall modify its recommendation under sub-section (2) or shall reject the reference made under sub-section (3)(a), as it deems fit.</p> <p>(4) The Authority may request the Government to furnish such information or documents as may be necessary for the purpose of discharging its functions under sub-section (2) and that Government shall supply such information within a period of seven days from receipt of such request.</p>	
19		<p>S.19. Deletion of Port from the First Schedule-</p> <p>(1) If upon survey by the Authority, it appears to the Authority that a Scheduled Port is in violation of the conditions of approval or in violation of any provision of this Act or the rules or regulations or specifications provided under this Act or is otherwise no longer feasible, it shall make a representation to that effect to the Central Government.</p> <p>(2) Where the Scheduled Port under sub-section (1) is a Major Port, the Central Government, after considering such representation, may send it to the concerned authority established under The Major Ports Act, 1963 or under any successor thereto, for administration, control and management of such Scheduled</p>	<p>Cl.19 details the power of the MPRA and the Central Government for the deletion of any port from the first schedule.</p>

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		<p>Major Port, along with such remarks as it may choose to make, with an intimation of the period within which the Major Ports authority may submit its explanation to the Central Government.</p> <p>(3) On the receipt of the explanation or, where no explanation is submitted within the period fixed under sub-section (2), the Central Government, may, by notification in the Official Gazette, cause such port to be deleted from the First Schedule to this Act after making relevant further inquiries as it may deem fit.</p> <p>(4) Where the Scheduled Port under sub-section (1) is a port other than a Major port, then notwithstanding anything contained in sub-section (2) and (3), the Central Government may, after considering such representation, send it to the State Government of the State in which the port is situated and the State Government shall forward it to the State Maritime Board along with such remarks as it may choose to make, with an intimation of the period within which the State Maritime Board may submit its explanation to the State Government.</p> <p>(5) On the receipt of the explanation or where no explanation is submitted within the period fixed, then on the expiry of that period, the State Government shall make its recommendations to the Central Government with respect to the Scheduled Port under sub-section (4).</p>	
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		<p>(6) The Central Government, after making such further inquiry, if any, as it may think fit, may, by notification in the Official Gazette, may cause such port under subsection (5) to be deleted from the First Schedule.</p> <p>(7) Upon Notification being passed by the Central Government under subsection (6), any Notification issued under Section 3(3) shall be deemed as lapsed.</p>	
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Chapter VI of The Indian Port Bill,2020 (S.32-34)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
32		<p style="text-align: center;"><i>Management and Administration</i></p> <p>S.32. Constitution of State Maritime Board-</p> <p>(1) Every State Government for a port other than a Major port, shall, within six months from the appointed date, constitute for the purposes of this Act, a Maritime Board for the State to be known as the State Maritime Board.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the Central Government may by way of Notification allow such State Government as are mentioned in the Notification to perform the functions of a State Maritime Board;</p> <p>(3) The State Government shall Prescribe the manner and terms of appointment of the Chairperson and the members of the State Maritime Board, the duties of the Chair-person and the staff of the State Maritime Board.</p> <p>PROVIDED THAT the State Maritime Boards which have been constituted by State Governments under the enactments listed in the second Schedule and are functioning as such before the appointed date, shall be the State Maritime Boards for the purposes of this Act and the Chairperson, Members, Secretary, and other officers and other employees thereof shall continue to hold office, on the same terms and conditions on which they were appointed under those Acts.</p>	<p>Cl.32 of the Bill proposes details the constitution of the State Maritime Board set up under each State Government and established for the purpose of regulation of ports other than Major Ports.</p>

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		<p>PROVIDED THAT the State Government may appoint as the member of the State Maritime Board such persons as may be nominated by the Central Government.</p> <p>(4) The State Maritime Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the name with which it is constituted, sue or be sued.</p> <p>(5) The State Government may transfer, and vest, amongst other things, all port land, property, assets, funds, interest in property, all rights to levy rates, fees, rents and other sums of money, all contracts entered into, all rights to enter into a public works contract and other rights, liabilities, obligations, debts, dues connected with the affairs of ports other than Major ports, and personnel serving under the State Government before such day solely or mainly for or in connection with affairs of the port, to the State Maritime Board.</p> <p>(6) All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by the State Government in exercise of its powers under the Indian Ports Act, 1908, shall to the extent that they are not inconsistent with the provisions of the Act, be deemed to have been incurred, entered into or done by the State Maritime Board, and all suits or other legal proceedings instituted by or against the State Government, as the case maybe, be continued or instituted by or against the State Maritime Board or concerned transferee.</p>	
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		(7) The head office of the State Maritime Board shall be at such place as the State Government may notify.	
33		<p>S.33. Functions of the State Maritime Board-</p> <p>In addition to any other such functions as the State Government may notify, the functions of the State Maritime Board with respect to the ports other than the Major ports within the territory of the respective state, shall be:-</p> <p>(a.) To initiate plans for development of the Scheduled Ports other than the Major Ports in the state in line with the National Port Policy and National Port Plan notified by the Central Government</p> <p>(b.) To promote the use, development, and improvement of Scheduled Ports other than the Major Ports in the State;</p> <p>(c.) To execute such works within or outside the limits of Scheduled Ports other than Major Ports and provide such facilities or such equipment to ports other than Major Ports, as may be notified by the Central Government, State Government or the Authority;</p> <p>(d.) To provide and maintain adequate and efficient lighthouses, beacons and other lights buoys and navigational aids and services at such places as the board may deem appropriate;</p> <p>(e.) To exercise licensing functions in respect of infrastructure and services</p>	Cl.33 of the Bill sets out the functions of the State Maritime Board established under Cl.32 of the Bill

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		<p>provided by Scheduled Ports other than Major Ports;</p> <p>(f.) To exercise supervision and control over all Port Activities, Port Operations, Port Services or Port Works for the Scheduled Ports other than Major Ports, including those contracted out to third parties;</p> <p>(g.) To regulate and control navigation within the limits of Scheduled Ports other than Major Ports and the approaches to the Scheduled Ports other than Major Ports in the state;</p> <p>(h.) To receive port-dues;</p> <p>(i.) To plan, provide or secure the provision of a safe, economical and efficient sea transport system for the movement of goods and persons in the state;</p> <p>PROVIDED THAT the State Maritime Board shall ensure that security at ports conforms to the norms required under the International Ships and Ports Security (ISPS) code and also compliance with security guidelines/instructions/notifications issued by Ministry of Home Affairs and Ministry of Shipping, from time to time.</p> <p>(j) To develop new ports other than Major Ports, as may be notified by the Central Government and the State Government in the State within the Port Limits to be notified by the Central Government and which are in accordance with any notification published by the Central Government or the State Government in exercise of its powers under this Act, subject to obtaining requisite clearances for new projects from the Central Government and security clearance for</p>	
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		<p>new projects from Ministry of Home Affairs, Government of India;</p> <p>PROVIDED THAT the State Maritime Board shall ensure that all security clearances pertaining to projects/developments/operation of Scheduled Ports other than Major Ports be processed in consultation with concerned central security agencies and in accordance with the standard operating procedures recommended by the Task Force on the <i>National Committee on Strengthening Maritime and Coastal Security (NCSMCS) against threats from the sea.</i></p> <p>(k) To protect ecological balance and safeguard social and environmental issues;</p> <p>(l) To ensure that Scheduled Ports other than Major Ports are equipped with minimum facilities, as specified by the Authority;</p> <p>(m) To ensure that the Scheduled Ports other than Major Ports meet the minimum quality, standards, technical specifications and have such facilities and equipment as specified by the Authority;</p> <p>(n) To conduct a survey and inspection of Scheduled Ports other than Major Ports to check for compliance with all facilities and standards as may be specified by the Authority;</p> <p>(o) To ensure that the Scheduled Ports other than the Major Ports provide reception Facilities in accordance with the requirements of the International Convention for the Prevention of Pollution from Ships (MARPOL) Convention and in accordance with the</p>	
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		<p>provisions of this Act or the Merchant Shipping Act, 1958 or any order, directions, rules, regulations, standards as may be notified by the Central Government in this regard, and to survey and supervise and guide provisioning of such reception Facilities by ports other than Major Ports.</p> <p>(p) To take appropriate measures to require that all waste generated during operation, repair and recycling of vessels are collected, handled, treated and disposed of in a safe and environmentally sound manner, in order to protect human health and the environment in accordance with the provisions of this Act or the Merchant Shipping Act, 1958 or any order, directions, rules, regulations, standards notified by the Central Government in this regard;</p> <p>(q) To ensure safety and security management is carried out in accordance with the provisions of this Act or the Merchant Shipping Act, 1958 or any order, directions, rules, regulations, standards as may be notified by the Central Government in this regard;</p> <p>(r) to look into and address the complaints submitted by Port users against the services and terms of service rendered by the Ports other than Major Ports or the private operators operating in the Ports other than Major Ports after hearing the parties concerned, through a grievance redressal mechanism comprising of such members of the State Maritime Board who are nominated by the State Maritime Board as Grievance Redressal Officers, in such</p>	
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		<p>a manner as may be prescribed by the Government</p> <p>(s) Without prejudice the above, to provide or ensure the providing of such other services and other facilities as are in the opinion of the State Maritime Board necessary for the efficient operation of ports systems of Scheduled Ports other than Major Ports in the state;</p> <p>(t) Without prejudice to the above, to carry out all the functions that may be notified by the State Government and as may be required by law.</p>	
34		<p>34. Power to issue directions – The State Maritime Board may in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any port other than Major Ports, or port-users, or captive users, or port-officials or port service provider or port operators or any other licensee, and such person shall be bound to comply with such directions.</p>	<p>Cl. 34 introduced to empower the State Maritime Board to issue directions to ports, port-officials, service providers and others.</p>

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Chapter VIII of The Indian Ports Bill, 2020 (S.44-48)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
44		<p>S.44. Safety and Security requirements-</p> <p>(1) For the purpose of this Chapter, all ports in India, port-officials, State Government and State Maritime Boards, unless otherwise exempted by the Central Government, shall comply with the provisions of this Part.</p> <p>(2) Every port, port-official, State Maritime Board, and State Government shall, subject to such conditions as may be Prescribed, comply with the provisions of the following Convention or agreement, as applicable, in the manner Prescribed by the Central Government:—</p> <p style="padding-left: 40px;">(a) International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended</p> <p style="padding-left: 40px;">(b) Convention on Facilitation of International Maritime Traffic 1965 as amended (FAL)</p>	<p>Cl.44 is introduced to include provisions regarding safety and security of ports. This clause states that all Ports in India, Port-officials, State Government and State Maritime Boards, unless otherwise exempted by the Central Government shall be subject to conditions prescribed in the provisions of enlisted international maritime conventions on safety and security.</p>

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		<p>(c) Nairobi International Convention on the Removal of Wrecks, 2007 (NAIROBI WRC 2007)</p> <p>(d) Any other Convention or agreement or any treaty relating to safety or security which the Central Government may Prescribe:</p> <p>PROVIDED THAT ports which the provisions of the above Conventions are not applicable, shall comply with such safety and security requirements as may be prescribed.</p>	
45		<p>S.45. Compliance with general safety requirements-</p> <p>Every port, port-official, state Maritime Board and state Government shall comply with all such safety requirements as may be prescribed by the central government and the state government under this Act and which is mandated under any other existing law in force and under any notice, order, bye-law, notification, rules, and regulations published by the central government and the State Government, to ensure</p>	<p>Cl.45 requires all ports, port-officials, State Maritime Boards and State Governments to comply with safety requirements prescribed by the Central Government.</p>

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		compliance with the provisions of this part.	
46		<p>S.46. Security of Ports-</p> <p>(1) Every port, State Maritime Board and State Government to which this part applies shall appoint all such officers, prepare and submit all such documents, and plans and shall comply with any requirement as may be prescribed by the Central Government in this regard and which is mandated under any other existing law in force and under any notice, order, bye-law, notification, rules, and regulations published by the Central Government, to ensure compliance with the mandatory provisions of the International Ship and port Facility Security (ISPS) Code and with the provisions of this Part.</p> <p>(2) Every port, state Maritime Board and State Government shall comply with such requirements as may be Prescribed by the Central Government for safety management and security management of the port from time to time, under this Act or under any existing law in force.</p> <p>(3) Every port-official appointed for the purposes of this part, shall discharge all such duties that are necessary and/or which</p>	<p>This clause states every port, Port-officials, State Government and State Maritime Boards shall appoint officers tasked with documenting all plans, reports and compliance measures and submit the same to the Central Government. The purpose of this is to ensure compliance with the requirements prescribed by the Central Government for safety and security management of the Port. In order to give effect to these provisions, routine audit shall be conducted and authorised personnel may prescribe different</p>

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		<p>may be prescribed by the Central Government, for safety management and security management of the port from time to time, under this Act or under any existing law in force.</p> <p>(4) The Central Government or a person authorised by Central Government for the purpose of this Section, shall audit the port for the purpose of compliance with sub-section (1).</p> <p>(5) The Central Government or a person authorised by Central Government for the purpose of this Section, may set different levels of security for each port, the protective measures to be carried out by the port and by all port-officials, and employees of port at such security level and provide such information thereof to all ports.</p>	<p>security levels for each port and accordingly determine the protective measures to be carried by individuals and bodies operating therein.</p>
47		<p>S.47. Vessel Traffic services: Every operating port shall prepare and implement a Vessel Traffic Services arrangement plan for safe navigation of Vessels which shall be compatible with the Port community system as provided in this Act.</p>	<p>Cl.47 of the Bill is introduced to ensure a comprehensive Vessel Traffic arrangement plan is in place for the safety and security at ports.</p>
48		<p>S.48. Order for securing compliance-</p> <p>(1) Where any port, personnel of the port or port –officer</p>	<p>Cl.48 of the Bill grants the appropriate Government the power to</p>

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		<p>fails to comply, or fails to comply in part with the provisions of this Chapter, the Central or State Government may, whether or not such person is convicted of an offence under this chapter by reason of his having so failed to comply, cause such action to be taken as it may deem necessary for carrying out the directives given in this Part.</p> <p>(2) Where the Central or State Government is satisfied that there are no port traffic flow arrangement plan has been is provided by any port or that the port traffic flow arrangement plan is not adequate or not in compliance with any provision of this Act or any law which is in force, the Central or State Government, may, by order in writing, give such directions as may be necessary for the purpose of preparation of an adequate a port traffic flow arrangement plan.</p> <p>(3) If any port or port-facility or port-officer contravenes any of the provisions of this part or the rules made thereunder or the directions given by the Central Government and the State Government or the persons designated by the Central Government and State</p>	<p>order compliance of safety and security provisions under this Act to ports/port-officers.</p>
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		Government in this regard, or contravenes any condition, limitation or restriction subject to which any approval, sanction, confirmation, direction or exemption in relation to any matter has been accorded, given or granted by the Central and/or State Government or by the persons designated by the Central and/ or State Government, such a port or port-facility and the port-officers in default shall be liable to such the punishment as prescribed provided in the table.	
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Chapter IX of The Indian Ports Bill, 2020 (S.49-51)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
49		<p>S.49. Requirements for prevention and containment of pollution-</p> <p>All ports, repair ports or terminals, State Governments and State Maritime Boards, unless otherwise exempted by the Central Government, shall comply with all such requirements as may be prescribed by the Central Government and the State Government under this Act and which is mandated under any other existing law in force and under any notice, order, bye-law, notification, rules, and regulations published by the Central Government and the State Government, to ensure prevention and containment of pollution.</p>	<p>Cl.49 proposes strict compliance with all requirements as may be prescribed from time to time by Central or State Governments for dealing with pollution.</p>
50		<p>S.50. Reception facilities-</p> <p>(1) All ports, repair ports or terminals taking into account the international standards, shall</p>	<p>Cl.50 proposes that all ports and terminals to have reception facilities of international standards for receipt of waste.</p>

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		<p>provide such Reception Facilities for receipt of wastes including oil, noxious liquid substances, sewage, ballast water, contaminated water or exhaust gas cleaning residues from an approved exhaust gas cleaning system and thereof as may be prescribed by the Central Government, under this law or under any existing law for the time being in force.</p> <p>(2) The ports, repair ports or terminal may impose reasonable charges for the use of the facilities at such rates and may impose such conditions in respect of the use thereof.</p> <p>(3) If the Ports, repair Ports or terminals fail to provide adequate reception facilities, the Conservator or the Master of the Vessel, must report such default in such manner and to such officer as may be prescribed by the Central Government, under this Law or under any existing law for the time being in force.</p>	
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51		<p>S.51. Powers to take measures for prevention or containment of pollution and reporting of incidents-</p> <p>(1) When an incident in which the cargo or harmful substance, as covered under Part XIA and XIB of the Merchant Shipping Act, 1958 or any other law in force, escapes or is likely to escape at a port and threatens or is likely to pose a threat of pollution of air or any part of coasts or coastal waters of India, the Conservator shall report the particulars of such incident to the Central Government in such manner as may be prescribed.</p> <p>(2) Where the Central Government is satisfied that an incident in which the cargo or harmful substances, as covered under this Part or is likely to occur or threatens or is likely to pose a threat of pollution of air or any part of coasts or coastal waters of India, it</p>	<p>Cl.51 incorporates powers of the Central/ State Government/state maritime board to deal with ships or vessels that pose a threat to any of the coasts of India or can likely cause pollution of air.</p>
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		<p>may, by way of notice, direct the Conservator, the State Government and the State Maritime Board to take such action as has been prescribed.</p> <p>(3) Notwithstanding anything contained in sub-section (2), the Central Government may, if it is of the opinion that the pollution caused or likely to be caused by release of harmful substances has or may presents a grave and imminent danger to the coastline or related interests from pollution or poses a threat of pollution, proceed to take such measures as may be deemed necessary to prevent, mitigate or eliminate such threat or danger and any measures so taken shall be deemed to have been taken under this section.</p> <p>(4) The Central Government and the State Government may make national arrangement systems or regional arrangement systems respectively for responding promptly</p>	
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		<p>and effectively to pollution incidents occurring at ports, repair ports or terminals.</p> <p>(5) Every Port shall prepare and implement a pollution incident emergency preparedness and response plan in line with the national arrangement system, and if there is no national arrangement system, then in line with the regional arrangement system made under sub-section (4).</p> <p>(5)</p>	
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Chapter XI of The Indian Port Bill,2020 (S.64,74,76,77)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
64	-	<p>S.64. Penalty on pilot disobeying provisions of this Chapter –</p> <p>Any Pilot in charge of a vessel who disobeys, or abets disobedience to, any of the provisions of this Chapter, shall be punishable with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and, in addition, shall be liable to have his authority to act as a pilot withdrawn.</p>	Cl. 64 has been included in the Bill to make any pilot in charge of a vessel who contravenes any provision of Chapter XI liable to be punished with fines as indicated in revised scheme to act as a suitable deterrent.
72		<p>S. 72. Protection of Acts done in good faith.- No suit or other legal proceeding shall lie against the Authority, Board or any member or employee thereof or against any Port-official appointed under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rules or regulations made thereunder.</p>	Cl. 72 is added as part of standard legislative practices
74	-	<p>S.74. Nuclear vessels-</p> <p>Every port shall comply with the requirements provided in part IXA of the Merchant Shipping Act 1958 in respect of nuclear vessels calling at the port.</p>	Cl.74 has been added as part of efforts to update the Act.

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76	-	<p>S.76. Shore Based Welfare Services For Seafarers -</p> <p>Every port shall facilitate the issue of shore leave for seafarers of Vessels calling at the port.</p>	<p>Cl. 76 has been included in the Bill to require Ports to facilitate the issue of shore leave for seafarers in the Act.</p>
77	-	<p>S.77. Port community system-</p> <p>(1) The Central Government may, by notification in the Official Gazette, direct a port to adopt a mechanism for integration of all trade related data electronically at a centralized hub.</p> <p>(2) Any software application that is used by any port for integration of all trade related data should be interoperable with such other software applications as per the specifications and standards laid down by the Central Government in this regard.</p>	<p>Cl.77 has been included in the Bill in order to develop a mechanism for the creation of a centralised, digital hub of all trade-related data which can be later notified by the Central Government once developed.</p> <p>Cl. 77 has been included in the Bill to, <i>inter alia</i>, require the Central Government to notify mechanism for a centralised, digital hub of all trade-related data and specify minimum standards for any software applications used to achieve this.</p>

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Chapter XII of The Indian Port Bill,2020 (S.78)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
78	-	<p>S.78. Punishment under this Act-</p> <p>(1) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence committed under this Act.</p> <p>(2) The offences mentioned in column (2) of the Table are punishable to the extent mentioned in column (4) of the Table with reference to such offence respectively.</p> <p>(3) If in respect of any offence that any person is found guilty of under subsection (1) has no penalty that is specifically provided in sub-section (2), he shall be punishable with fine, which may extend to fifty thousand rupees.</p> <p>(4) The Conservator may, after affording an opportunity to all concerned parties of being heard, by order in writing, impose penalties as provided in column (4) of the Table.</p> <p>(5) Any person aggrieved by the order under sub-section (4),</p>	<p>Cl. 78 of the Bill prescribes punishments for actions and omissions to the contravention of this Bill and offences named under the Bill. It is inserted as part of standard legislative practices.</p>

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		<p>may, within a period of thirty days from the date of receipt of such order, prefer an appeal before the Government concerned in such form and manner as the Government may prescribe in this behalf.</p> <p>PROVIDED THAT the appeal filed beyond the period of limitation may be entertained if sufficient cause that prevented him from filing the appeal in time is shown to the satisfaction of the appellate authority.</p> <p>(6) The Government concerned may, after affording opportunity to all concerned parties of being heard, within a period of thirty days from the date of receipt of the appeal under sub-section (5), pass appropriate order which shall be final and binding on all parties.</p> <p>PROVIDED THAT the appeal filed beyond the period of limitation may be entertained if sufficient cause that prevented him from filing the appeal in time is shown to the satisfaction of the appellate authority.</p> <p>The Government concerned may, after affording an opportunity of being heard, within a period of thirty days from the date of receipt of the appeal under sub-section (5), pass appropriate order which</p>	
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		shall be final and binding on all parties.	
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Chapter XIII of The Indian Port Bill, 2020 (S.89-95)

Clause No. (2020 Bill)	Original Provision	Amended Provision	Notes
89		<p>S.89. Transitional Provisions-</p> <p>Unless otherwise provided in this Act, any licence, authorisation, approval, clearance or/and permission granted or/and any act already done under the provisions of the repealed law may, for a period not exceeding one year from the Appointed date or such earlier period, as may be notified by the Central Government, shall continue to operate as if the repealed laws were in force with respect to such licence, authorisation, approvals, clearances or/and permissions granted or/and any act, in so far as they are not inconsistent with the provisions of this Act or any Rules or notifications made thereunder, as the case may be.</p>	Cl.89 of the Bill is introduced to enable the easy transition from the application of the Act to the Bill – once the latter is brought into force.
90		<p>S.90. Inconsistency in laws-</p> <p>(1) Nothing contained in this Act or any rule or regulation made thereunder or any instrument having effect by virtue of this</p>	Cl.90 proposes to nullify the effect of any provision contained herein which is inconsistent with either The Merchant Shipping Act or The Major Port Trusts Act. It is in line

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		<p>Act, rule or regulation shall have effect in so far as it is inconsistent with any other provisions of the Major port Trusts Act, 1963 or the Merchant Shipping Act, 1958 or any rule or regulation made thereunder.</p> <p>(2)</p>	with standard legislative practices.
91		<p>S.91. Act to have overriding effect-</p> <p>Save as otherwise provided in section 97, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.</p>	Cl. 91 is in line with standard legislative practices.
92		<p>S.92. Provisions of this Act to be in addition to and not in derogation of other laws-</p> <p>The provisions of this Act are in addition to and not in derogation of any other law for the time being in force.</p>	Cl. 92 is in line with standard legislative practices.
93		<p>S.93. Power to make Port-rules-</p>	Cl. 93 of the Bill gives powers to the Central Government to bring out any notifications and rules to enforce the provisions of this Act.

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		<p>(1) The Central Government may, in addition to any rules which it may make under any other enactment for the time being in force, may, by notification make rules to carry out the provisions of this Act and give effect to the objectives of this Act.</p> <p>(2) The Central Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary make such rules, consistent with this Act, as it thinks necessary for the prevention of danger arising to the public health by the introduction and the spread of any infectious or contagious disease from vessels arriving at, or being in, any such port, and for the prevention of the conveyance of infection or contagion by means of any vessel sailing from any such port, and in particular and without prejudice</p>	
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		<p>to the generality of this provision, for—</p> <p>(i). The signals to be hoisted and the places of anchorage to be taken up by such vessels having any case, or suspected case, of any infectious or contagious disease on board, or arriving at such port from a port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when the Vessel left such port, any infectious or contagious disease;</p> <p>(ii). The medical inspection of such Vessels and of persons on board such Vessels;</p> <p>(iii). The questions to be answered and the information to be supplied by Masters, Pilots and other persons on board such Vessels;</p>	
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		<p>(iv). The detention of such Vessels and of persons on board such Vessels;</p> <p>(v). The duties to be performed in cases of any such disease by Masters, Pilots and other persons on board such Vessels;</p> <p>(vi). The removal to hospital or other place approved by the health-officer and the detention therein of any person from any such Vessel who is suffering or suspected to be suffering from any such disease;</p> <p>(vii). The cleansing, ventilation and disinfection of such Vessels or any part thereof and of any articles therein likely to retain infection or contagion, and the destruction of rats or other vermin in such Vessels;</p>	
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		<p>(viii). The disposal of the dead on such Vessels.</p> <p>(3) The Central Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for ensuring security of ports including but not limited to data management, and cyber-security.</p> <p>(4) The State Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules with respect to sub-section (1), which are consistent with this Act, in so far as any such rule made by the State Government is not inconsistent with any rule made by the Central Government.</p> <p>(5) The power to make rules under sub-section (1), (2), (3) and (4) is subject to the condition of the rules being made after prior publication;</p>	
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		<p>(6) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.</p> <p>(7) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session, immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification, or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>	
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		Any person including the Master of a Vessel disobeying any rule made under this section shall be punishable for every such offence as provided in this Act.	
94		<p>S.94. Power to remove difficulties –</p> <p>(3) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.</p> <p>Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.</p>	Cl.94 of the Bill empowers the Central Government to issue any order in the Official Gazette within a period of three years from the commencement of the Act in order to give effect to any provision under this Act.
95		<p>S.95. Repeal and savings-</p> <p>(1) The Indian Ports Act, 1908 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, any order, rule Notification made or issued or anything</p>	Cl. 95 of the Bill is in addition to and replaces S.2. of the Act.

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		done or any action taken in pursuance of any provision of the Indian Ports Act, 1908, shall be deemed to have been made, done or taken under the corresponding provisions of this Act.	
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Notes on Clauses- Indian Ports Act Bill, 2020

Clause 1 – This clause seeks to provide for the short title, commencement of the Bill. It also specifies the application of the Bill to all ports and vessels within port limits and to such parts of navigable waters including rivers, waterways and channels as may be notified by the Central Government. It also specifies the vessels to which the Bill will not apply to.

Clause 2 – This clause contains the definitions of various expressions and terms used in the Bill.

Clause 3 – This clause empowers the Government to declare *vide* notification, to extend or withdraw the applicability of the Bill to any area including any port, with the prior permission of the Authority. Any port to which applicability of this bill has been extended to by way of notification in the form and manner prescribed in the Bill shall be deemed to be a Scheduled Port from the date the notification comes into force.

Clause 4 – This clause empowers the Government to alter the Port Limits by way of a notification, including by way of uniting with the Port any other Port or any part thereof, with the prior permission of the Authority. It requires such a notification to be issued in the manner provided under the Bill. The new limits of any Scheduled Port whose limits have been so altered under this clause will be deemed to be applicable from the date the Notification comes into force.

Clause 5 – This clause requires all Scheduled Ports to apply for registration to the Authority and empowers the Authority to grant the certificate of registration allowing commencement of operations by Scheduled Ports. The Authority is also empowered to suspend or cancel the certificate. It also contains transitional provisions, mandating a period of one (1) year for the Government to notify all ports already operating prior to the appointed date and granting permission for the continuation of operations of existing ports prior to the appointed period for a period that does not exceed two (2) years

Clause 6 – This clause lays down provisions relating to the preparation, publication and revision of the National Port Policy by the Central Government in consultation with State Governments and the Authority. It also lays down the provisions relating to the preparation, publication and revision of a National Port Plan by the Authority in accordance with the National Port Policy. It requires the Authority to invite suggestions from relevant stakeholders while preparing the National Port Plan and to obtain the Central Government's approval for publishing such a Plan.

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Clause 7 – This clause lays down the provisions for the constitution and composition of the Maritime Port Regulatory Authority. The Authority shall consist of (a) a Chairperson; (b) two full time members; and (c) two nominee members appointed in rotation. The clause also vests the power and authority to select the aforesaid members to a Selection Committee. The qualifications and eligibility criteria of the Chairperson and members, composition of the selection committee, emoluments, powers of the Chairperson, terms, procedures for functioning and resignation by notice and the removal of members have been detailed in this clause.

Clause 8 – This clause seeks to enlist the advisory functions of the Authority, relating to the National Port Policy and National Port Plan and the matters on which the Authority can make recommendations to the Central Government. It specifies the time period within which recommendations on certain matters are required to be made by the Authority. Further, this clause also enlists the regulatory and other functions of the Authority and the conditions subject to which such powers can be exercised by the Authority.

Clause 9 – This clause states that all disputes in respect of matters laid down in the Bill shall be adjudicated by a bench of the Authority comprising of the Member (Legal) and one or more members appointed by the chairperson or the Chairperson. The matters to which the jurisdiction of the Bench extends to include complaints relating to anticompetitive practices or abuse of a dominant position at Scheduled Ports, Port-charges levied by Scheduled Ports and combinations of shipping lines, port service providers, terminal operators for causing or being likely to cause an appreciable adverse effect on competition within the relevant market in India and disputes of anti-competitive practices or abuse of dominant position at Scheduled Ports. The power and procedure for adjudication, limitation period and form for making complaints, nature of reliefs which may be granted by the bench, time period for adjudication are provided in the clause.

Clause 10 – This clause requires State Governments to constitute an adjudicatory board for ports other than Major ports to handle all disputes relating, or connected to, ports other than Major Ports; Public Private Partnership (PPP) concessionaires; State Maritime Boards; captive users or port officials or port users or port service providers or port operators. The adjudicatory board additionally has advisory powers and its conduct is guided by the National Port Policy and National Port Plan. The number of members and powers of the adjudicatory board along with the procedure for adjudication are provided in this clause.

Clause 11. — This clause lays down the provisions for the constitution of an Appellate Tribunal. It provides that the Adjudicatory Board constituted under Section 54 of the

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Major Port Authorities Act, 2020 shall be the Appellate Tribunal. Appeals against any order passed by the bench and the Authority under Clauses 18 and 19 lies before the Appellate Tribunal. It provides that an appeal must be preferred to the Appellate Tribunal within thirty days from the date on which a copy of direction or order is received by the appellant. It also provides that such period may be extended by a maximum of fifteen days if sufficient cause is shown. Furthermore, it is provided that the Appellate Tribunal shall endeavour to dispose of the appeal finally within ninety days from receipt of appeal or application. The procedure for adjudication is also provided in this clause.

Clause 12. — This clause states that the Authority and Appellate Tribunal shall have the same power as that of a civil court in respect of summoning persons, receiving evidence on affidavit, issuing commissions for the examination of witnesses and documentary evidence, dismissal and setting aside of orders *ex parte*, the power to grant interim relief and review of its decisions. It is further clearly stated that The Authority and the Appellate Tribunal shall be guided by the principles of natural justice and subject to other provisions of the Bill and of any rules made thereunder and shall have powers to regulate its own procedure including the places at which it shall conduct its business.

Clause 13. — This clause grants exclusive jurisdiction to the Authority and the Appellate Tribunal in respect of any matter which the Tribunal and the Appellate Tribunal is empowered under the Bill. This clause further provides that no injunction shall be granted by any court in respect of matters under the jurisdiction of the Authority and the Appellate Tribunal.

Clause 14. — This clause states that where any matter is, by or under the provisions of this bill, directed to be determined by arbitration, the matter shall be determined by such person or persons as the Adjudicatory Board may nominate in that behalf on the application of either party.

Clause 15. — This clause lays down that the orders passed by the Authority and the Appellate Tribunal are executable as a decree of a civil court and may be executed by a civil court having local jurisdiction.

Clause 16. — This clause lays down that an appeal from the orders of the Appellate Tribunal, not being an interlocutory order, lie before the Supreme Court within ninety days from the date of decision or order. It is further clarified that no appeal lies if order is passed with the consent of the parties.

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Clause 17. — This clause lays down the penalty for wilful failure to comply with the orders of the Authority and the Appellate Tribunal

Clause 18.— This clause lays down the procedure to be followed by the Government in the event of extending or withdrawing the application of the Bill as under clause 3 and for alteration of the port limits as under clause 4. The Government shall be required to send a draft notification and project proposal and to consult with the Authority, which shall give its recommendations on the draft notification within thirty days from the date of consultation. It is further provided that the recommendation given by the Authority shall be binding on the Government and shall remain valid for a period of 6 months. The clause also provides the conditions based on which the Authority is required to give its recommendations. It also allows the government to refer the recommendation back to the Authority, in case it is not acceptable or needs modifications.

Clause 19. — This clause empowers the Authority to make a representation to the Central Government to delete a Scheduled Port from the First Schedule, if upon survey it appears to the Authority that a Scheduled Port is in violation of the Act or the rules or Regulations or Specifications provided under this Act or is otherwise no longer feasible. It prescribes the procedure to be followed by the Central Government in such cases, including sending the proposal to the concerned authority or state governments, before causing such a port to be deleted from the First Schedule.

Clause 20. — This clause states that the Government shall appoint an officer/body of persons to be the conservator for each port or for two or more ports. The clause provides that if a Conservator is not in place, the Deputy Conservator may be deemed to be the Conservator. The clause further provides for the delegation of powers of the Conservator with the approval of the Government.

Clause 21. — This clause lays down the powers of a Conservator to issue specified directions, the conditions subject to which such direction may be issued, the powers of the Conservator for the purpose of discharging such functions.

Clause 22. — This clause empowers the Conservator to cut warp, rope cable or hawser in the interest of any Vessel or Port asset and also to move the Vessel to a different place at the cost of the person having control over the Vessel.

Clause 23. — This clause empowers the Conservator to remove or cause to remove any obstructions or impediments in any part of the Port. The clause also provides that the person causing the obstruction or impediment is liable to pay reasonable expenses for the removal of such obstructions. Furthermore, the clause provides that no injunction shall be granted by any court for steps taken by a Conservator for the removal of any

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obstruction where such removal is done for the purpose of uninterrupted navigation in such Port or to contain pollution of the environment.

Clause 24. — This clause permits the recovery of expenses incurred by the Conservator in the removal of obstructions from the person causing such obstruction by public auction of such obstruction and the retention of its sale proceeds. If the sale proceeds are not adequate to meet the expenses then the person causing the obstruction shall be liable to pay the shortfall along with interest.

Clause 25. — This clause requires the Conservator to report any obstruction which is lawful to the Central Government and empowers its removal or alteration of obstructions which are lawful or have become lawful due to long continuance and also provides for reasonable compensation to be paid to the person affected by such removal or alteration.

Clause 26. — This clause states that if any Vessel hooks or gets foul of any of the buoys or moorings laid down in any port, then the master of such Vessel shall not, nor shall any other person, except in case of emergency, lift the buoys or moorings for the purpose of unhooking or getting clear from the same without the assistance of the conservator. The master of the vessel shall also, upon demand, pay any reasonable expenses as may have been incurred in the clearing of such vessel.

Clause 27. — This clause states that in the event that any vessel is wrecked, stranded, abandoned, stateless or sunk vessel in any Port, the Conservator shall give notice to the owner of such vessel to commence process of raising, removing or dismantling of such vessel and to furnish security for the same. The clause states that if the Owner of the Vessel fails to respond or furnish adequate security, the Conservator may cause the vessel to be removed. The clause also states that if any property of such vessel remains unclaimed or if expenses are not paid by the Owner of the Vessel, such property may be sold by the Conservator in a public auction.

Clause 28. — This clause empowers the Conservator or any person authorised by him to board a vessel or enter buildings, if he suspects that any offence under the Bill is, or is about to be committed and to receive any Port dues, fees or other charges payable in respect of any Vessel.

Clause 29. — This clause states that the Conservator or a duly authorized port official may require the master of any Vessel within the Port to provide not more than three-fourths of its crew for the purpose of preventing or extinguishing fire, or for any matter affecting the safety, security or pollution prevention aspect of the Vessel.

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Clause 30. — This clause lays down the provisions for the appointment of medical practitioner by the Central Government to carry out the functions of a health officer at any Port. The clause further lays down the powers that may be exercised by such health officer.

Clause 31. — This clause indemnifies the Government against any act or default of the any Port official or Pilot. It further lays down that the Government shall not be protected by such indemnity from a suit for any act done under the express order or sanction of the Government.

Clause 32. — This clause requires every State Government for a port other than a Major Port to constitute State Maritime Boards, having such powers contained in the clause

Clause 33. — This clause lays down the developmental and supervisory functions of the State Maritime Board.

Clause 34. — This clause empowers the State Maritime Board to issue directions in writing to any Port other than Major Ports, or port-users, or captive users, or port-officials or port service provider or port operators or any other licensee.

Clause 35. — This clause restricts persons from removing, destroying or damaging any property of the Port without lawful excuse. It further prescribes the penalty for contravening the said clause with a fine not exceeding One Lakh Rupees and shall be liable to make good any loss, destruction or damage suffered by the Port, including the expenses of any inspection or survey carried out by the Port to ascertain such loss, destruction or damage.

Clause 36. — This clause makes the improper discharge of emissions, ballast, oil, oily waste, noxious liquid substance, garbage or sewage by a Vessel in contravention to provisions of MARPOL an offence.

Clause 37. — This clause requires that every master of a Vessel in a Port shall permit warps or hawsers to be made fast to the Vessel for the purpose of warping any other Vessel in the Port, when required to do so by the Conservator. This clause further imposes a penalty on a master of Vessel who fails to comply with the provisions under this clause.

Clause 38. — This clause requires that every Vessel in the Port shall be provided with such lifesaving appliances and fire extinguishing appliances as may be mandated under the Merchant Shipping Act, 1958 and rules and regulations made thereunder.

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Clause 39. — This clause imposes a penalty on the master of Vessel in which fire takes places if he omits to take order to extinguish the fire or causes obstruction in the extinguishment of the fire.

Clause 40. — This clause lists the offences in connection with the safety of Vessels and prescribes the penalty for such an offence. The offence includes unlawful loosening and removal of moorings from fastenings, injury to vessel or setting them adrift, boiling any combustible material on board any vessel, using unprotected artificial light on board, using defective vessel likely to cause injury and leaves out any warp or hawser attached to his vessel after sunset which is likely to cause injury.

Clause 41. — This clause prohibits any unauthorised person from searching for any lost stores, and makes it an offence.

Clause 42. — This clause prohibits any unauthorised person from removing stones, rock, shingles, gravel etc. from the Port and injuring the bank or shore of the Port, and makes it an offence.

Clause 43. — This clause restricts the unauthorized movement of Vessels without the Pilot, harbour-master or assistant of harbour-master on board.

Clause 44. — This clause states that all Ports in India, Port-officials, State Government and State Maritime Boards, unless otherwise exempted by the Central Government shall be subject to conditions prescribed in the provisions of enlisted international maritime conventions on safety and security.

Clause 45. — This clause states that every port, Port-officials, State Government and State Maritime Boards the compliance with all safety requirements as prescribed by the Central Government.

Clause 46. — This clause states every port, Port-officials, State Government and State Maritime Boards shall appoint officers tasked with documenting all plans, reports and compliance measures and submit the same to the Central Government. The purpose of this is to ensure compliance with the requirements prescribed by the Central Government for safety and security management of the Port. In order to give effect to these provisions, routine audit shall be conducted and authorised personnel may prescribe different security levels for each port and accordingly determine the protective measures to be carried by individuals and bodies operating therein.

Clause 47. — This clause mandates the preparation and implementation of a Vessel Traffic Service arrangement plan for safe navigation of Vessels by every operating Port.

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Clause 48. — This clause lays down the penalties for non-compliance with the safety and security provisions under the Bill. The Central Government may pass any order to secure compliance by Ports other than Major Ports, however nothing contained herein shall prevent the State Government from passing any such order to ensure compliance.

Clause 49. — This clause requires all Ports to comply with all such requirements as may be prescribed by the Central Government to ensure the prevention and containment of pollution.

Clause 50. — This clause requires all Ports to provide for Reception Facilities at reasonable charges for the receipt of wastes, including oil, noxious liquid substances, sewage, ballast water, contaminated water or exhaust gas cleaning residues from an approved exhaust gas cleaning system, in line with international standards. The ports may impose reasonable charges for this facility and failure to provide reception facilities must be reported to the Central Government by the conservator or the master of the vessel.

Clause 51. — This clause empowers the Central Government to direct a State Government to take appropriate action for the prevention or containment of pollution. This clause also requires the Central Government and the State Government to make national arrangement systems or regional arrangement systems to affect the same. The clause further mandates every Port to prepare and implement a pollution incident emergency preparedness and response plan in line with the national arrangement system.

Clause 52. — This clause empowers the Central Government and State Government to pass orders to any Port, Repair Port, Terminal or Port-facility or Port-officer for securing compliance with provisions relating to Prevention, Containment of Pollution and Response.

Clause 53. — This clause empowers every port to levy port charges for the services, facilities and activities provided. This clause also lists the conditions for the fixation, levy and implementation of such Port-charges.

Clause 54. — This clause empowers the Government to remit or exempt the whole or part of the port charges in special cases.

Clause 55. — This clause states that the owner, agent or master of any vessel arriving into the limits of a port shall intimate the conservator, within six hours of such arrival. The clause also lists the information to be provided at the time of arrival to the conservator.

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Clause 56. — This clause relates to ascertainment of draught of the Vessel by the Conservator and the charge of expenses incurred for the same to the master of the Vessel.

Clause 57. — This clause relates to the distraint or arrest of the Vessel and sale of detained goods by the authority appointed to receive the Port dues, fees and charges in the event of non-payment or partial payment of the Port dues, fees or other charges.

Clause 58. — This clause states that no port-clearance shall be granted to any vessel until its owner, master or agent pays or secures payment of the port dues, charges and fees and all fines, penalties and expenses which the Vessel, her owner or master are liable to pay.

Clause 59. — This clause states that in the event that a Vessel leaves a Port without paying the port-charges, dues and charges or such amount as provided by the provisions of this Bill, such amount may be recoverable in any other Port which such Vessel proceeds to or in which she may be.

Clause 60. — This clause lays down the penalty for evading the payment of any sums under the Bill. It further states that a certificate stating that the master of a Vessel has evaded the payment is sufficient *prima facie* proof of the evasion.

Clause 61. — This clause imposes a penalty for the hoisting of an unlawful flag, jack, pennant or colours by a Vessel in the Port.

Clause 62. — This clause states that the master of the Vessel of an inward or outward-bound Vessel is required to hoist the number of a Vessel on arriving within signal distance of any signal-station established.

Clause 63. — This clause states that the Pilot in charge of a Vessel shall require the number of the Vessel to be hoisted.

Clause 64. — This clause imposes a penalty on the Pilot of a Vessel who disobeys, or abets disobedience to, any of the provisions contained in this Chapter in the Bill.

Clause 65. — This clause states that the provisions of Clauses 23, 25, 27 and 36 shall be applicable to all Ports including those not otherwise subject to the Bill. This clause also empowers a Magistrate having jurisdiction to enforce such application and all penalties so imposed by him and expenses incurred thereunder shall be recoverable in the manner specified in the Bill.

Clause 66. — This clause provides for the exercise of the powers of the Conservator by any harbour-master or any deputy or assistant of such conservator or harbour-master.

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Clause 67. — This clause provides for the publication of every declaration, order and rule of a Government pursuant to the Bill in the Official Gazette.

Clause 68. — This clause states that a local authority may grant any immovable property in or near a port as a site for use as a sailors' home or other institution for the health, recreation and temporal well-being of sailors.

Clause 69. — This clause specifies the manner of service of written notices or directions under the Bill.

Clause 70. — This clause lays down the provisions for cooperation by every authority exercising jurisdiction in any Port in manoeuvres for defence of the Port.

Clause 71. — This clause empowers the Central Government to pass order for authorising any officer to require authorities under this Bill to perform duties in the event of an emergency until such time that the Government is of the opinion that such emergency has passed.

Clause 72. — This clause extends protection to the Authority or Board or any member or employee thereof in respect of anything done in good faith.

Clause 73. — This clause extends application of certain provisions of the Bill to seaplanes and aircrafts making use of the Port.

Clause 74. — This clause mandates the compliance of every Port with the requirements provided under the Merchant shipping Act 1958 and under such other laws in force in India in respect of nuclear Vessels calling at the Port.

Clause 75. — This clause states that every Port shall take necessary steps to ensure that the Port is ready to deal with emergencies that may arise in the Port.

Clause 76. — This clause states that every port shall provide shore-based welfare services for seafarers calling at the port in such manner as may be specified by the Authority.

Clause 77. — This clause states that the Central Government may, through notification, direct the adoption of a mechanism for the integration of all trade related data electronically at a centralized hub. Ports must ensure that such data is interoperable by the use of such software applications that are specified by the Central Government.

Clause 78. — This clause lists the punishments for the contravention of the provisions of the Bill. Punishments are determined on the basis of offences detailed in Table annexed with the Bill and continuing offences are subject to additional fine of up to ten

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thousand rupees for each day of continuance of offence. The penalty for offences not specified in the table may extend to fifty thousand rupees. The conservator is empowered to impose penalties after hearing all parties and aggrieved individuals may prefer appeal before the concerned government within a period of thirty (30) days of receipt of order imposing penalty. The concerned government is required to pass an order within 30 days, which is binding.

Clause 79. — This clause states that punishment for any non-adherence to rules, government orders or any other violation of provisions of the Bill for which express provision has not been made shall be determined as provided in the Table annexed with the Bill.

Clause 80. — This clause lays down the punishment for unlawful operation, establishment and maintenance of a Port.

Clause 81. — This clause details the punishment of offences committed by companies and provides that every person directly in charge of and responsible to the company at the time of commission of the offence shall be deemed to be guilty of the offence. It further provides that any director, manager, secretary or other officer shall also be deemed guilty of an offence if it has been proven that the offence has been committed with the consent or connivance of, or is attributable to any neglect on part of such person.

Clause 82. — This clause provides for the conduct of trial and recovery of penalties so levied. It empowers the Magistrate to cause the amount of fine levied to be recovered by way of distress sale of the vessel or and the tackle apparel and furniture thereof.

Clause 83. — This clause empowers the Magistrate to pass an order to direct a convict to pay the assessed costs in addition to any fine or expenses to which he is liable.

Clause 84. — This clause states that Magistrate shall settle any dispute that may arise as to the sum payable as damages or expenses. It also empowers the Magistrate to recover such amount not exceeding Rs. One Lakh as a fine.

Clause 85. — This clause states that the cost of the distress sale may be levied in addition to the fine, expenses or damages in the same manner.

Clause 86. — This clause empowers the Magistrate to determine the amount to be levied in case of a dispute concerning the amount so leviable by any distress or arrest under the Bill or the costs payable under the preceding Clause.

Clause 87. — This clause states that in the case of offence punishable beyond local limits, Magistrate having jurisdiction over any district or place adjoining the Port shall

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exercise jurisdiction in the same manner as if the offence was committed locally within the limits of his jurisdiction.

Clause 88. — This clause restricts the quashing of a conviction, order or judgment of any Magistrate for error of form or procedure, except on merits. It further provides that it is not necessary to state the evidence on which such quashing proceeds. The clause further states that if the jurisdiction does not appear on the face of the conviction, order or judgment the same shall be aided by what appears in the depositions.

Clause 89. — This clause provides that any licence, authorisation, approval, clearance and permission granted or any act already done under the provisions of the repealed law shall continue to operate as such for a period not exceeding one year.

Clause 90.— This clause provides that in the event of any inconsistency between the proposed legislation and the rules and regulations made thereunder, with the Major Port Trusts Act, 1963 or the Merchant Shipping Act, 1958 or any rule or regulation made thereunder, the provisions of the Bill would not have effect.

Clause 91. — This clause provides that the provisions of the Bill shall have an overriding effect in the event of inconsistency between the Bill and any other law for the time being in force or any instrument having effect by virtue of any law other than the Bill, save as provided in Clause 92.

Clause 92. – This clause provides that the Bill shall be in addition to and not in derogation of other laws for the time being in force.

Clause 93. — This clause empowers the Central Government to frame rules necessary for the Bill and contains specific rule making power in respect of certain matters. It provides that the power to make rules under the Bill shall be subject to the condition of the rules being made after prior publication, in the manner specified therein. The purpose of such publication is to obtain the objections and suggestions of the persons affected and to consider those objections and suggestions before the rules are finalized.

Clause 94. — This clause empowers the Central Government, by order, published in the Official Gazette, to make such provisions, not inconsistent with the provisions of this Bill, as may be necessary or expedient for removing the difficulty. It further provides that no such order shall be made under the said clause after the expiry of a period of three (3) years from the commencement of this Bill.

Clause 95. — This clause provides for repeal of the Indian Ports Act, 1908. It provides for saving of various actions undertaken under the said enactments as specified therein.

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Statement of Objects and Reasons

1. The Indian Ports Act, 1908 (“**the Act**”) was enacted to consolidate the previous enactments relating to ports and port-charges. It empowers the Central Government, in relation to major ports and for limited purposes in relation to other ports, and the State Governments in relation to all other ports, to extend or withdraw the Act, alter limits of ports, prescribe various port-rules and levy of port dues. The Act also contains provisions dealing with the appointment of port officials, various aspects the safety of shipping and conservation of ports, penalties and miscellaneous provisions.
2. The Act does not contain provisions mandating compliance with certain International Conventions relating to reception facilities, safety and security and safety of shipping and conservation of ports.
3. Given that more than 90% of India's trade by volume is conducted via the maritime route, the high number of non-operational ports, and the improvements required in the performance and infrastructure of the functional ports, there is a need to enact a new legislation to enable the structured growth and development of India's ports and maritime infrastructure and to encourage greater investments in the maritime and ports sector.
4. Presently, out of 204 non-Major Ports notified by the State Governments, more than 100 are not functional. Some of the existing functional ports in India do not meet international standards in terms of performance, port operations and port facilities. These ports need to increase output and show considerable improvement in turnaround time, output per ship, reduce ship waiting time, cargo handling capacity augmentation, shipping line connectivity etc. In addition, they must show improvement in existing port infrastructure, enhance port services efficiency and to encourage greater use of advanced technologies. In the absence of structured and planned growth of ports, there is a negative impact on investments therefore, structured planning in the port sector is required to protect the interest of private participants and encourage their investments in this sector.
5. In view of the above, it has become imperative to repeal the Indian Ports Act, 1908 and to provide for contemporaneous, modern and dynamic legislation, namely, the Indian Ports Bill, 2020 to facilitate sustainable growth and development of all ports in India, through the provisions for ensuring effective administration and management of ports, setting up of regulatory bodies and effective dispute resolution mechanisms.

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6. The Indian Ports Bill, 2020, inter alia, seeks to provide for the following, namely:
- (i) The powers of the Government to extend or withdraw the Act to any Ports and alter the port limits has been made subject to obtaining prior recommendation of the Maritime Port Regulatory Authority (“**the Authority**”), and the procedure specified in the Bill.
 - (ii) All Scheduled Ports are required to obtain a certificate of registration from the Authority, in order to commence port operations.
 - (iii) The Central Government in consultation with State Governments and the Authority, is required to prepare, publish and review a National Port Policy, in order to create a framework for the sustainable development of ports based on an optimum utilisation of the coastline of India. Additionally, the Authority is required to prepare, publish and revise a National Port Plan, incorporating suggestions from the State Maritime Boards, port operators, port officials, employees, dock workers and members of the public.
 - (iv) The Bill contains provisions dealing with the constitution, and composition of the Authority. The Authority is empowered to exercise advisory functions relating to the National Port Policy and National Port Plan and on specific matters on which the Authority can make recommendations to the Central Government.
 - (v) The Bill establishes effective dispute resolution mechanisms. Disputes pertaining to anticompetitive practices or abuse of a dominant position at Scheduled Ports, Port-charges levied by Scheduled Ports and combinations of shipping lines, port service providers, terminal operators for causing or being likely to cause an appreciable adverse effect on competition within the relevant market in India and disputes of anti-competitive practices or abuse of dominant position at Scheduled Ports, fall within the ambit of the Maritime Ports Tribunal, which is a Bench constituted within the Authority. Appeals against orders of the Tribunal lie before the Appellate Tribunal, which is the Adjudicatory Board constituted under Section 54 of the Major Port Authorities Act, 2020. Second appeals against the orders of the Appellate Tribunal lie before the Supreme Court.
 - (vi) For disputes pertaining to ports other than Major ports, such as all disputes relating, or connected to, ports other than Major Ports; Public Private Partnership (PPP) concessionaires; State Maritime Boards; captive users or port officials or port users or port service providers or port operators, the Bill requires State Governments to constitute an Adjudicatory Board.

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The adjudicatory board additionally has advisory powers and its conduct is guided by the National Port Policy and National Port Plan.

- (vii) Additional provisions have been included in the Chapter on Port Officials, their powers and functions.
- (viii) State Governments are required to constitute State Maritime Boards for ports other than a Major Ports. The Bill lays down the developmental and supervisory functions of the State Maritime Boards.
- (ix) The Bill has updated the provisions relating to safety of shipping, conservation of ports, safety and security and Prevention, Containment of Pollution and Response, by requiring compliance with relevant International Conventions, enhancing the penalty amounts.
- (x) The Bill allows Ports to levy port charges, subject to the norms specified by the Authority.
- (xi) The Bill enhances the penalty amounts corresponding to all the offences.

THE INDIAN PORTS ACT, 1908¹

ARRANGEMENT OF SECTIONS

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2. Savings.
3. Definitions.

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PORT-OFFICIALS AND THEIR POWERS AND DUTIES

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8. Power of conservator to give and enforce directions for certain specified purposes.
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45. Penalty for evading payment of port-charges.
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- 65. Grant of sites for sailors' institutes.
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- 69. *[Repealed.]*.

THE FIRST SCHEDULE.—PORTS, VESSELS CHARGEABLE, RATE OF PORT-DUES AND FREQUENCY OF PAYMENT.

THE SECOND SCHEDULE.—*[Repealed.]*.

THE INDIAN PORTS ACT, 1908¹

ACT NO. 15 OF 1908

[18th December, 1908.]

An Act to consolidate the enactments relating to ports and port-charges.

WHEREAS it is expedient to consolidate the enactments relating to ports and port-charges; It is hereby enacted as follows:—

CHAPTER PRELIMINARY

1. Title and extent.—(1) This Act may be called the Indian Ports Act, 1908.

(2) It shall extend, save as otherwise appears from its subject or context,—

(a) to the ports mentioned in the first schedule, and to such parts of the navigable rivers and channels leading to such ports respectively as have been declared to be subject to Act XXII of 1855 (*for the Regulation of Ports and Port-dues*) or to the Indian Ports Act, 1875 (12 of 1875), or to the Indian Ports Act, 1889 (10 of 1889);

(b) to the other ports or parts of navigable rivers or channels to which the ²[Government], in exercise of the power hereinafter conferred, extends this Act.

(3) But nothing in section 31 or section 32 shall apply to any port, river or channel to which the section has not been specially extended by the ²[Government].

2. Savings.—Nothing in this Act shall—

(i) apply to any vessel belonging to, or in the service of, ³[the Central Government or a State Government] ⁴*** or to any vessel of war belonging to any Foreign Prince or State, or

(ii) deprive any person of any right of property or other private right, except as hereinafter expressly provided, or

(iii) affect any law or rule relating to the customs or any order or direction lawfully made or given pursuant thereto.

3. Definitions.—In this Act, unless there is anything repugnant in the subject or context, —

⁵[(1) “Magistrate” means a person exercising powers under the Code of Criminal Procedure, 1973 (2 of 1974);]

(2) “master”, when used in relation to any vessel ⁶[or any aircraft making use of any port], means, subject to the provisions of any other enactment for the time being in force, any person (except a pilot or harbour-master ⁶[of the port]) having for the time being the charge or control of the vessel ⁶[or the aircraft, as the case may be];

1. For Report of Select Committee, *see* Gazette of India, 1908, Pt. V, p. 359; and for Proceedings in Council, *see* Gazette of India, 1908, Pt. VI, pp. 146, 154 and 182.

This Act has been supplemented in its application to the port of Cochin by the Cochin Port Act, 1936 (6 of 1936), s. 2 and Sch.

This Act has been amended in Andhra Pradesh by A.P. Act 18 of 1968, in Pondicherry by Pondy. Act 10 of 1969 and Tamil Nadu by T.N. Act 19 of 1975.

This Act has been extended to Pondicherry on 1-10-1963: *vide* Reg. 7 of 1963, s. 3 and Sch. I, to the whole of the Union territory of Lakshadweep (w.e.f. 1-10-1967): *vide* Reg. 8 of 1965, s. 3 and Sch., and Goa, Daman and Diu with modifications by Reg. 12 of 1962, s. 3 and Sch.

2. Subs. by the A.O. 1937, for “Local Government”.

3. Subs. by the A.O. 1950, for “His Majesty”.

4. The words “or the Government of India” omitted by the A.O. 1937.

5. Subs. by Act 15 of 1997, s. 2, for clause (1) (w.e.f. 9-1-1997).

6. Ins. by Act 35 of 1951, s. 188.

- (3) “pilot” means a person for the time being authorised by the ¹[Government] to pilot vessels;
- (4) “port” includes also any part of a river or channel in which this Act is for the time being in force;
- (5) “port officer” is synonymous with master-attendant;
- ²[(6) “ton” means a ton as determined or determinable by the rules made under section 74 of the Merchant Shipping Act, 1958 (44 of 1958), for regulating the measurement of the gross tonnage of ships;]
- (7) “vessel” includes anything made for the conveyance ³[mainly] by water of human beings or of property;
- ⁴[(8) “major port” means any port which the Central Government may by notification in in the Official Gazette declare, or may under any law for the time being in force have declared, to be a major port; ⁵[and]
- (9) “Government”, as respects major ports, for all purposes, and, as respects other ports, for the purposes of making rules under clause (p) of section 6 (I) and of the appointment and control of port health-officers under section 17, means the Central Government, and save as aforesaid, means the State Government.]

⁶* * * * *

CHAPTER II

POWERS OF THE ¹[GOVERNMENT]

4. Power to extend or withdraw the Act or certain portions thereof.—(I) ⁷**** The ¹[Government] ¹[Government] may, by notification in the Official Gazette,—

- (a) extend this Act to any port⁸ in which this Act is not in force or to any part of any navigable river or channel which leads to a port and in which this Act is not in force;
- (b) specially extend the provisions of section 31 or section 32 to any port to which they have not been so extended;
- (c) withdraw this Act or section 31 or section 32 from any port or any part thereof in which it is for the time being in force.

(2) A notification under clause (a) or clause (b) of sub-section (I) shall define the limits of the area to which it refers.

(3) Limits defined under sub-section (2) may include any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance or good government of the port and its approaches, whether within or without high-water-mark, and, subject to any rights of private property therein, any portion of the shore or bank within fifty yards of high-water-mark.

(4) In sub-section (3) the expression “high-water-mark” means the highest point reached by ordinary spring tides at any season of the year.

5. Alteration of limits of ports.—(I) The ¹[Government] may, ⁹**** subject to any rights of private property, alter the limits of any port in which this Act is in force.

1. Subs. by the A.O. 1937, for “Local Government”.

2. Subs. by Act 23 of 1992, s. 2, for clause (6) (w.e.f. 24-01-1994).

3. Ins. by Act 35 of 1951, s. 188.

4. Added by the A.O. 1937.

5. Ins. by Act 23 of 1992, s. 2 (w.e.f. 23-1-1994).

6. Clause (I) ins. by the A.O. 1950, omitted by Act 3 of 1951, s. 3 and Sch.

7. The words “with the previous sanction of the Governor General in Council” omitted by Act 6 of 1916, s. 2.

8. Extended to the port of MORMUGAO *vide* G.S.R. 1831, dated 16-11-1963.

9. The words “with the previous sanction of the Governor General in Council and” omitted by Act 6 of 1916, s. 3.

¹[*Explanation.*—For the removal of doubts, it is hereby declared that the power conferred on the Government by this sub-section includes the power to alter the limits of any port by uniting with that port any other port or any part of any other port.]

(2) When the ²[Government] alters the limits of a port under sub-section (1), it shall declare or describe, by notification in the Official Gazette, and by such other means, if any, as it thinks fit, the precise extent of such limits.

6. Power to make port-rules.— (1) The ²[Government] may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely:—

(a) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which, vessels generally or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act;

(b) for regulating the berths, stations and anchorages to be occupied by vessels in any such port;

(c) for striking the yards and top masts, and for rigging-in the booms and yards, of vessels in any such port, and for swinging or taking-in davits, boats and other things projecting from such vessels;

(d) for the removal or proper hanging or placing of anchors, spars and other things being in or attached to vessels in any such port:

(e) for regulating vessels whilst taking-in or discharging passengers, ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged;

³[(*ee*) for regulating the manner in which oil or water mixed with oil shall be discharged in any such port and for the disposal of the same;]

⁴[(*eee*) for regulating the bunkering of vessels with liquid fuel in any such port and the description description of barges, pipe lines or tank vehicles to be employed in such bunkering;]

(f) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharves, (pays, docks, moorings and other works in or adjoining to the same, and for marking out the spaces so to be kept free;

(g) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port;

(h) for regulating the moving and warping of all vessels within any such port and the use of warps therein;

(i) for regulating the use of the mooring buoys, chains and other moorings in any such port;

(j) for fixing the rates to be paid ⁵[in a port other than a major port] for the use of such moorings when belonging to the ⁶[Government], or of any boat, hawser or other thing belonging to the ²[Government];

⁷[(*jj*) for regulating the use of piers, jetties, landing places, wharves, quays, warehouses and sheds when belonging to the Government;

(*jja*) for fixing the rates to be paid for the use of piers, jetties, landing places, wharves, quays, warehouses and sheds of any port, other than a major port, when belonging to the Government;]

1. Ins. by Act 17 of 1978, s. 2.

2. Subs. by the A.O. 1937, for “Local Government”.

3. Ins. by Act 39 of 1923, s. 2.

4. Ins. by Act 9 of 1925, s. 2.

5. Ins. by Act 15 of 1997, s. 3 (w.e.f. 9-1-1997).

6. Subs. by the A.O. 1950, for “Crown” which had been subs. by the A.O. 1937, for “Government”.

7. Subs. by Act 15 of 1997, s. 3, for clause (*jj*) (w.e.f. 9-1-1997).

¹[(*k*) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other boats plying, whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without any such port, and for licensing and regulating the crews of any such vessels; and for determining the quantity of cargo or number of passengers or of the crew to be carried by any such vessels and the conditions under which such vessels shall be compelled to ply for hire, and further for the conditions under which any licence may be revoked;

(*kk*) for providing for the fees payable in respect of the services specified in clause (*k*) for any port, other than a major port;]

(*l*) for regulating the use of fires and lights within any such port;

(*m*) for enforcing and regulating the use of signals or signal-lights by vessels by day or by night in any such port;

(*n*) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port;

(*o*) for regulating the employment of persons engaged in cleaning or painting vessels, or in working in the bilges, boilers or double bottoms of vessels in any such port;

²[(*p*)^{3***} for the prevention of danger arising to the public health by the introduction and the spread of any infectious or contagious disease from vessels arriving at, or being in, any such port, and for the prevention of the conveyance of infection or contagion by means of any vessel sailing from any such port, and in particular and without prejudice to the generality of this provision, for—

(*i*) the signals to be hoisted and the places of anchorage to be taken up by such vessels having any case, or suspected case, of any infectious or contagious disease on board, or arriving at such port from a port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when the vessel left such port, any infectious or contagious disease;

(*ii*) the medical inspection of such vessels and of persons on board such vessels;

(*iii*) the questions to be answered and the information to be supplied by masters, pilots and other persons on board such vessels;

(*iv*) the detention of such vessels and of persons on board such vessels;

(*v*) the duties to be performed in cases of any such disease by masters, pilots and other persons on board such vessels;

(*vi*) the removal to hospital or other place approved by the health-officer and the detention therein of any person from any such vessel who is suffering or suspected to be suffering from any such disease;

(*vii*) the cleansing, ventilation and disinfection of such vessels or any part thereof and of any articles therein likely to retain infection or contagion, and the destruction of rats or other vermin in such vessels;

(*viii*) the disposal of the dead on such vessels; and]

(*q*) for securing the protection from heat of the officers and crew of vessels in any such port by requiring the owner or master of any such vessel—

(*i*) to provide curtains and double awnings for screening from the sun's rays such portions of the deck as are occupied by, or are situated immediately above, the quarters of the officers and crew;

1. Subs. by Act 15 of 1997, s. 3, for clause (*k*) (w.e.f. 9-1-1997).

2. Subs. by Act 4 of 1911, s. 2, for clause (*p*).

3. Certain words omitted by the A.O. 1937.

(ii) to erect windsails so far as the existing portholes or apertures in the deck admit of their being used for ventilating the quarters of the officers and crew;

(iii) when the deck is made of iron and not wood-sheathed, to cover with wooden planks or other suitable non-conducting material such portions of the deck as are situated immediately above the quarters of the officers and crew;

(iv) when the quarters used by the crew and the galley are separated by an iron bulk-head only, to furnish a temporary screen of some suitable non-conducting material between such quarters and the galley.

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(2) The power to make rules under sub-section (1)^{2***} is subject to the condition of the rules being made after previous publication:

Provided that nothing in this sub-section shall be construed to affect the validity of any rule in force immediately before the commencement of the Indian Ports Act, 1889 (10 of 1889) and continued by section 2, sub-section (2), of that Act.

³[(2A) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

(2B) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

(3) If any person disobeys any rule made under clause (p) of sub-section (1), he shall be punishable for every such offence with fine which may extend to one thousand rupees.

(4) If a master fails wholly or in part to do any act prescribed by any rule made under clause (p) of sub-section (1), the health-officer shall cause such act to be done, and the reasonable expenses incurred in doing such act shall be recoverable by him from such master.

CHAPTER III

PORT-OFFICIALS AND THEIR POWERS AND DUTIES

7. Appointment of conservator.—(1) The ⁴[Government] shall appoint some officer or body of persons to be conservator of every port subject to this Act.

(2) Subject to any direction by the ⁴[Government] to the contrary,—

(a) in ports where there is a port-officer, the port-officer shall be the conservator;

(b) in ports where there is no port-officer, but where there is a harbour-master, the harbour-master shall be the conservator.

(3) Where the harbour-master is not conservator, the harbour-master and his assistants shall be subordinate to, and subject to the control of, the conservator.

(4) The conservator shall be subject to the control of the ⁵[Government], or of any intermediate authority which ⁶[the Government] may appoint.

1. Sub-section (1A) omitted by Act 26 of 1938, s. 8. Earlier inserted by Act 15 of 1922, s. 2

2. The words, brackets, figure and letter “and sub-section (1A)”, ins. by Act 15 of 1922, s. 2, omitted by s. 8, *ibid.*

3. Ins. by Act 20 of 1983, s. 2 and Schedule (w.e.f. 15-3-1984).

4. Subs. by the A.O. 1937, for “Local Government”.

5. Subs., *ibid.*, for “that Government”.

8. Power of conservator to give and enforce directions for certain specified purposes.—(1) The conservator of any port subject to this Act may, with respect to any vessel within the port, give directions for carrying into effect any rule for the time being in force therein under section 6.

(2) If any persons wilfully and without lawful excuse refuses or neglects to obey any lawful direction of the conservator, after notice thereof has been given to him, he shall, for every such offence, be punishable with fine which may extend to one hundred rupees, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for every day during which, after such notice as aforesaid, he is proved to have wilfully and without lawful excuse continued to disobey the direction.

(3) In case of such refusal or neglect, the conservator may do, or cause to be done, all acts necessary for the purpose of carrying the direction into execution, and may hire and employ proper persons for that purpose, and all reasonable expenses incurred in doing such acts shall be recoverable by him from the person so refusing or neglecting to obey the direction.

9. Power to cut warps and ropes.—The conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser endangering the safety of any vessel in the port or at or near to the entrance thereof.

10. Removal of obstructions within limits of port.—(1) The conservator may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of any such port, which in his opinion obstructs or impedes the free navigation thereof or the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring or other work on any part of the shore or bank which has been declared to be within the limits of the port and is not private property.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.

(3) The conservator or any Magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

11. Recovery of expenses of removal.—If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance as is mentioned in the last foregoing section, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the Official Gazette or in such other manner as the ¹[Government] by general or special order directs, the conservator may cause such timber, raft or other thing, or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction;

and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surplus of such proceeds, or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same;

and, if no such person appears, shall cause the same to be kept and deposited in such manner as the ¹[Government] directs;

and may, if necessary, from time to time, realise the expenses of keeping the same, together with the expenses of sale, by a further sale of so much of the thing or materials as may remain unsold.

12. Removal of lawful obstructions.—(1) If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the conservator shall report the same for the information

1. Subs. by the A.O. 1937, for "Local Government".

of the ¹[Government], and shall, with the sanction of ²[the Government], cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(2) Any dispute arising concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.

13. Fouling of Government moorings.—(1) If any vessel hooks or gets foul of any of the buoys or moorings laid down by or by the authority of the ¹[Government] in any such port, the master of such vessel shall not, nor shall any other person, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the conservator;

and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel;

and the master of such vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same.

(2) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine which may extend to one hundred rupees.

14. Raising or removal or wreck impeding navigation within limits of port.—³(1) If any vessel is wrecked, stranded or sunk in any port in such a manner as to impede or likely to impede any navigation thereof, the conservator shall give notice to the owner of the vessel to raise, remove or destroy the vessel within such period as may be specified in the notice and to furnish such adequate security to the satisfaction of the conservator to ensure that the vessel shall be raised, removed or destroyed within the said period:

Provided that the conservator may extend such period to such further period as he may consider necessary having regard to the circumstances of such case and the extent of its impediment to navigation.

(1A) Where the owner of any vessel to whom a notice has been issued under sub-section (1) fails to raise, remove or destroy such vessel within the period specified in the notice or the extended period or fails to furnish the security required of him, the conservator may cause the vessel to be raised, removed or destroyed.

(1B) Notwithstanding anything contained in the foregoing sub-sections, if the conservator is of the opinion that any vessel which is wrecked, stranded or sunk in any port is required to be immediately raised, removed or destroyed for the purpose of uninterrupted navigation in such port, he may, without giving any notice under sub-section (1), cause the vessel to be raised, removed or destroyed.]

(2) If any property recovered by a conservator acting ⁴[under sub-section (1A) or sub-section (1B)] is unclaimed or the person claiming it fails to pay the reasonable expenses incurred by the conservator under that sub-section and a further sum of twenty per cent. of the amount of such expenses, the conservator may sell the property by public auction, if the property is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time not less than ⁵[thirty days] after the recovery thereof.

(3) The expenses and further sum aforesaid shall be payable to the conservator out of the sale-proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to any person thereafter establishing his right thereto:

Provided that the person makes his claim within three years from the date of the sale.

1. Subs. by the A.O. 1937, for “Local Government”.

2. Subs., *ibid.*, for “that Government”.

3. Subs. by Act 23 of 1992, s. 3, for sub-section (1) (w.e.f. 12-8-1992).

4. Subs. by s. 3, *ibid.*, for “under sub-section (1)” (w.e.f. 12-8-1992).

5. Subs. by s. 3, *ibid.*, for “two months” (w.e.f. 12-8-1992).

¹[(4) Where the sale proceeds of the property are not sufficient to meet the expenses and further sum aforesaid, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the conservator on demand, and if the deficiency be not paid within one month of such demand the conservator may recover the deficiency from such owner in the manner laid down in sub-section (2) of section 57 for recovery of expenses and damages or in any other manner according as the deficiency does not or does exceed one thousand rupees.]

15. Power to board vessels and enter buildings.—(1) The conservator or any of his assistants may, whenever he suspects that any offence against this Act has been, or is about to be, committed, or whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act,

and the person appointed under this Act to receive any port dues, fees or other charges payable in respect of any vessel, may, whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act,

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

(2) If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in sub-section (1) to board or enter such vessel, building or place in the performance of any duty imposed upon him by this Act, he shall for every such offence be punishable with fine which may extend to two hundred rupees.

16. Power to require crews to prevent or extinguish fire.—(1) For the purpose of preventing or extinguishing fire in any port subject to this Act, the conservator or port-officer may require the master of any vessel within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the order of such master.

(2) Any master refusing or neglecting to comply with such requisition shall be punishable with fine which may extend to five hundred rupees, and any seaman then under his orders who, after being directed by the master to obey the orders of the conservator or port-officer for the purpose aforesaid, refuses to obey such orders, shall be punishable with fine which may extend to twenty-five rupees.

17. Appointment and powers of health-officer.—(1) The ²[Government] may appoint at any port subject to this Act an officer to be called the health-officer.

(2) A health-officer shall, subject to the control of the ²[Government], have the following powers, within the limits of the port for which he is appointed, namely:—

(a) with respect to any vessel, the powers conferred on a shipping-master by the Indian Merchant Shipping Act, 1859³ (1 of 1859), section 71;

(b) power to enter on board any vessel and medically examine all or any of the seamen or apprentices on board the vessel;

(c) power to require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board the vessel;

(d) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask;

(e) power to require any person so questioned to make and subscribe a declaration of the truth of the statements made by him.

18. Indemnity of Government against act or default of port-official or pilot.—The Government shall not be responsible for any act or default of any conservator, port-officer or harbour-master, of any

1. Ins. by Act 55 of 1952, s. 2.

2. Subs. by the A.O. 1937, for "Local Government".

3. See now the Merchant Shipping Act, 1958 (44 of 1958).

port subject to this Act, or of any deputy or assistant of any of the authorities aforesaid, or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any pilot, or for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the vessel:

Provided that nothing in this section shall protect ¹[the Government] from a suit in respect of any act done by or under the express order or sanction of the Government.

CHAPTER IV

RULES FOR THE SAFETY OF SHIPPING AND THE CONSERVATION OF PORTS

General Rules

19. Injuring buoys, beacons and moorings.—(1) No person shall, without lawful excuse, lift, injure, loosen or set adrift any buoy, beacon or mooring fixed or laid down by, or by the authority of, the ²[Government], in any port subject to this Act.

(2) If any person offends against the provisions of this section, he shall for every such offence be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

20. Wilfully loosening vessel from moorings.—If any person wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or master of the vessel, he shall, for every such offence, be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

21. Improperly discharging ballast.—(1) No ballast or rubbish, and no other thing likely to form a bank or shoal or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port or into or upon any place on shore from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods ³[and no oil or water mixed with oil shall be discharged in or into any such port, to which any rules made under clause (ee) of sub-section (1) of section 6 apply, otherwise than in accordance with such rules].

(2) Any person who by himself or another so casts or throws any ballast or rubbish or any such other thing ³[or so discharges any oil or water mixed with oil], and the master of any vessel from which the same is so cast, ⁴[thrown or discharged], shall be punishable with fine which may extend to ⁵[five lakh rupees], and shall pay any reasonable expenses which may be incurred in removing the same.

(3) If, after receiving notice from the conservator of the port to desist from so casting or throwing any ballast or rubbish or such other thing ³[or from so discharging any oil or water mixed with oil], any master continues so to cast, ⁶[throw or discharge the same], he shall also be liable to simple imprisonment for a term which may extend to ⁷[one year and to fine which may extend to five lakh rupees].

(4) Nothing in this section applies to any case in which the ballast or rubbish or such other thing is cast or thrown into ⁸[or the oil or water mixed with oil is discharged in or into] any such port with the consent in writing of the conservator, or within any limits within which such act may be authorised by the ²[Government].

22. Graving vessel within prohibited limits.—If any person graves, breams or smokes any vessel in any such port, contrary to the directions of the conservator, or at any time or within any limits at or

1. The words “the Secretary of State for India in Council” successively subs. by the A.O. 1937 and the A.O. 1950, to read as above.

2. Subs. by the A.O. 1937, for “Local Government.”

3. Ins. by Act 39 of 1923, s. 3.

4. Subs. by s. 3, *ibid.*, for “or thrown”.

5. Subs. by Act 23 of 1992, s. 4, for “five hundred rupees” (w.e.f. 12-8-1992).

6. Subs. by Act 39 of 1923, s. 3, for “or throw it”.

7. Subs. by Act 23 of 1992, s. 4, for “two months” (w.e.f. 12-8-1992).

8. Ins. by Act 39 of 1923, s. 3.

within which such act is prohibited by the ¹[Government], he and the master of the vessel shall for every such offence be punishable with fine which may extend to five hundred rupees each.

23. Boiling pitch on board vessel within prohibited limits.—If any person boils or heats any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the ¹[Government], or contrary to the directions of the conservator, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.

24. Drawing spirits by unprotected artificial light.—If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.

25. Warping.—(1) Every master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until required so to do.

(2) A master offending against sub-section (1) shall be punishable for every such offence with fine which may extend to two hundred rupees.

26. Leaving out warp or hawser after sunset.—(1) A master of a vessel shall not cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act after sunset in such a manner as to endanger the safety of any other vessel navigating in the port.

(2) A master offending against sub-section (1) shall be punishable for every such offence with fine which may extend to two hundred rupees.

27. Discharge of fire-arms in port.—If any person, without lawful excuse, discharges any firearm in any port subject to this Act, or on or from any pier, landing place, warp or quay thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the ¹[Government], he shall for every such offence be punishable with fine which may extend to fifty rupees.

28. Penalty on master omitting to take order to extinguish fire.—If the master of any vessel in which fire takes place while lying in any such port wilfully omits to take order to extinguish the fire or obstructs the conservator or the port-officer, or any person acting under the authority of the conservator or port-officer, in extinguishing or attempting to extinguish the fire, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both.

29. Unauthorised person not to search for lost stores.—(1) No person, without the permission of the conservator, shall, in any port subject to this Act, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.

(2) If any person offends against the provisions of sub-section (1), he shall be punishable with fine which may extend to one hundred rupees.

30. Removing stones or injuring shores of port prohibited.—(1) No person without the permission of the conservator shall in any port subject to this Act remove or carry away any rock, stones, shingle, gravel, sand or soil or any artificial protection from any part of the bank or shore of the port;

and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as the conservator may appoint to take part in or overlook the performance of such work.

1. Subs. by the A.O. 1937, for "Local Government".

CHAPTER V

PORT-DUES, FEES AND OTHER CHARGES

33. Levy of port-dues.—(1) ¹[Subject to the, provisions of sub-section (2)], in each of the ports mentioned in the first schedule ²[other than a major port] such port-due, not exceeding the amount specified for the port in the third column of the schedule as the ³[Government], directs, shall be levied on vessels entering the port and described in the second column of the schedule, but not oftener than the time fixed for the port in the fourth column of the schedule.

¹[(2) The ³[Government] may, by notification in the Official Gazette, alter or add to any entry in the first schedule relating to ports ⁴[in ⁵[any State] or, as the case may be, in the State], State], and this power shall include the power to regroup any such ports:

⁶* * * * *

⁷[(3)] Whenever the ¹[Government], ⁸**** declares any other port ²[other than a major port] to be to be subject to this Act, it may, ⁹**** by the same or any subsequent declaration, further declare,—

(a) in the terms of any of the entries in the second column of the first schedule the vessels which are to be chargeable with port-dues on entering the port,

(b) the highest rates at which such dues may be levied in respect of vessels chargeable therewith, and

(c) the times at which such vessels are to be so chargeable.

¹⁰* * * * *

⁷[(4)] All port-dues now leviable in any port shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

⁷[(5)] An order increasing or imposing port-dues under this section shall not take effect till the expiration of ¹¹[thirty days] from the day on which the order was published in the Official Gazette.

¹²[**34. Variation of port dues by Government.**—The Government may after consulting,—

(a) in case of ports other than major ports, the authority appointed under section 36;

(b) in case of major ports, the Authority constituted under section 47A of the Major Port Trusts Act, 1963 (38 of 1963),

exempt, subject to such conditions, if any, as it thinks fit to impose, any vessel or class of vessels entering a port subject to this Act from payment of port-dues and cancel the exemption, or may vary the rates at which port dues are to be fixed in the port, in such manner as, having regard to the receipts and charges on account of the port it thinks expedient, by reducing or raising the dues, or any of them or may extend the periods for which any vessel or class of vessels entering a port shall be exempt from liability to pay port-dues:

Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.]

1. Ins. by Act 6 of 1916, s. 6.

2. Ins. by Act 15 by 1997, s. 4 (w.e.f. 9-1-1997).

3. Subs. by the A.O. 1937, for “Local Government.”

4. subs., *ibid.*, for “within its own province.”

5. The words “British India” successively subs. by the A.O. 1941; and the A.O. 1950 to read as above.

6. Proviso omitted by the A.O. 1937.

7. Sub-sections (2), (3) and (4) re-numbered as sub-sections (3), (4) and (5) respectively by Act 6 of 1916, s. 6.

8. Certain words omitted by Act 6 of 1916, s. 6.

9. The words “with the like sanction” omitted by s. 6, *ibid.*

10. The proviso ins. by s. 6, *ibid.* Earlier omitted by the A.O. 1937.

11. Subs. by Act 23 of 1992, s. 5, for “sixty days” (w.e.f. 12-8-1992).

12. Subs. by Act 15 of 1997, s. 5, for s. 34 (w.e.f. 9-1-1997).

35. Fees for pilotage and certain other services.—(1) Within any port subject to this Act¹[not being a major port], fees may be charged for pilotage, hauling,, mooring, re-mooring, hooking, measuring and other services rendered to vessels, at such rates as the²[Government], may direct:

³* * * * *

(2) The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by sub-section (1).

⁴[(3) The Government may, in special cases, remit the whole or any portion of the fees chargeable under sub-section (1) or sub-section (2).

36. Receipt, expenditure and account of port-charges.—(1) The²[Government] shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorised to be taken by or under this Act to receive the same and, subject to the control of the²[Government], to expend the receipts on any of the objects authorised by this Act.

(2) Such officer or body shall keep for the port a distinct account, to be called the port fund account, showing, in such detail as the²[Government] prescribes, the receipts and expenditure of the port, and shall publish annually as soon after the first day of April as may be practicable an abstract, in such form as⁵[the Government] prescribes, of the account for the past financial year:

⁶[Provided that the port fund account for any port may, if so authorised under the provisions of any Act relating to such port, be merged with the general account of that port, and in such a case, the provisions of sub-section (6) shall not apply and the provisions of sub-sections (4) and (5) shall have effect as if for the words “the port fund account of the port” therein, the words “the general account of the port” had been substituted.]

⁷* * * * *

(4) All money received under this Act at or on account of any port subject to this Act, excluding receipts on account of pilotage but including-

⁸[(a) fines other than those creditable to the pilotage. account of the port under sub-section (5a)],

(b) proceeds of waifs, and

(c) any balance of the proceeds of a sale under section 14 where no right to the balance has been established on a claim made within three years from the date of the sale,

shall be credited in the port fund account of the port.

(5) All expenses incurred for the sake of any such port, excluding expenses on account of pilotage but including—

(a) the pay and allowances of all persons upon the establishment of the port,

(b) the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in or entering or leaving the port or passing through the rivers or channels leading thereto,

1. Ins. by Act 15 of 1997, s. 6 (w.e.f. 9-1-1997).

2. Subs. by the A.O. 1937, for “Local Government”.

3. The original proviso was omitted by Act 6 of 1916, s. 8, and the proviso ins. by Act 11 of 1929, s. 3, omitted by the A.O. 1937.

4. Ins. by Act 35 of 1951, s. 190.

5. Subs. by the A.O. 1937, for “that Government.”

6. Ins. by Act 35 of 1951, s. 191.

7 Sub-section (3) omitted by Act 6 of 1916, s. 9.

8. Subs. by Act 35 of 1951, s. 191, for cl. (a).

(c) pensions, allowances and gratuities of persons who have been employed in the port under this or any other enactment relating to ports and port dues, or such portion of those pensions, allowances and gratuities as the ¹[Government] may by rule determine.

(d) with the previous sanction of the ¹[Government], contributions towards the support of public hospitals or dispensaries suitable for the reception or relief of seamen or otherwise towards the provision of sanitary superintendence and medical aid for the shipping in the port and for seamen whether ashore or afloat, belonging to vessels in the port, and

(e) with the like sanction, contributions towards sailors' homes, institutes, rest-houses and coffee-houses and for other purposes connected with the health, recreation and temporal well-being of sailors,

shall be charged to the port fund account of the port.

²[(5a) All fees charged for pilotage at any port subject to this Act ³[other than a major port] and all fines and penalties levied under the Act or under any other Act relating to the port from pilots or other persons employed in the pilot service other than fines and penalties imposed by a court, shall be credited to a distinct account to be called the pilotage account of the port.

(5b) All sums so credited to the pilotage account may be applied, in such proportions as the Government may from time to time direct, to the following purposes, namely:—

(a) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores or other things as the officer or body appointed under sub-section (1) may deem it necessary to purchase, maintain or supply for the efficiency of the pilot service;

(b) the payment of the salaries, wages and allowances of pilots and other persons employed in the pilot service or in the supervision thereof:

(c) the payment of pensions, retiring gratuities, compassionate allowances or bonuses to pilots and other persons engaged in the pilot service, and of the contributions, if any, duly authorised to be made in their behalf to any provident fund or welfare fund;

(d) the payment of pensions, gratuities and compassionate allowances granted by the officer or body appointed under sub-section (1) to pilots and other persons engaged in the pilot service who have been injured in the execution of their duty and to the surviving relatives of pilots and other persons so engaged who have been killed in the execution of their duty or who may die while still in the service of such officer or body;

(e) the provision of educational, recreational and other amenities for pilots and other persons employed in the pilot service;

(f) the payment of contributions or appropriations to any special fund or funds established under the provisions of any other Act relating to the port to which the officer or body appointed under sub-section (1) considers contributions or appropriations should be made from the pilotage account;

(g) any other expenditure which may, with the previous sanction of the Government, be incurred in respect of the pilot service.

(5c) If the officer or body appointed under sub-section (1) at any port is also the authority responsible for maintaining the general account of the port, then notwithstanding the absence of any provision in that behalf in the Act under which such general account is maintained, such officer or body may, with the previous sanction of the Government, apply any sum out of the moneys credited to such general account towards meeting deficits, if any, in the pilotage account of the port, or transfer the whole or any part of any surplus funds, in the pilotage account to the general account of the port.]

1. Subs. by the A.O. 1937, for "Local Government".

2. Ins. by Act 35 of 1951, 8. 191.

3. Ins. by Act 23 of 1992, s. 6

(6) Subject to the provisions of any local law as to the disposal of any balance from time to time standing to the credit of a port fund account ¹[or of a pilotage account], any such balance may be temporarily invested in such manner as the ²[Government], may direct.

37. Grouping of ports.—(1) The State Government may direct that for the purposes of the last foregoing section any number of ports ³[in the State not being major ports] shall be regarded as constituting a single port, and thereupon all moneys to be credited to the port fund account under sub-section (4) of that section shall form a common port fund account which shall be available for the payment of all expenses incurred for the sake of any of the ports:

⁴* * * * *

(2) Where ports are grouped by or under this Act, the following consequences ensue, namely:—

(a) the State Government, in the exercise of its control over expenditure debitable to the common port fund account of the group, may, ⁵*** make rules with respect to the expenditure of the fund for the sake of the several ports of the group on the objects authorised by this Act ⁵***; and

(b) by the State Government may exercise its authority under section 34 as regards all the ports in the group collective by or as regards any of them separately.

38. Receipts for port-charges.—The person to whom any dues, fees or other charges authorized to be taken by or under this Act are paid shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the dues, fees or other charges are paid, and the name, tonnage and other proper description of the vessel in respect of which the payment is made.

39. Master to report arrival.—(1) Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this Act, the master of the vessel shall report her arrival to the conservator of the port.

(2) A master failing without lawful excuse to make such report within the time aforesaid shall for every such offence be punishable with fine which may extend to one hundred rupees.

(3) Nothing in this section applies to tug-steamers, ferry steamers or river steamers plying to and from any of the ports subject this Act. ⁶***

40. Conservator may in certain cases ascertain draught and charge expense to master.—If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be ascertained by means of the operation of hooking, and the master of the vessel shall be liable to pay the expenses of the operation.

41. Ascertainment of tonnage of vessel liable to port-dues.—In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed, namely:—

(1) (a) If the vessel is a British registered vessel or a vessel registered under the Indian registration of Ships Act, 1841 (10 of 1841), or the Indian Registration of Ships Act, (1841) Amendment Act, 1850 (11 of 1850), or under any other law for the time being in force for the registration of vessels in ⁷[India], the conservator may require the owner or master of the vessel or any person having possession of her register to produce the register for inspection.

1. Ins. by Act 35 of 1951, s. 191.

2. Subs. by the A.O. 1937, for “Local Government”.

3. Ins., *ibid.*

4. The proviso omitted, *ibid.*

5. Certain words omitted, *ibid.*

6. Certain words omitted by the A.O. 1948.

7. The words “British India” successively amended by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, s. 3 and Sch., to read as above.

(b) if the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservator as to what is the true tonnage of the vessel in respect of which the port-dues are payable, he shall be punishable with fine which may extend to one hundred rupees, and the conservator may cause the vessel to be measured, and the tonnage thereof to be ascertained, according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.

(2) If the vessel is not a British registered vessel or a vessel registered under the Indian Registration of Ships Act, 1841 (10 of 1841), or the Indian Registration of Ships Act (1841) Amendment Act, 1850 (11 of 1850), or under any other law for the time being in force for the registration of vessels in ¹[India], and the owner or master thereof fails to satisfy the conservator as to what is her true tonnage according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, the conservator shall cause the vessel to be measured² and the tonnage thereof to be ascertained, according to the mode aforesaid, and in such case the owner or master of the vessel shall be liable to pay the expenses of the measurement.

(3) If the vessel is a vessel of which the tonnage cannot be ascertained according to the mode of measurement mentioned in clauses (1) and (2), the tonnage of the vessel shall be determined by the conservator on such an estimate as may seem to him to be just.

42. Distraint and sale on refusal to pay port-charges.—If the master of any vessel in respect of which any port-dues, fees or other charges are payable under this Act, refuses or neglects to pay the same on demand, the authority appointed to receive such port-dues, fees or other charges may distrain or arrest the vessel, and the tackle, apparel and furniture belonging thereto or any part thereof, and detain the same until the amount due is paid;

and in case any part of the port-dues, fees or other charges or of the costs of the distress or arrest or of the keeping of the vessel or other thing distrained or arrested remains unpaid for the space of five days next after any such distress or arrest, may cause the vessel or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, fees or other charges and the costs including the costs of the remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand.

²[Provided that where such vessel or other thing is already arrested under the order of a court or other authority, the authority appointed to receive port-dues, fees or other charges, may sell the vessel or other thing only with the prior permission of such court or other authority and satisfy the port-dues, fees or other charges and the costs including costs of sale remaining unpaid, and disburse the surplus, if any, in accordance with the orders or directions of such court or other authority:

Provided further that the person to whom the vessel or other thing is sold under this section shall be deemed to be the owner thereof and registered as such under the Merchant Shipping Act, 1958].

43. No port-clearance to be granted until port-charges are paid.—The officer of ³[the Government] whose duty it is to grant a port-clearance for any vessel shall not grant such clearance—

(a) until her owner or master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and other charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act,

(b) until all expenses, which by the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60.), section 207, are to be borne by her owner incurred since her arrival in the port from which he seeks clearance, have been paid.

44. Port-charges payable in one port recoverable at any other port.—(1) If the master of any vessel in respect of which any such sum as is mentioned in the last foregoing section is payable causes her

1. The words "British India" successively amended by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, s. 3 and Sch., to read as above.

2. The proviso inserted by Act 23 of 1992, s. 7 (w.e.f. 12-8-1992).

to leave any port without having paid the sum, the authority appointed to receive port-dues, fees and other charges at the port under this Act may require in writing the authority appointed to receive port-dues, fees and other charges under this Act at any other port in ¹[India] to which she may proceed, or in which she may be, to levy the sum.

(2) The authority to whom the requisition is directed shall proceed to levy such sum in the manner prescribed in section 42, and a certificate purporting to be made by the authority appointed to receive port-dues, fees and other charges at the port where such sum as is mentioned in the last foregoing section became payable, stating the amount payable, shall be sufficient *prima facie* proof of such amount in any proceeding under section 42 and also (in case the amount payable is disputed) in any subsequent proceeding under section 59.

45. Penalty for evading payment of port-charges.—(1) If the master of a vessel evades the payment of any such sum as is mentioned in section 43, he shall be punishable with fine which may extend to five times the amount of the sum.

(2) In any proceeding before a Magistrate on a prosecution under sub-section (1), any such certificate as is mentioned in section 44, sub-section (2), stating that the master has evaded such payment, shall be sufficient *prima facie* proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

(3) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

46. Port-due on vessels in Ballast.—A vessel entering any port ²[not being a major port] subject to this Act ^{3***} in ballast and not carrying passengers shall be charged with a port-due at a rate to be determined by the ⁴[Government] and not exceeding three-fourths of the rate with which she would otherwise be chargeable.

47. Port-due on vessels not discharging or taking in cargo.—When a vessel enters a port ⁵[not being a major port] subject to this Act, but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), she shall be charged with a port-due at a rate to be determined by the ⁴[Government] and not exceeding half the rate with which she would otherwise be chargeable.

48. Port-due not to be chargeable in certain cases.—No port-due shall be chargeable in respect of—

(a) any pleasure yacht, or

(b) any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, or

(c) any vessel which, having entered ⁶[any port ⁷[in the territories which, immediately before the 1st November, 1956, were comprised in the States of Madras and Andhra] or the Port of Gopalpur in the State of Orissa], leaves it within forty-eight hours without discharge or taking in any passengers or cargo.

49. Power to impose hospital port-dues.—(1) The ⁴[Central Government] may, by notification in the Official Gazette, order that there shall be paid in respect of every vessel entering any port subject to this Act, within a reasonable distance of which there is a public hospital or dispensary suitable for the

1. The words “British India” successively amended by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, s. 3 and Schedule to read as above.

2. Ins. by Act 15 of 1997, s. 7 (w.e.f. 9-1-1997).

3. Certain words omitted by the A.O. 1937.

4. Subs., *ibid.*, for “Local Government”.

5. Ins. by Act 15 of 1997, s. 8 (w.e.f. 9-1-1997).

6. Subs. by Act 35 of 1950, s. 3 and Second Schedule, for certain words.

7. Subs. by the A.O. (No. 2), 1956, for “in the State of Madras or *in the State of Andhra*”. The words in *italics* were ins. by the Andhra (Adaptation of Laws on Union Subjects) Order, 1954 (w.e.f. 1-10-1953).

reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the ¹[Central Government] thinks fit.

(2) Such port-dues shall be called hospital port-dues, and the ¹[Central Government] shall, in making any order under sub-section (1), have regard to any contributions made under section 36, sub-section (5), clause (d).

(3) An order imposing or increasing hospital port-dues shall not take effect till the expiration of sixty days from the day on which the order was published in the Official Gazette.

(4) Whenever the ¹[Central Government] is satisfied that proper provision has been made by the owners or agents of any class of vessels for giving medical aid to the seamen employed on board such class of vessels, or that such provision is unnecessary in the case of any class of vessels, it may, by notification in the Official Gazette, exempt such class of vessels from any payment under this section.

50. Application and account of hospital port-dues.—(1) Hospital port-dues shall be applied, as the ¹[Central Government] may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical aid for the shipping in the port in which they are levied and for the seamen belonging to the vessels therein, whether such seamen are ashore or afloat.

(2) The ¹[Central Government] shall publish annually in the Official Gazette, as soon after the first day of April as may be, an account, for the past financial year, of the sums received as hospital port-dues at each port where such dues are payable, and of the expenditure charged against those receipts.

(3) Such account shall be published as a supplement to the abstract published under section 36, sub-section (2).

CHAPTER VI HOISTING SIGNALS

51. Master to hoist number of vessel.—(1) The master of every inward or outward bound vessel, on arriving within signal distance of any signal-station established within the limits of the river Hooghly, or within the limits of any part of a river or channel leading to a port subject to this Act, shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

(2) If the master of a vessel arriving as aforesaid offends against sub-section (1), he shall be punishable for every such offence with fine which may extend to one thousand rupees.

52. Pilot to require master to hoist number.—(1) Every pilot in charge of a vessel shall require the number of the vessel to be duly signalled as provided by the last foregoing section.

(2) When, on such requisition from the pilot, the master refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

53. Penalty on pilot disobeying provisions of this Chapter.—Any pilot in charge of a vessel who disobeys, or abets disobedience to, any of the provisions of this Chapter, shall be punishable with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and, in addition, shall be liable to have his authority to act as a pilot withdrawn.

CHAPTER VII PROVISION WITH RESPECT TO PENALTIES

54. Penalty for disobedience to rules and orders of the Government.—If any person disobeys any rule or order which a ¹[Government] has made in pursuance of this Act and for the

1. Subs. by the A.O. 1937, for "Local Government".

punishment of disobedience to which express provision has not been made elsewhere in this Act, he shall be punishable for every such offence with fine which may extend to one hundred rupees.

55. Offences how triable, and penalties how recovered.—All offences against this Act shall be triable by a Magistrate, and any Magistrate may, by warrant under his hand, cause the amount of any fine imposed upon the owner or master of any vessel, for any offence committed on board of the vessel or in the management thereof or otherwise in relation thereto, whereof the owner or master is convicted, to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

56. Costs of conviction.—(1) In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of the conviction in addition to any fine or expenses to which he may be liable.

(2) Such costs may be assessed by the Magistrate and may be recovered in the same manner as any fine under this Act.

57. Ascertainment and recovery of expenses and damages payable under this Act.—(1) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

(2) Whenever any person is liable to pay any sum, not exceeding one thousand rupees, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.

58. Cost of distress.—Whenever any fine, expenses or damages is or are levied under this Act, by distress and sale, the cost of the distress and sale may be levied in addition to such fine, expenses or damages, and in the same manner.

59. Magistrate to determine the amount to be levied in case of dispute.—If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under the last foregoing section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable, and payment of such costs, if not paid on demand, shall be enforced as if they were a fine.

60. Jurisdiction over offences beyond local limits of jurisdiction.—(1) Any person offending against the provisions of this Act in any port subject to this Act shall be punishable by any Magistrate having jurisdiction over any district or place adjoining the port.

(2) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

61. Conviction to be quashed on merits only.—(1) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

(2) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in the depositions.

CHAPTER VIII
SUPPLEMENTAL PROVISIONS

62. Hoisting unlawful colours in port.—(1) If any vessel belonging to ¹[any citizen of India or commonwealth citizen] or sailing under ²[Indian or British colours], hoists, carries or wears, within the limits of any port subject to this Act, any flag, jack, pennant or colours, the use whereof on board such vessel has been prohibited by the Merchant Shipping Act, 1894 (57 & 58 Viet., c. 60) or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of ³[the regulations] in force for the time being, the master of the vessel shall, for every such offence, be punishable with fine which may extend to fifty rupees.

(2) Such fine shall be in addition to any other penalty recoverable in respect of such an offence.

(3) The conservator of the port, or any officer of ⁴[the Indian Navy], may enter on board any such vessel and seize and take away any flag, jack, pennant or colours so unlawfully hoisted, carried or worn on board the same.

63. Foreign deserters.—Any Magistrate, upon an application being made to him by the Consul of any foreign Power to which section 238 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60) has, by an Order in Council ⁵[or order], been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any vessel of such Foreign Power, may, until a revocation of such order in Council ⁵[or order] has been publicly notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs or, at the instance of the Consul, to be detained in custody until the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month:

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during the detention and that the detention of the deserter shall not be continued beyond twelve weeks.

64. Application of sections 10 and 21.—(1) The provisions of sections 10 and 21 shall be applicable to all ports heretofore or hereafter declared by the ⁶[Government] to be ports for the shipment and landing of goods but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

(2) Any penalties imposed by him, and any expenses incurred by his order, under the said provisions, shall be recoverable respectively in the manner provided in sections 55 and 57.

(3) In any of the said ports for the shipment and landing of goods the consent referred to in section 21, sub-section (4), may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the ⁶[Government].

65. Grant of sites for sailors' institutes.—Any local authority in which any immovable property in or near a port is vested may, ⁷[with the previous sanction, in the case of cantonment authority or the port authority of a major port, of the Central Government, and in other cases, of the State Government], appropriate and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors' home or other institution for the health, recreation and temporal well-being of sailors.

1. Subs. by the A.O. 1950, for "any of His Majesty's subjects".

2. Subs., *ibid.*, for "British colors".

3. Subs., *ibid.*, for "His Majesty's regulations".

4. Subs. by the A.O. 1950, for "His Majesty's Navy or the Royal Indian Navy".

5. Ins., *ibid.*

6. Subs. by the A.O. 1937, for "Local Government".

7. Subs., *ibid.*, for "with the previous sanction of the Local Government".

66. Exercise of powers of conservator by his assistants.—(1) All acts, orders or directions by this Act authorized to be done or given by any conservator may, subject to his control, be done or given by any harbour-master, or any deputy- or assistant of such conservator or harbour-master.

(2) Any person authorised by this Act to do any act may call to his aid such assistance as may be necessary.

67. Service of written notices of directions.—Any written notice of direction given under this Act, left for the master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of the vessel, shall, for the purposes of this Act, be deemed to have been given to the master thereof.

68. Publication of orders of Government.—Every declaration, order and rule of a ¹[Government] made in pursuance of this Act shall be published in the Official Gazette, and a copy thereof shall be kept in the office of the conservator and at the custom-house, if any, of every port to which the declaration, order or rule relates, and shall there be open at all reasonable times to the inspection of any person without payment of any fee.

²[**68A. Authorities exercising jurisdiction in ports to co-operate in manoeuvres for defence of port.**—Every authority exercising any powers or jurisdiction in. or relating to, any port to which this Act for the time being applies shall, if so required by an officer authorised by general or special order of the Central Government in this behalf, co-operate in such manner, as such officer may direct, in carrying out any manoeuvres in connection with any scheme or preparations for the defence of the said port in time of war, and for this purpose shall, if so required, temporarily place at the disposal of such officer the services of any of its staff and the use of any of its vessels, property, equipment or other material:

Provided, firstly, that if any vessels are placed at the disposal of such officer in accordance with this section, the Central Government shall, in respect of the period during which they are so at his disposal, bear the running expenses of such vessels, and be responsible for any damage thereto.

Explanation.—The expression ‘running expenses’ in this proviso includes all outlay incurred in connection with the use of the vessels other than any charges for their hire, or for the wages of the officers and crews of such vessels:

Provided, secondly, that any officer making a requisition under this section shall exercise his powers in such a way as to cause as little disturbance to the ordinary business of the port as is compatible with the exigencies of the efficient carrying out of the manoeuvres:

Provided, thirdly, that no suit or other legal proceeding shall lie against any authority for any default occurring by reason only of compliance with a requisition under this section.

68B. Duties of the said authorities in an emergency.—Whenever the Central Government is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68A on the authorities therein mentioned, or other duties of a like nature, should be imposed on such authorities continuously during the existence of the emergency, it may, by general or special order, authorise any officer to require the said authorities to perform such duties until the Central Government is of opinion that the emergency has passed, and the said authority shall comply accordingly, and the provisions of the said section shall apply subject to the following modification, namely: —

The Central Government shall pay any authority, on whom a requisition has been made, such compensation for any loss or damage attributable to such requisition, and for any services rendered or expenditure incurred in complying therewith as, in default of agreement, shall be decided to be just and reasonable, having regard to the circumstances of the case, by the arbitration of a person to be nominated in this behalf by the Central Government, and the decision of such person shall be final.]

1. Subs. by the A.O. 1937, for “Local Government”.

2. Ins. by Act 6 of 1916, s. 11.

¹[**68C. Application of certain provisions of the Act to aircraft.**—(1) The provisions of sections 6, 13 to 16 (both inclusive), 18, 21 and 28, sub-section (2) of section 31 and sections 33, 34, 35, 39, 42 to 48 (both inclusive) and 55 shall apply in relation to all aircraft making use of any port subject to this Act, while on water as they apply in relation to vessels.

(2) No such aircraft shall enter or leave any port subject to this Act, except with the permission granted by the Conservator of the Port or by such other officer as may be authorized in this behalf by the Conservator.]

²[**68D. Maritime security.**—A port facility in India shall comply with all the requirements contained in Chapter IXB of the Merchant Shipping Act, 1958 (44 of 1958) or the rules made thereunder so far as they are not inconsistent with the provisions of this Act.

Explanation.— For the purposes of this section, the expression “port facility” shall have the same meaning as assigned to it in Part IXB of the Merchant Shipping Act, 1958 (44 of 1958).]

69. [*Repeal.*] *Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Sch.*

1. Ins. by Act 35 of 1951, s. 192.

2. Ins. by Act 40 of 2007, s. 7.

¹THE FIRST SCHEDULE

(See sections 1 and 33)

Ports, vessels chargeable, rate of port-dues and frequency of payment

²[PART I—MAJOR PORTS

Name of Port	Vessels Chargeable	Rate of port dues per ton	Due how often chargeable in respect of same vessel
(1)	(2)	(3)	(4)
Calcutta	³ *	*	*
Paradip	³ *	*	*
Visakhapatnam	³ *	*	*

Explanation:— “Outer Harbour” means the portion of the Visakhapatnam Port limits with the following coordinates; namely:—

WEST : A line drawn towards North along the Eastern boundary of S. No. 9 of Dolphin’s Nose Village from the junction point of S. Nos. 3, 4, 9 and 10 i.e., at the point Lat. 17° 41' 11".3 N and Long. 83° 17' 35" E across the channel till it touches Municipal boundary, in T. No. 469 i.e, at the point Lat. 17° 41' 17".3 N and Long. 83° 17' 35".2E and thence towards North along the field boundary of S. Nos. 10 and 12 of Dolphin’s Nose Village up to the South Eastern point of T.S. 303 of Fort Ward. Visakhapatnam Town thence towards North East, along eastern edge of the beach road till coinciding with the Western end of Groyne No. 2 at the point Lat. 17° 41' 47" N Long. 83° 18' 03" .4E.

NORTH : From the point of Lat. 17° 41' 47" N. and Long. 83° 18' 03" .4E towards East along the centre line of Groyne No. 2 till coinciding with East break water at Lat. 17° 41' 32" .6N. Long 83° 18' 29" .8E.

EAST : A line drawn towards South from the point of Lat. 17° 41' 32" .6N Long. 83° 18' 29" .8E till the point coinciding with East break water South and at Lat. 17° 41' 14" .93 N. Long. 83° 18' 29" .3E thence a line drawn towards South East till the point coinciding with East end of South break water at Lat. 17° 41' 01" .43 N. Long. 83° 18' 49" .12E.

SOUTH : A line drawn towards West South West direction from the point with Lat. 17° 41' 01" .43N Long 83° 18' 49" .12E till the point coinciding with Eastern boundary of S. No. I I of Dolphin's Nose Village at the point Lat. 17° 40' 36" .7N Long 83° 17' 49" .8E and thence towards North along Eastern boundary S. No. 11 of Dolphin's Nose Village till the point of interception of S. Nu. 10 of Dolphins's Nose Village between F. Lines 109 and 71 and towards West to meet junction point of S. Nos. 3. 4. 9, 10 of Dolphin's Nose Village i.e., at the point Lat. 17° 41' 11" .3N and Long. 83° 17' 35" E approximately.

1. This Schedule is liable to variation by notifications of State Governments, and for any change thereof notifications of the States concerned should be consulted.

2. Subs. by notification No. G.S.R. 257(E), dated 1-5-1978, Gazette of India, Pt. II, s. 3(i), p. 398, for the heading and the major ports of Calcutta and Paradip and the entries relating thereto.

3. Entries under cols. (2), (3) and (4) omitted by Act 15 of 1997. s. 9 (w.e.f. 9-1-1997).

(1)	(2)	(3)	(4)
Madras	1*	*	*
New Tuticorn	1*	*	*
Cochin	1*	*	*
New Mangalore	1*	*	*
Mormugao	1*	*	*
Bombay	1*	*	*
Kandla	1*	*	*

PART II.—RESERVED FOR PORTS IN WEST BENGAL, IF ANY
²[PART III.—PORTS UNDER THE CONTROL OF GOVERNMENT OF ORISSA

Name of port	Vessels chargeable	Rate of port dues	Due how often chargeable in respect of the same vessel
(1)	(2)	(3)	(4)
1. Chandbali (Dhamra)	Sea-going vessels of ten tonnes and upwards (except fishing boats). (Tug-boats, ferry-boats and river boats, whether propelled by steam or other mechanical means).	Not exceeding rupee one and fifty paise per tonne. Ditto.	Once in the same month. Once between the 1st January and the 30th June, and once between the 1st July and 31st December, in each year.
2. Gopalpur	Sea-going vessels of ten tonnes and upwards (except fishing boats). (Tug-boats, ferry-boats and river boats, whether propelled by steam or other mechanical means).	Not exceeding rupee one and fifty paise per tonne. Ditto.	Once in the same month. Once between the 1st January and the 30th June, and once between the 1st July and 31st December, in each year.

³[PART IV.—PORTS UNDER THE CONTROL OF GOVERNMENT OF ANDHRA PRADESH

Name of the Port District	Vessels Chargeable	Rate of port dues Class of vessels	Rate	Due how often chargeable in respect of the same vessel
(1)	(2)	(3)	(4)	(5)
Calingapatnam (Srikakulam)	} (Visakhapatnam) Sea-going vessels of 42-45 cubic metres (15 tons) and upwards.	(1) Foreign ship or steamer calling at any port.	Fifteen paise cubic metre.	Payable on each entry into the port.
Bheemunipatnam Kakinada (East Godavari)		(2) Foreign ship or steamer (referred to in item 1 above) calling at any port for more than once in the same voyage.	Twenty-five paise per cubic metre.	Payable once for one voyage.
Narsapur (West Godavari)				
Machilipatnam (Krishna)				

1. Entries under cols. (2), (3) and (4) omitted by Act 15 of 1997, s. 9 (w.e.f. 9.1.1997).
2. Added by notification No. 1317-PD, dated 29-04-1978, Gazette of Orissa.
3. Added by notification No. G.O. Ms. 253, dated 28-4-1978, Gazette of Andhra Pradesh.

PART IV.— PORTS UNDER THE CONTROL OF GOVERNMENT OF ANDHRA PRADESH—CONTD.

(1)	(2)	(3)	(4)	(5)
Vadarevu (Prakasam) Krishnapatnam (Nellore)	Sea-going vessels of 42- 45 cubic metres (15 tons) and upwards.— contd.	(3) Coasting ship calling at any port	Thirteen paise per cubic metre.	The payment of the dues at the port will exempt the ship for a period of 60 days from liability to pay the dues again at that port.
		(4) Coasting steamer calling at any port	Fifteen paise per cubic metre.	The payment of the dues at the port will exempt the steamer for a period of 30 days from liability to pay the dues again at that port.]

¹[PART V—PORTS UNDER THE CONTROL OF THE GOVERNMENT OF TAMIL NADU

Name of the Port	District	Vessels Chargeable	Rate of port dues, Class of vessels	Due how often chargeable in respect of the same vessel
(1)	(2)	(3)	(4)	(5)
(1) Cuddalore	South Arcot	Sea going vessels of 40 cubic metres and upwards.	(1) Foreign ship or steamer calling at any port not exceeding 10 paise per cubic metre.	Payable on each entry into the port except in the case of straits steamer which shall not be charged more than once in a voyage. Payable once for the voyage.
(2) Nagapattinam	Thanjavur		(2) Foreign ship or steamer calling at more than one port not exceeding 15 paise per cubic metre.	
(3) Pamban (4) Rameswaram (3) Kilakarai	Ramnathapuram		(3) Coasting ship calling at any port not exceeding 5 paise per cubic metre.	The payment of dues at the port will exempt the ship for a period of 60 days from liability to pay the dues again at that port.
(6) Veppalodai (7) Colachel (8) Kanyakumari			(4) Coasting steamer calling at any port not exceeding 10 paise per cubic metre.	

1. Added by notification No. 11(2)/TRA/1914(c)/78, dated 1-5-1978, Gazette of Tamil Nadu.

¹[PART VI.—PORTS UNDER THE CONTROL OF GOVERNMENT OF PONDICHERRY.

(See SECTIONS 1 AND 33)

Name of Port	Vessels chargeable	Rate of port dues	Dues how often chargeable in respect of same vessel
(1)	(2)	(3)	(4)
Pondicherry	Sea-going vessels of 40 cubic metres and upwards.	(a) Foreign going ship or sailing vessel calling at this port at 15 paise per cubic metre. (b) Coasting ships calling at this port at 15 paise per cubic metre. (c) Coasting sailing vessel calling at this port at 5 paise per cubic metre.	(a) Payable one each entry into the port. (b) The payment of port dues will exempt the ship for a period of sixty days from liability to pay the dues again at that port. Do.

(1) The levy of port dues in accordance with the Schedule referred to in clause (1) shall be subject to the following conditions, namely:—

(a) that with effect on and from the 1st July, 1978, the rates of port dues to be levied on vessels specified in column (2) of the said Schedule, entering the Port in the Union Territory of Pondicherry shall be those laid down in column (3) of the said Schedule;

(b) that such dues shall be levied subject to the conditions mentioned in column (4) of the said schedule;

(c) that the rates of port dues chargeable on any one vessel entering the port in ballast and not carrying passengers shall be 3/4th of the rates laid down in the schedule;

(d) that when a vessel enters the port but does not discharge or take any cargo or passengers therein (with the exception of such unshipment or reshipment as may be necessary for purposes of repair), she shall be charged with port dues at half the rates specified in the schedule; and

(e) that no port dues shall be levied on—

(i) any pleasure yacht, or

(ii) any vessel which, having letter any port, is compelled to re-enter it by stress of weather, or in consequence of having sustained any damage, or

(iii) any vessel which, having entered any port, leaves it within forty-eight hours without discharging or taking in any passengers or cargo.

(2) For the purpose of this notification the terms “foreign going ship”, “coasting ship”, “sailing vessel” and “ship” shall have the same meaning as found in the Merchant Shipping Act, 1958 (Act No. XLIV of 1958).]

1. Ins. by Notification No. G.O. Ms. 70/78, dated 1-5-1978, Gazette of Pondicherry.

¹[PART VII.— PORTS UNDER THE CONTROL OF GOVERNMENT OF KERALA

Name of Port		Vessels chargeable	Rate of port dues		Dues how often chargeable in respect of the same vessel
District	Ports		Class of vessel	Rate of port dues	
(1)	(2)	(3)	(4)	(5)	(6)
Trivandrum	1. Kovalam-Vizhinjam 2. Trivandrum	All sea-going vessels of 40 cubic metres and upwards.	(a) Foreign ship or steamer or coastal steamer calling at any port.	Not exceeding Rs. 1.50 per ton.	The payment of the dues on entry at any minor port of Kerala will exempt
Quilon Allepey	3. Quilon 4. Neendakar 5. Allepey	(other than fishing vessels)	(b) Coastal ship	Not exceeding 50 paise per ton.	steamers for a period of 30 days and ships for a period of 60 days from payment of port dues again at that port.
Trichrur Ernakulam Malappuram Kazikode	6. Azikode 7. Ponnami 8. Calicut (including Beypore)				
Cannanore	9. Badagara 10. Telicherry 11. Cannanore 12. Azhikkal 13. kasaragode				

Notes: (1) In assessing the Port dues the date on which a vessel anchored shall be the date from which dues shall be calculated.

(2) In the case of vessels the certificate of registry of which shows her tonnage in the British standard tons only, a factor of 2.83 cubic metres will be the equivalent to one ton for purpose of levy of Port dues specified in column 3 and on conversion of such tons into cubic metres any fraction less than half will be omitted and half and above rounded to the nearest cubic metres.

Explanation.—In this schedule—

(a) “ship” means a vessel propelled solely by wind-power.

(b) “Steamer” means any vessel other than a ship.

(c) “Coasting ship”. or “Coasting steamer” means respectively a ship or steamer which at any Port discharges cargo exclusively from or takes in cargo exclusively for any ports in India or in Burma or in the Island of Ceylon and “Coasting Steamer” includes a coasting steam vessel having a general pass under section 164 of the Sea Customs Act, 1878.

(d) “Foreign ship” or “Foreign Steamer” means respectively a ship or a steamer not being a coasting ship or coasting steamer.)]

1. Added by Notification No. S.R.O. 373/78, dated 26-4-1978, Gazette of Kerala.

¹[PART-VIII.—PORTS UNDER THE CONTROL OF GOVERNMENT OF KARNATAKA

Name of Ports	Vessels chargeable	Rate of Port dues	Dues how often chargeable in respect of the same vessel
(1)	(2)	(3)	(4)
1. Mangalore	Sea-going vessels of 15 cubic metres and upwards.	(a) Foreign ship or steamer calling at the port.	Not exceeding thirty paise per cubic metre. Payable on each entry into the Port.
		(b) Coasting ship calling at the port.	Not exceeding thirty paise per cubic metre. The payment of the dues will exempt the ship for a period of sixty days from liability to pay the dues again at the port.
		(c) Coasting steamer calling at the port.	Not exceeding thirty paise per cubic metre. The payment of the dues will exempt the steamer for a period of 30 days from liability to pay the dues again at the port.
2. Malpe 3. Mangarkatta 4. Coondapur	Sea-going vessels of 15 cubic metres and upwards.	(a) Foreign ship or steamer calling at the port.	Not exceeding thirty paise per cubic metre. Payable on each entry into the Port.
5. Baindur		(b) Foreign ship or steamer calling at more than one port.	Not exceeding forty five paise per cubic metre. Payable once for the voyage.
6. Bhatkal 7. Shirali 8. Murdeshwar 9. Honavar/Manki 10. Tadri/Gangavali 11. Belekari/Ankola	Sea-going vessels of 15 cubic metres and upwards.	(c) Coasting ships calling at any Port.	Not exceeding twenty paise per cubic metre. The payment of the dues will exempt the ship for a period of sixty days from liability to pay the dues again at the port.
		(d) Coasting steamers calling at the Port.	Not exceeding twenty four paise per cubic metre. The payment of the dues will exempt the steamer for a period of 30 days from liability to pay the dues again at the port.
12. Chendia 13. Binaga 14. Karwar 15. Majali			

Explanation 1.—

(a) “Ship” means a vessel propelled with sufficient sail area for navigation under sail alone whether or not fitted with mechanical means of the propulsion and includes a rowing boat or canoe.

(b) “Steamer” means any vessel other than a ship.

1. Ins. by notification No. PWD 42 PSP 77, dated 29-4-1978, Gazette of Karnataka (Extraordinary), Part IV-2 c(ii).

(c) "Coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from or takes in cargo exclusively for any Port in India.

Provided for the purpose of levy of port dues vessel shall not be deemed during one and the same voyage to be both coasting ship or steamer and a Foreign ship or steamer but port dues shall, in respect of such voyage, be leviable on such vessels either as a coasting or as a foreign ship or steamer, whichever rate is higher.

Explanation 2.—

Ports enclosed in double brackets in the second column of the schedule shall be treated as if they are only one port every vessel in respect of which such dues have been charged and taken at one of the bracketed ports being exempted from the payment of port dues on entering another port within the period specified in the fourth column of the schedule.

¹[PART IX.—PORTS UNDER THE CONTROL OF GOVERNMENT OF GOA, DAMAN AND DIU

Name of the Port	Vessels	Rate of port dues	Dues how often chargeable in respect of same vessel
(1)	(2)	(3)	(4)
1. Diu	(a) Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding Rupee one and paise fifty per ton.	Once in the same month.
	(b) Inland mechanically propelled vessels.	-do-	Once between 1st January & 31st March, once between 1st April & 30th June, once between 1st July & 30th September & once between 1st October.
2. Simbor	(a) Sea-going vessels of ten tons	-do-	Once in the same month.
	(b) Inland mechanically propelled vessels.	-do-	Once between 1st January & 31st March, once between 1st April & 30th June, once between 1st July & 30th September & once between 1st October.
3. Daman	(a) Sea-going vessels of ten tons and upwards (except fishing boats)	-do-	Once between 1st January & 31st March, once between 1st April & 30th June, once between 1st July & 30th September & once between 1st October.
	(b) Inland mechanically propelled vessels.	-do-	Once in the same month.

1. Ins. by notification No. 1/605/78/IPD, dated 1-5-1978, Gazette of Goa, Daman Diu.

(1)	(2)	(3)	(4)
4. Tiracol	(a) Sea-going vessels of ten tons and upwards (except fishing boats)	-do-	Once between 1st January & 31st March, once between 1st April & 30th June, once between 1st July & 30th September & once between 1st October.
	(b) Inland mechanically propelled vessels.	-do-	Once in the same month.
5. Chapora	(a) Sea-going vessels of ten tons and upwards (except fishing boats)	-do-	Once between 1st January & 31st March, once between 1st April & 30th June, once between 1st July & 30th September & once between 1st October.
	(b) Inland mechanically propelled vessels.	-do-	Once in the same month.
6. Panaji	(a) Sea-going vessels of ten tons and upwards (except fishing boats)	-do-	Once between 1st January & 31st March, once between 1st April & 30th June, once between 1st July & 30th September & once between 1st October.
	(b) Inland mechanically propelled vessels.	-do-	Once in the same month.
7. Talpona	(a) Sea-going vessels of ten tons and upwards (except fishing boats)	-do-	Once in the same month.
	(b) Inland mechanically propelled vessels.	-do-	Once between 1st January & 31st March, once between 1st April & 30th June, once between 1st July & 30th September & once between 1st October.]

¹[PART X.—PORTS UNDER THE CONTROL OF GOVERNMENT OF MAHARASHTRA

Name of ports and Group within which they fall	Vessels chargeable	Rate of port dues	Dues how often chargeable in respect of same vessels
(1)	(2)	(3)	(4)
I-BANDRA GROUP OF PORTS			
1. Dhanu.	(i) Sea-going vessels of 5 tons and upwards but less than 10 tons (exceeding fishing boats).	Twenty-five paise per metric ton.	Once in thirty days at the same port; provided that no coasting vessels having paid port dues at any port shall be chargeable with port dues again at the same or any other port of the same group within 30 days.
2. Tarapur.			
3. Nawapur.			
4. Satpati.			
5. Kelwa Mahim (including Kelwa).			
6. Arnala (including Datiware).	(ii) Sea-going vessels other than power, driven sea-going vessels of 10 tons and upwards (exceeding fishing boats).	Forty paise per metric ton.	
7. Bassein.			
8. Uttan.			
9. Bhivandi.			
10. Manori	(iii) Power driven sea-going vessels of 10 tons and upwards.	Sixty paise per metric ton.	
11. Kalyan.			
12. Thane.			
13. Vessava.			
14. Bandra.			
II—MORA GROUP OF PORTS			
1. Trombay (including Mahul.)	(i) Sea-going vessels of 5 tons and upwards but less than 10 tons (exceeding fishing boats).	Twenty-five paise per metric ton.	Once in thirty days at the same port; provided that no coasting vessels having paid port dues at any port shall be chargeable with port dues again at the same or any other port of the same group within 30 days.

1. Ins. by notification No. IPA 1077/264/36TR, dated 21-31978, Gazette of Maharashtra.

(1)	(2)	(3)	(4)
2. Panvel (Ulwa and Belapur).	(ii) Sea-going vessels other than power driven sea-going vessels of 10 tons and upwards (exceeding fishing boats).	Forty paise per metric ton.	
3. Mora.			
4. Karanja.			
5. Mandwa.			
6. Thal (Rewas).			
7. Alibag. (including Dharamtar).	(iii) Power driven sea-going vessels of 10 tons and upwards.	Sixty paise per metric ton.	

III—RAJPURI GROUP OF PORTS

1. Revdanda.	(i) Sea-going vessels of 5 tons and upwards but less than 10 tons (excepting fishing boats).	Twenty-five paise per metric ton.	Once in thirty days at the same port; provided that no coasting vessels having paid port dues at any port shall be chargeable with port dues again at the same or any other port of the same group within 30 days.
2. Borli Mandla.			
3. Nandgaon.			
4. Murud (J).			
5. Rajpuri.	(ii) Sea-going vessels other than power driven sea-going vessels of 10 tons and upwards (excepting fishing boats).	Forty paise per metric ton.	
6. Bankot.	(iii) Power driven sea-going vessels of 10 tons and upwards.	Sixty paise per metric ton.	

IV—RATNAGIRI GROUP OF PORTS

1. Kelshi.	(i) Sea-going vessels of 5 tons and upwards but less than 10 tons (excepting fishing boats).	Twenty-five paise per metric ton.	Once in thirty days at the same port; provided that no coasting vessels or coasting power driven vessels having paid port dues at any port shall be chargeable with port dues again at the same or any other port of the same group within 30 days.
2. Harnai.			
3. Dabhol.			
4. Palshet.			

(1)	(2)	(3)	(4)
5. Borya. 6. Jaigad. 7. Varoda (Tiwari).	(i) Sea-going other than power driven sea-going vessels of 10 tons and upwards (excepting fishing boats).	Forty paise per metric ton.	
8. Ratnagiri. 9. Purnagad.	(iii) Power driven sea-going vessels of 10 tons and upwards.	Sixty paise per metric ton.	

V—VIJAYDURG GROUP OF PORTS

1. Jaipur. 2. Vijaydurg. 3. Deogad.	(i) Sea-going vessels of 5 tons and upwards but less than 10 tons (excepting fishing boats).	Twenty-five paise per metric ton.	Once in thirty days at the same port; provided that no coasting vessels or coasting power driven vessels having paid port dues at any port shall be chargeable with port dues again at the same or any other port of the same group within 30 days.
4. Achara.	(ii) Sea-going vessels other than power driven sea-going vessels of 10 tons and upwards (excepting fishing boats).	Forty paise per metric ton.	
	(iii) Power driven sea-going vessels of 10 tons and upwards.	Sixty paise per metric ton.	

VI—VENGURLA GROUP OF PORTS

1. Malwan 2. Nivati. 3. Vengurla.	(i) Sea-going vessels of 5 tons and upwards but less than 10 tons (excepting fishing boats),	Twenty-five paise per metric ton.	Once in thirty days at the same port; provided that no coasting vessels or coasting power driven vessels having paid port dues at any port shall be chargeable with port dues again at the same or any other port of the same group within 30 days.]
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(1)	(2)	(3)	(4)
4. Redi.	(ii) Sea-going vessels other than power driven sea-going vessels of 10 tons and upwards (excepting fishing boats).	Forty paise per metric ton.	
5. Kiranpani.			
	(iii) Power driven sea-going vessels of 10 tons and upwards.	Sixty paise per metric ton.	

¹[PART XI.—PORTS UNDER THE CONTROL OF GOVERNMENT OF GUJARAT

1. Umargaon	(1) Foreign Ships	Re. 1.00 p. per ton.	Once in 30 days in case of each vessel.
2. Maroli			
3. Kolak			
4. Umarsadi	(2) Costing ships	Re. 0.50 p. per ton.	-do-
5. Valsad			
6. Billimora			
7. Vansi-Borsi	(3) Sailing vessels	Re. 0.35 p. per ton.	-do-
8. Onjal			
9. Surat (Magdalia)			
10. Bhagva	(4) Tugs, ferry and river ships.	Re. 0.60 p. per ton.	Twice in a year <i>i.e.</i> to say once between the 1st January to the 30th June and once between the 1st July to the 31st December.
11. Bharuch			
12. Dahej			
13. Khambhat	(5) Foreign ships bringing cargo for transhipment in daughter ships.		
	(6) Daughter ships in ballast being loaded with cargo from tankers and leaving for ports other than Gujarat State ports.	Re. 1.00 p. per ton.	-do-

1. Ins. by Notification No. G/J/16/ IPA/1077/95-M, dated 1-5-1978, Gazette of Gujarat, Extraordinary, Part IV-A.

(1)	(2)	(3)	(4)
<i>II. Bhavnagar Group of Ports:</i>			
1. Bhavnagar	(1) Foreign Ships	Re. 1.00 per ton.	Once in 30 days in case of each vessels.
2. Gogha			
3. Talaja			
	(2) Coasting ships	Re. 0.50 p. per ton.	-do-
	(3) sailing vessels	Re. 0.35 p. per ton.	
	(4) Tugs, ferry and river ships.	Re. 0.60 p. per ton.	Twice in a year <i>i.e.</i> to say once between the 1st January to the 30th June and once between the 1st July to the 31st December.
	(5) Foreign ships bringing cargo for transshipment in daughter ships.	Rs. 2.50 p. per ton.	Once in 30 days in case of each vessel.
	(6) Daughter ships in ballast being loaded with cargo from tankers and leaving for ports other than Gujarat State ports.	Re. 1.00 p. per ton.	-do-
<i>III. Mahuva Group of Ports:</i>			
1. Mahuva	(1) Foreign ships	Re. 1. 00 p. per ton.	Once in 30 days in case of each vessel.
2. Pipavav			
Bandar	(2) Coasting ships	Re. 0.50 p. per ton.	-do-
3. Jafrabad	(3) Sailing Vessels	Re. 0.35 p. per ton.	-do-
4. Rajpara	(4) Tugs, ferry and river ships	Re. 0.60 p. per ton.	Twice in a year <i>i.e.</i> to say once between the 1st January to the 30th June and once between the 1st July to the 31st December.
	(5) Foreign ships vringing cargo for transshipment in daughter ships.	Re. 2. 50 p. per ton.	Once in 30 days in case of each vessel.

(1)	(2)	(3)	(4)
	(6) Daughter ships in ballast being loaded with cargo from tankers and leaving for ports other than Gujarat State ports.	Re. 1.00 p. per ton.	-do-
<i>IV. Veraval Group of Ports:</i>			
(1) Nawabandar	(1) Foreign ships.	Re. 1.00 p. per ton.	Once in 30 days in case of each vessel.
(2) Madhwad	(2) Coasting ships.	Re. 0.50 p. per ton.	-do-
(3) Veraval			
(4) Mangrol	(3) Sailing Vessels.	Re. 0.35 p. per ton.	-do-
	(4) Tugs, ferry and river ships.	Re. 0.50 p. per ton.	Twice in a year <i>i.e.</i> to say once between the 1st January to the 30th June and once between the 1st July to the 31st December.
	(5) Foreign ships bringing cargo for transshipment in daughter ships.	Rs. 2.50 p. per ton.	Once in 30 day in case of each vessel.
	(6) Daughter ships in ballast being loaded with cargo from tankers and leaving for ports other than Gujarat State ports.	Re. 1.00 p. per ton.	-do-
<i>V. Porbandar Group of ports:</i>			
(1) Porbandar	(1) Foreign ships.	Re. 1.00 p per ton.	Once in 30 day in case of each vessel.
	(2) Coasting ships.	R. 0.50 p per ton.	-do-
	(3) Sailing vessels.	Re. 0.35 p per ton.	-do-
	(4) Tugs, ferry and river ships.	Re. 0.60 p per ton.	Twice in a year <i>i.e.</i> to say once between the 1st January to the 30th June and once between the 1st July to the 31st December.

(1)	(2)	(3)	(4)
	(5) Foreign ships bringing cargo for transshipment in daughter ships.	Rs. 1.00 p per ton.	Once in 30 day in case of each vessel.
	(6) Daughter ships in ballast being loaded with cargo from tankers and leaving for ports other than Gujarat State ports.	Re. 1.00 p per ton.	-do-
<i>VI. Okha Group of Ports:</i>			
(1) Dwarka (Rupen)	(1) Foreign ships.	Re. 1.00 p per ton.	
(2) Okha	(2) Coasting ships.	R. 0.50 p per ton.	-do-
(3) Beyt	(3) Sailing vessels.	Re. 0.35 p per ton.	-do-
	(4) Tugs, ferry and river ships.	Re. 0.60 p per ton.	Twice in a year <i>i.e.</i> to say once between the 1st January to the 30th June and once between the 1st July to the 31st December.
	(5) Foreign ships bringing cargo for transshipment in daughter ships.	Rs. 1.00 p per ton.	Once in 30 day in case of each vessel.
	(6) Daughter ships in ballast being loaded with cargo from tankers and leaving for ports other than Gujarat State ports.	Re. 1.00 p per ton.	-do-
<i>VII. Bedi Group of Ports:</i>			
(1) Pindhara	(1) Foreign ships.	Re. 1.00 p per ton.	
(2) Salaya			
(3) Sikka			
(4) Bedi (including Rozi)	(2) Coasting ships.	Re. 0.50 per ton.	-do-
(5) Jodia	(3) Sailing Vessels.	Re. 0.60 p per ton.	-do-

(1)	(2)	(3)	(4)
	(4) Tugs, ferry and river ships.	Re. 0.60 p per ton.	Twice in a year <i>i.e.</i> to say once between the 1st January to the 30th June and once between the 1st July to the 31st December.
	(5) Foreign ships bringing cargo for transshipment in daughter ships.	Rs. 1.00 p per ton.	Once in 30 day in case of each vessel.
	(6) Daughter ships in ballast being loaded with cargo from tankers and leaving for ports other than Gujarat State ports.	Re. 1.00 p per ton.	-do-
<i>VIII. Navlakhi Group of pots:</i>			
(1) Navlakhi	(1) Foreign ships.	Re. 1.00 p per ton.	Once in 30 day in case of each vessel.
	(2) Coasting ships.	Re. 0.50 per ton.	-do-
	(3) Sailing Vessels.	Re. 0.60 p per ton.	-do-
	(4) Tugs, ferry and river ships.	Re. 0.60 p per ton.	Twice in a year <i>i.e.</i> to say once between the 1st January to the 30th June and once between the 1st July to the 31st December.
	(5) Foreign ships bringing cargo for transshipment in daughter ships.	Rs. 1.00 p per ton.	Once in 30 day in case of each vessel.
	(6) Daughter ships in ballast being loaded with cargo from tankers and leaving for ports other than Gujarat State ports.	Re. 1.00 p per ton.	-do-

(1)	(2)	(3)	(4)
<i>IX. Mandvi Group of Ports:</i>			
(1) Mundra	(1) Foreign ships.	Re. 1.00 p per ton.	Once in 30 day in case of each vessel.
(2) Mandvi	(2) Coasting ships.	Re. 0.50 per ton.	-do-
(3) Jakhau	(3) Sailing Vessels.	Re. 0.60 p per ton.	-do-
(4) Koteshwar	(4) Tugs, ferry and river ships.	Re. 0.60 p per ton.	Twice in a year <i>i.e.</i> to say once between the 1st January to the 30th June and once between the 1st July to the 31st December.
	(5) Foreign ships bringing cargo for transshipment in daughter ships.	Rs. 1.00 p per ton.	Once in 30 day in case of each vessel.
	(6) Daughter ships in ballast being loaded with cargo from tankers and leaving for ports other than Gujarat State ports.	Re. 1.00 p per ton.	-do-

Explanations to Part XI of the First Schedule.

Explanation 1.—(a) The ports shown under each of the nine groups in the first column of the table shall be treated as if they were only one port. The payment of the dues at the first port called in a group shall exempt the vessel for the period shown in column 4 in the table from the liability of payment of the dues again on re-entering or entering that or any other port in the same group.

(b) No port dues shall be charged in respect of vessel of less than 10 tons or any fishing boat.

(c) A vessel in distress with no cargo on board brought into harbour in tow shall be charged with three-fourths of port dues.

(d) A coastal ship entering a port, bringing coal or taking salt shall be charged port dues at ten per cent. less than the rates with which she would otherwise be chargeable.

Explanation 2.—(a) In determining of the measurement of the net tonnage for the purpose of calculating the charges, a fraction of half a ton or more shall be counted as one ton and less than half ton shall be ignored.

(b) The period of thirty days shall be reckoned from the date of entry of the vessel into the port.

(c) “Vessel” includes any ship, boat, sailing vessel or other description of vessel used in the navigation.

(d) “Sailing vessel” means any description of vessel provided with sufficient sail area for navigation under sails alone, whether or not fitted with mechanical means of propulsion, and includes a rowing boat or canoe but does not include a pleasure craft.

(e) “Ship” does not include a sailing vessel.

(f) “Coastal ship” means a ship which at any port in Gujarat discharges exclusively from or takes any cargo exclusively for any port in the Republic of India and is not engaged in overseas trade.

(g) “Foreign ship” means a ship which is not a coasting ship.

Explanation 3.—If the vessel, in the course of her voyage or during stay in the port, changes her character from a coasting vessel to a foreign ship or *vice versa*, port dues shall be charged at the rates leviable in respect of foreign ships.

Explanation 4.—(a) A vessel entering a port and taking in only provisions, water, bunker-coal or liquid fuel for her own consumption shall be charged port dues at half the rate with which she would otherwise be chargeable.

(b) A vessel that has paid half the port dues under clause (a) above re-enters the same port with cargo or passengers or both within thirty days from the date of its previous entry in the port shall be charged the difference between the dues already paid and those payable at the full rate

Explanation 5.—When a vessel which has been charged port dues, leviable under Government of Gujarat, Public Works Department, Notification No. G/J/48/75/IPA-2975-M, dated the 5th December, 1975, re-enters the same port with cargo or passengers or for any other purpose within thirty days from the date of its previous entry on the port, it shall be charged the difference between the dues already paid and those with which she would otherwise be chargeable.]

THE SECOND SCHEDULE.—[*Enactment repealed.*] *Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and the Schedule.*
