



INLAND WATERWAYS AUTHORITY OF INDIA

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Brief on Draft New Inland Vessel Act-2016

With the objective of replacing the existing “Inland Vessels Act, 1917 (1 of 1917) with amendment as of 2007 dealing all matters connected with operation of Inland Vessels in Inland Waters, a new Inland Vessel Act have been drafted through Indian Register of Shipping. The draft Act has been further revised after incorporating the views and suggestion obtained from the stakeholders during three Workshops cum Interactive Sessions held at Delhi, Mumbai & Kolkata. The revised draft Act is available in website of IWAI at the link **“Re-writing of I.V. Act.”**

Before forwarding the final draft to Ministry of Shipping for its enactment, IWAI has decided to invite views/ suggestions/ objections /comments from individuals/ organizations interested in the subject matter. Those interested may send their written memoranda, to Shri S Dandapat, Chief Engineer (P & M), IWAI at the above mentioned address or email cepm.iwai@nic.in on or before 10th February, 2016.

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CHIEF ENGINEER (P & M)

**DRAFT NEW
INLAND VESSELS
ACT / BILL - 2016**

THE INLAND VESSELS BILL (ACT), _____

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THE INLAND VESSELS ACT 2015

PREAMBLE

RECOGNIZING the necessity of law for promoting economical and safe transportation and trade through inland waters;

RECOGNIZING and AIMING at the growth of transportation and trade by achieving and protecting the interests and needs of stake holders and technological advancements that the service users and service providers could make use of;

REALISING the demand for a uniform law, and DESIROUS of bringing uniformity in application of law relating to inland waterways and navigation within the country;

ENVISAGING to provide for safety of navigation, protection of life and cargo, and prevention of pollution that could be caused by the use or navigation of inland vessels;

ENSURING transparency and accountability of administration, by administrative bodies to effectively implement the provisions of this Act so as to maximize benefits and to regulate trade practices;

REALISING the necessity to strengthen investigation and judicial processes to cover casualty, accidents, pollution and any such violations;

ENSURING equality of status, treatment and opportunity to vessels while using or plying in inland waters;

HAVING UNDERSTOOD the need of the time to replace and substitute the existing laws and procedures governing the inland vessels, their construction, survey, registration, manning, navigation and such other aspects;

WHEREAS it is expedient to regulate and govern the unregulated sector of non-mechanically propelled inland vessels by constituting Department of Local Self Administration and Authorities to assist and safeguard their interests; and

AIMING to enact a legislation that can adapt innovations, developments and contributions of the future;

HENCE IT IS EXPEDIENT to enact this legislation to replace and substitute the Inland Vessels Act, 1917 (Act no 1 of 1917) as amended from time to time.

PART I

1. Short Title and Commencement

(1) This Act may be called The Inland Vessels Act (_____ of 2015).

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that, different dates may be appointed for the entry into force for, different provisions of this Act, in different State Governments or Union Territories, as it may deem fit by the Central Government.

2. Application and Scope

(1) It extends to the whole of India.

(2) Unless otherwise expressly provided elsewhere in the Act,

a) Part I, II, IX, XV and XVI shall apply to all inland vessels plying within inland waters of India.

b) Part III, IV, V, VII, VIII, X, XI, XII and XIII shall apply to all mechanically propelled vessels registered under this Act.

c) Part VII, VIII, IX, X, XI and XII shall apply to vessels registered under such laws in force in India other than this Act, or registered in such laws in force in any country other than India; but endorsed or recognised under this Act for the purpose of plying within inland waterways.

d) Part VI, VII, VIII, IX, X, XI, XII and XIII shall apply to all vessels identified as special category vessels plying or using inland waterways as an essential and inevitable surface of transportation.

e) Part XIV shall apply to all non-mechanically propelled inland vessels.

(3) Notwithstanding anything contained herein, the Central Government or the State Government, as the case may be; may extend the application of any Part or provision to any class or category of inland vessel; or to any Part or region of inland waters; by notification in the Official Gazette.

3. **Definitions:**

For the purpose of this Act, unless provided otherwise, the words and phrases shall have the following meaning;

- (1) **Authorised insurer:** An insurer carrying on general insurance business in India under the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972) as amended, for the time being and any Government insurance firm authorised to practice general insurance business under that Act.
- (2) **Cargo terminal –** terminal designated for the loading or unloading or any other allied processes of such loading or unloading of cargo in a port, jetty, wharf etc. on any inland vessel.
- (3) **Cargo Vessels:** Any mechanically propelled inland vessel which is not a passenger vessel.
- (4) **Casualty -** Shall include any vessel being lost, abandoned, materially damaged, or causing loss of material or damage to any other vessel or any loss of life, personal injury or pollution arising or caused as a result of or in connection with the operation of any vessel or vessels. .
- (5) **Central Data Base –** the centralised record maintained for recording the data and details of vessel, vessel registration, crew, manning, certificates issued, reception facilities and such other data, as prescribed to be recorded in such form and content as provided under the Act.
- (6) **Certificate of Insurance:** A certificate issued by an authorised insurer in pursuance of the insurance premium being paid by the insured, and includes a cover note complying with such requirements as may be prescribed.
- (7) **Classification society-** Shall mean any organisation recognised and authorised by Central Government or State Government to perform and execute the functions involved in classification of vessels.
- (8) **Competent Authority -** Competent Authority refers to the authority appointed by Central Government to function as a Competent Authority under sub-section (1) of Section 4 of this Act.
- (9) **Court -** Shall mean any civil, revenue or High Court or such other courts as may be constituted to have jurisdiction over the matters of liabilities and offences as provided in this Act and includes investigation and inquiry into claims arising out of causalities and accidents within its jurisdiction.
- (10) **Cover note –** shall include any note of undertaking issued by the insurer who promises to cover the liability and to indemnify the losses incurred by the insured as provided upon loss suffered or liability incurred by the insured as provided in the contract of insurance, and validity of which is subject to

- (11) Crewmen - All personnel employed for operation or serving on an inland vessel other than Master and passengers as a part of performing the functions of manning as prescribed under this Act.
- (12) Dangerous Goods or dangerous cargo - Means any cargo/goods which due to its nature, form or content as a whole or in part are declared as dangerous or potentially dangerous while carried on any class or category of inland vessels in inland waters under this Act or any other law in force.
- (13) Fishing vessel: A vessel fitted with mechanical means of propulsion, which is exclusively engaged in fishing for profit, within inland waters.
- (14) Hazardous chemical or Obnoxious substance: means any chemical or substance, as the case may be, which has been designated as pollutants under this Act.
- (15) Hull Identification Number: The number and / or such other marks which are provided or assigned to any vessel, by the construction yard or such other persons recognised under this Act, which is marked on the hull to refer, distinguish and identify one vessel from another.
- (16) Inland Port - Area designated and developed for the facilitation of activities of loading, unloading, embarking, disembarking and any other allied activities directly or indirectly involved in the functioning of vessels including trade activities and which act as interface between land area and inland
- (17) Inland Vessel - shall include all vessels plying in the inland waters, but does not include
 - a) Fishing vessels registered under Merchant Shipping Act, 1958 and Marine Products Export Development Act ,1972
 - b) Vessel registered under the Merchant Shipping Act, 1958
 - c) Vessels that are specified as not to be an inland vessel by the Competent Authority from time to time.
- (18) Inland Waters - includes any artificial or natural waterways, or tidal waters upto any limits, notified as inland water limit by Central Government or State Government in official gazette.
- (19) Lien : Lien is a legal right or interest that a creditor has in the inland vessel or any property thereof, retained until a debt or duty is secured or the performance of some other obligation is satisfied.
- (20) Limitation of Liability : The rate or extent of liability within which the owner or any such other persons entitled under this Act to limit the liability is permitted to limit or cap the liability arising out of claims, as per the procedure laid down and rates prescribed under this Act or any Rules made thereunder.

- (21) Marking of Vessel - Visual signals, sketches or symbols on inland vessels which are affixed with an intention for the identification and marking of such inland Vessel.
- (22) Master : includes any person including serang or such other person who is in command or in charge of any inland vessel, and does not include a pilot or harbour master.
- (23) Material fact or Material particular: The expressions shall mean, a fact or any particular of such a nature, which determines the judgment of a prudent insurer, in assessing the extent of his liability, premium to be charged, conditions to be prescribed and such other terms to be entered and incorporated in a policy of insurance governing the relationship with insured.
- (24) Mechanically Propelled Inland Vessel: Any inland vessel in the inland waters including, floating surfaces, dumb vessels, barges, rigs or floating units or any non-mechanically propelled inland vessel, which are propelled by means other than by sole employment of human labour and includes towed / pushed with the assistance of another mechanically propelled vessel or by wind power used for carriage, storage and accommodation of passengers and cargo in or through inland waters.
- (25) Minimum Manning Requirement: The standard and number of persons required for safe manning and navigation of vessels as provided or prescribed under this Act.
- (26) Navigable water: Any area or extent of water declared by the State Government or by Inland Waterways Authority of India constituted under Inland Waterways Authority of India Act 1985, as amended or by any authority constituted under such other laws in force in India, as navigable by the inland vessels, registered, recognised or identified, under this Act
- (27) Non-mechanically Propelled Vessel :
- For the purpose of the usage of phrase in Part XIV, the non-mechanically propelled inland vessel shall mean to include country boats, yachts or such other vessels that are put into movement by sole employment of human labour.
- (28) Official number: The number and / or such other marks assigned by the Registrar of Inland Vessels or such other persons appointed under this Act to any vessel, which is exhibited on the conspicuous part of such vessels to refer, distinguish and identify one vessel from another.
- (29) Oil : means any persistent oil such as crude oil, heavy diesel oil, lubricating oil and white oil, whether carried on board a vessel as cargo or fuel.
- (30) Oily mixture means a mixture with any oil content.

- (31) Owner: Shall mean operator, charterer, beneficial owner or registered owner who is responsible for the activities of the vessel and under obligation to comply with the provisions of this Act in relation to, or in possessing express or implied title by this Act or any other law in force.
- (32) "Passenger": shall mean any person carried on board a vessel except a person employed or engaged in any capacity on board the vessel in connection with the business of the vessel.
- (33) Passenger terminal: terminal designated for the embarking or dis-embarking of passengers or any other allied processes of such embarking or disembarking of passengers and the permitted cargo in a port, jetty etc.
- (34) Passenger Vessel: Any vessel permitted to or carrying more than --12--- numbers of passengers.
- (35) Pilot: any qualified person appointed by the owner of the vessel to assist the master or to steer the vessel in such area of inland water in accordance with the mandatory requirement as prescribed by the respective State Government.
- (36) Priority of Lien: The ranking of liens in the order in which they are perfected or recorded in the Book of Registry maintained at every port or place of registry.
- (37) Reciprocating country: means any country as may on the basis of reciprocity be notified by the Central Government in the Official Gazette to be a reciprocating country for the purposes of this Act.
- (38) Salvage: Act of the salvor in retrieving or saving any property or life in danger due to wreck or such other accident and in certain circumstances shall also have the meaning of all expenses incurred by the salvor in the performance of salvage services.
- (39) Salvor: Any person who conducts salvage operations.
- (40) Service provider: shall include any person who in the capacity of owner or operator of an inland vessel used or plying in inland waters providing services to any service user for the purposes of transportation, storage and/or accommodation.
- (41) Service user: – shall include any person who in the capacity of a passenger or owner of cargo or freight forwarder, uses the services of any inland vessel used or plying in inland waters for transportation, storage and/or accommodation purposes.
- (42) Special category vessels: Mechanically Propelled Inland Vessels that are identified under this Act as special by considering the use, purpose, function or utility or the means of propulsion including the fuelling system or source

of power for propulsion, design, dimensions of construction or areas of operation or such other criteria or standards.

- (43) Vessel : includes every description of water craft used or capable of being used in the inland waters, including any ship, boat, sailing vessel, tug, barge or other description of vessel including non- displacement craft, amphibious craft, wing-in-ground craft, roll on-roll off vessel, container vessel, tanker vessel, gas carrier or floating unit or dumb vessel used for transportation, storage and/or accommodation within or through inland waters.
- (44) Water line : Safety water line or any marks or lines with which any inland vessel is marked to denote the safe carrying or loading capacity of such vessel as prescribed under the Act.
- (45) Wreck : A state of any vessel or goods or a part or property of such vessel or carried on the vessel,
- a) which have been cast into or have fallen into the inland waters and then sunk and remain under water or remains floating on the surface; or
 - b) which have sunk in the inland waters, but are attached to a floating object in order that they may be found again; or
 - c) which are intentionally thrown away or abandoned without hope or intention of recovery; or
 - d) which by its presence in inland waters, is a hazard and / or causes impediment to navigation, or adversely affects safety of life or causes pollution.
- (46) Zone: means any such inland water area, as the State Government may, depending on the maximum significant wave height criteria, declare as Zone 1, Zone 2 and Zone 3 by notification in the Official Gazette, specify for the purposes of this Act.
- a) Zone 1 shall mean a zone (other than zone 2 or 3) where the maximum significant wave height does not exceed 2.0 [m].
 - b) Zone 2 shall mean a zone (other than zone 3) where the maximum significant wave height does not exceed 1.2 [m].
 - c) Zone 3 shall mean a zone where the maximum significant wave height does not exceed 0.6 [m].

PART II: ADMINISTRATIVE PROVISIONS

4. Central Government

- (1) For the purpose of exercising, administering, monitoring or discharging the powers, authority or duties conferred by or prescribed under this Act, the Central Government may, by notification in the Official Gazette, appoint the Competent Authority under this Act.
- (2) Notwithstanding anything contained sub-section (1), the Central Government shall notify by official gazette that any existing administrative body constituted under State Governments or Union Territories may continue to be the administrative authority for the purposes of implementation of this Act or Rules made thereunder.
- (3) The Central Government may, by general or special Order, direct that any power, authority or jurisdiction exercisable by it under or in relation to any such provisions of this Act or Rules made hereunder or as may be specified in the order allocating the duties shall, subject to such conditions and restrictions as may be so specified, be exercisable also by the Competent Authority or by such other officer as may be specified in the Order.
- (4) The Central Government may by specific order depute officers for a prescribed period, who shall function in the respective designated positions as an officer under the Competent Authority, subject to such terms and conditions as specified in the order of appointment.
- (5) The Central Government shall have the offices of the Competent Authority established within the respective jurisdiction of the State Government as it may deem necessary, for proper monitoring and for coordinating the implementation of this Act and Rules made hereunder.
- (6) The Central Government may prescribe by notification in Official Gazette, the criteria, qualifications and the required competence levels of officers appointed, authorised or deputed for the purpose of appointment and authorisation of officers under this Part.
- (7) The Central Government may constitute advisory committees for the efficient discharge of its functions as provided under this Act.
- (8) Any Rule made by the Central Government as provided under the Act shall,
 - a) uniformly apply in whole or in any part of India, as specified, and
 - b) prevail over such Rules, Circulars, Guidelines, Notifications or Orders, notified or issued as the case may be, by the State Government; with immediate effect
- (9) Notwithstanding anything to the contrary in this Act, for the purposes of administration of non-mechanically propelled inland vessels plying in inland waters as provided under Part XIV registered under Central Government shall have no

powers of administration and shall only provide assistance to the respective State Governments, upon receipt of official request from such State Governments.

5. **State Government** -

- (1) The State Government for the purpose of implementing the provisions under the Act or Rules made thereunder may, by general or special order, direct that any power or authority conferred under this Act, subject to such conditions and restrictions as it may think fit, be exercised or discharged by the Competent Authority or any other organisation or body.
- (2) The State Government may constitute advisory committees for the efficient discharge of its functions as provided under this Act.
- (3) The State Government may, by general or special order, direct that any power or authority conferred upon the State Government by or under this Act, with regard to non-mechanically propelled inland vessels enrolled under this Act, may, subject to such conditions and restrictions as it may think fit, be exercised or discharged by the Departments of Local Self Administration established or constituted under this Act.
- (4) Unless specifically mentioned elsewhere in this Act, the State Government shall have the power to make Rules and shall exercise the powers conferred to it, as provided by or under this Act.
- (5) The State Government may prescribe by notification in Official Gazette, the criteria, qualification and competency of officers appointed, authorised or deputed under this Section.

6. **Competent Authority** -

- (1) The Competent Authority shall be fully functional, for the effective implementation of this Act or Rules made hereunder by Central Government or State Government.
- (2) The Competent Authority may, by general or special order, direct that any power or authority conferred upon or delegated to, the Competent Authority by or under this Act may, subject to such conditions and restrictions as may think fit, be exercised or discharged also by such organisation or body.
- (3) It shall be the duty of the Competent Authority to monitor effective implementation of the Act and shall recommend in writing with reasons thereof, to the Central Government or State Government, as the case may be, to adopt such measures to improve implementation.
- (4) The Competent Authority may issue guidelines, circulars, notices or any other administrative orders, which are not inconsistent with this Act and the Rules made hereunder, for ensuring proper implementation of the Act and to discharge its functions.

7. **Advisory committee -**

The Advisory Committee so appointed by the Central Government or the State Governments, as the case may be, shall be constituted and shall comprise of such number of persons connected with shipping and navigation and allied aspects as the Central Government or the State Governments as the case may be, may deem fit.

8. **Department of Local Self Administration -**

(1) The Department of Local Self Administration constituted and established by the State Government for the administration of non-mechanically propelled inland vessels enrolled under this Act, shall comprise of the such departments as may be notified by State Government in official Gazette.

(2) The Departments of Local Self Administration may by general or special order, and with prior approval of the State Government, direct that any power or authority conferred upon or delegated to; it by or under this Act may, subject to such conditions and restrictions as it may think fit, be exercised or discharged by such officer appointed under it.

PART III: SURVEY OF PASSENGER OR CARGO VESSELS

9. **Power to classify & categorize for the purpose of survey:**

(1) For the purpose of this part, the Central Government shall prescribe by notification in official gazette, the criteria and standards to classify or categorise any mechanically propelled inland vessel.

(2) The State Government may classify and categorize mechanically propelled inland vessels based on the criteria and standards prescribed under Subsection (1).

(3) The Central Government, may prescribe by notification in the Official Gazette, the standards of design, construction, fitness, and crew accommodation; to be complied with by any mechanically propelled inland vessel, as a pre-requisite to proceed on any voyage, or be used for any service in inland waters or zones that are designated or classified under this Act or as provided under Inland Waterways Authority of India Act, 1985.

(4) The Central Government by notification in Official Gazette, may appoint or authorise any classification society or organisation, subject to such terms and conditions; to carry out the functions as provided under this Part.

10. **Design Approval and Certificate of Compliance**

(1) No construction, alteration and /or modification of mechanically propelled inland vessels shall be carried out without obtaining prior approval of design from the Competent Authority .

(2) For the purposes of this Section the Competent Authority shall prescribe;

- a) prescribe the standards or specifications to be complied with during the construction, alteration or modification of mechanically propelled inland vessels.
- b) prescribe the form in which application has to be made by the owner, operator or construction yard for the design approval for construction, alteration or modification.
- c) upon receipt of application for design approval as provided in clause (b) and on receipt of prescribed fee; the design approval may be issued or rejected within a time period of ____ working days.
- d) upon issuance of design approval and receipt of prescribed fee, carry out the construction survey and fitness tests of mechanically propelled inland vessel, as prescribed hereunder.
- e) upon satisfactory completion of construction or modification of any mechanically propelled inland vessel, if it is found that the construction or modification conforms to the standards or specifications prescribed under this Act, issue the Certificate of Compliance.

11. **Survey of Vessels**

(1) The Central Government may by notification in official gazette, prescribe the standards for type and periodicity of surveys for all mechanically propelled inland vessels, which are newly constructed and already in service.

(2) The owner, operator, master or construction yard or any other applicant, as the case may be, recognised by State Government as applicant, shall submit a request for survey in such form and content as prescribed by the State Government.

12. **Surveyors – Appointment & Qualification**

(1) For the purpose of Section 11, the State Government may, by notification in the Official Gazette appoint officers or persons as Surveyor(s) of inland vessels, at the designated places of survey, and such persons shall be deemed to be public servants within the meaning of the Indian Penal Code, 1860

(2) The Central Government may prescribe by notification in Official Gazette the minimum criteria and qualifications for the appointment of Surveyors, which the State Governments shall adopt in the appointment of Surveyors.

(3) If any State Government is not able to recruit or appoint sufficient number of Surveyors, the Central Government shall designate, recruit or appoint surveyors to function within the jurisdiction of such State Government

13. **Powers of Surveyors:**

(1) On receipt of application for conducting survey received from owners, masters or construction yard in such form as may be prescribed by the State Government, the

surveyor(s) may board or enter any mechanically propelled inland vessel and inspect the mechanically propelled vessel:

Provided that the surveyor shall not unnecessarily hinder the loading or unloading of the mechanically propelled vessel, or unnecessarily detain or delay her from proceeding on any voyage.

- (2) The owner, operator, master and crew of the mechanically propelled inland vessel shall render the surveyor, all the reasonable facilities for a survey, and all information with respect to the mechanically propelled inland vessel, and her machinery or any part thereof, and all equipments and articles on board, as he may require for the purposes of a survey.

14. **Grant of Certificate of Survey - Procedures**

- (1) On completion of survey of a mechanically propelled inland vessel, the surveyor shall forthwith issue the applicant, as the case may be, a declaration in the prescribed form, specifying that;
- a) the hull, engines, machinery and equipments of the mechanically propelled inland vessel are in such condition and are sufficient for safe voyage or intended use;
 - b) the certificates of the master and engineer are valid; as required by this Act or any other law in force for the time being and applicable to the mechanically propelled inland vessel;
 - c) the period (if less than the time prescribed by the Central Government) for which the hull, engines and other machinery and equipment of the mechanically propelled inland vessel is fit to function;
 - d) the limit, if any, beyond which, with regard to the hull, engines and other machinery or equipment, the mechanically propelled inland vessel is in the surveyor's judgment not fit to ply;
 - e) the limits, if any, as to the number of passengers, which the mechanically propelled inland vessel is fit to carry, and if necessary, the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins; the number to be subject to such conditions and variations, according to the time of year the nature of the voyage, the cargo carried or other circumstances, as the case may be;
 - f) the nature and quantum of cargo, which according to the judgment of the surveyor, the mechanically propelled inland vessel is fit to carry;
 - g) the inland waterways or zones in which such mechanically propelled inland vessel is eligible or not eligible to be used or utilized;
 - h) the mechanically propelled inland vessels complies with the mandatory safety requirements prescribed under this Part;
 - i) the documents showing evidence of radio installation.

- j) evidence of inspection of any installation of liquefied petroleum gas by a qualified and approved technician, in case of vessels which are mechanically propelled by liquefied petroleum gas;
 - k) the mechanically propelled inland vessel continues to conform to the standards to which it was constructed; and
 - l) any other prescribed particulars.
- (2) The State Government shall, if satisfied that all the provisions of this Act have been complied with in respect of a declaration submitted under sub-section (2), and upon receipt of payment of prescribed fee issue a Certificate of Survey, in duplicate to the applicant.
- (3) A Certificate of Survey granted under this section shall be in the prescribed form, and shall contain a statement to the effect that, all the provisions of this Act with respect to the survey of the mechanically propelled inland vessel and the declaration of surveyor have been complied with, and shall set forth –
- a) the particulars concerning the mechanically propelled inland vessel mentioned in the declaration of surveyor as required by clauses (a), (b), (c) and (g) of sub-section (1) of this Section, and/or
 - b) any other particulars as prescribed under this Part.
- (4) The State Government may, by notification in the Official Gazette, delegate to any person all or any of the functions assigned to the State Government under this Section:
- Provided that no delegation shall be made to authorise the grant of a Certificate of Survey by the surveyor, who made the declaration of surveyor under sub-section (1) of this Section.

15. **Provisional Certificate of Survey and its Effect**

- (1) On receipt of -application and fee from the owner or operator of any mechanically propelled inland vessel, in such form as prescribed by the Central Government by notification in official gazette; the surveyor who conducted the survey, without following the procedure laid down in Section 15, may grant a Provisional Certificate of Survey, which shall be valid for a period not exceeding 45 days or by endorsement, extend the validity of the prevailing Certificate of Survey, not exceeding 45 days.
- (2) Any mechanically propelled inland vessel, which has been issued with a Provisional certificate of Survey or endorsement under sub-section (1) may proceed on voyage or use in service temporarily, pending the issue of the Certificate of Survey, in a manner and subject to conditions as may be prescribed by the State Government.

16. **Effect and Validity Of Certificate Of Survey**

- (1) No mechanically propelled inland vessel shall be used or proceed on voyage, without a valid Certificate of Survey.
- (2) Unless otherwise provided in the Certificate of Survey and subject to such other conditions as stipulated by the Competent Authority, a Certificate of Survey shall have effect throughout in India.
- (3) A Certificate of Survey shall be valid for a time period as prescribed by the Central Government by notification in official gazette and shall not be in force:
 - a) after the expiration of the time period as prescribed in the Certificate of Survey, for which the hull, engines or other machinery, or any of the equipment of the mechanically propelled vessel to which the certificate relates, have been stated in the certificate to be sufficient; or
 - b) after notice has been issued to cancel or suspend such Certificate.
- (4) Nothing in this Section shall prevent the State Government to exclude a mechanically propelled inland vessel from the requirement under sub-section (1), on an application made by the owner or master of the vessel for permission to proceed on a voyage; during the interval between the date on which the Certificate of Survey expires and the earliest possible date of renewal.
- (5) After a Certificate of Survey has ceased to be in force, a valid Certificate of Survey shall be obtained only after a fresh survey of the mechanically propelled inland vessel to which the certificate relates, has been conducted in accordance with the provisions of this Part, unless any relaxation from conducting a fresh survey is specifically being granted by the Competent Authority.

17. **Suspension and Cancellation of Certificate of Survey**

- (1) A Certificate of Survey may be suspended or cancelled by any State Government, if that Government has reason to believe:
 - a) that the declaration of the surveyor of the sufficiency and good condition of the hull, engines or other machinery or of any of the equipment of the mechanically propelled vessel has been fraudulently or erroneously made; or
 - b) that the certificate has otherwise been granted upon false or erroneous information; or
 - c) that since the making of the declaration the hull, engines or other machinery, or any of the equipment of the mechanically propelled vessel have sustained any material damage, or have otherwise become insufficient.
- (2) The State Government shall issue the notice of suspension of the Certificate of Survey to the owner, operator, master, or construction yard by stating the errors to be rectified and conditions that have to be complied with by the owner, operator, master or

construction yard within three months from the date of issuance of such notice, in the manner prescribed by notification in official gazette.

(3) Non-compliance of the notice of suspension by the owner, master or Construction yard, within the prescribed time period shall be recorded by the respective State Government and such State Government shall issue the notice of cancellation of Certificate of Survey issued by it, which shall come into immediate effect.

18. **Delivery Of Expired, Suspended Or Cancelled Certificate:**

(1) The State Government may require any Certificate of Survey, which has expired or has been suspended or cancelled, to be delivered to such officer as a State Government may, by notification in the Official Gazette appoint in this behalf.

(2) The State Government shall record the details of the cancelled certificate in the Book of Registry maintained by Registrar of Inland Vessels under this Act.

PART IV: REGISTRATION

19. **Obligation to Register:**

Any inland vessel, fitted with mechanical means of propulsion, which is wholly owned by any citizen of India; or any co-operative society which is registered or deemed to be registered under the Co-operative Societies Act, 1912, or body established under any Act relating to co-operative societies in force in any State for the time being, or any company registered under Indian Companies Act 1956 or any partnership firm registered under Limited Liability Partnership Act 2008 or any other body established by or under any Central or State Act and which has its principal place of business in India; shall be registered under this Part.

20. **Certificate of Registration a mandatory requirement under the Act**

(1) A mechanically propelled inland vessel required to be registered under this Part, shall not proceed on any voyage or be used for any service, unless it has a valid Certificate of Registration, in respect thereof, and granted under this Act.

(2) Nothing in this Section shall prevent the authority appointed or authorised under this Part to;

a) Permit any mechanically propelled inland vessel, built at any place other than a Port/ place of registry to make her first voyage to any such port/place for the purpose of registration; or

b) Permit the vessels registered under such other laws in force in India and recognised under this Act to conduct voyage within the inland waters; or

c) Permit any mechanically propelled vessels registered under such laws of countries other than India; which are recognised by way of endorsement under this Act, to conduct voyage through inland waters of India.

21. **Obligation to carry Certificate of Registration**

- (1) A valid Certificate of Registration issued under this Part shall be carried on the vessel and shall be made available for inspection, when demanded by the officers appointed under this Act.
- (2) Any mechanically propelled inland vessel required to be registered under this Act, may be detained by the Competent Authority or such other officer appointed or authorised under this Part, until the respective owner, operator or master of such vessel produces a valid Certificate of Registration.

22. **Ports or places of registry & Registrars of Inland Vessels**

- (1) For the purpose of this Part, the State Government by notification in the Official Gazette may -
 - a) appoint ports or places of registry and shall specify in such notification the areas of inland waters covered under each such port or place for the registration of mechanically propelled inland vessels.
 - b) appoint registering authorities designated as Registrar of Inland Vessels at the said Ports/places of Registry, who shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.
- (2) A Registrar of Inland Vessels shall, in respect to the port/place of registry for which he is appointed, perform his functions as prescribed and authorised by the Competent Authority/ State Government.

23. **Book of Registry**

- (1) Registrar of Inland Vessel shall maintain and keep a book of Registry, which shall record all the particulars contained in the form of the Certificate of Registration.
- (2) The Registrar of Inland Vessel shall report the details of the book of Registry or entries made therein, to the State Government at regular intervals of time period, as may be prescribed by State Government.
- (3) The State Government shall report and update the Central Government with the list of the designated ports/places of registry, details of officers appointed or authorized under this Part and details of registrations as entered in the Book of Registry to facilitate and administer the registration processes under this Part.

24. **Central Registry of Vessels**

- (1) Central Government shall appoint such officers to maintain a Central Registry of Vessels.
- (2) The officer in charge of the Central Registry of vessels shall
 - a) maintain a central registry both in Electronic and Document form, which should compile the reported and updated details on designation of ports/paces of registry, Registrars of Inland vessels appointed and the status of mechanically propelled

inland vessel that are registered and/or details of pending registration and issuance of Certificate of Registration granted under this Part including the details of suspension or cancellation of Certificate of Registrations made by them.

- b) Perform such other functions as may be prescribed by notification in official Gazette.

25. **Application and Processes of Registration of Vessels**

- (1) An application for registration of a mechanically propelled inland vessel shall be made by the owner, master, construction yard or such other applicant, as the case may be, in such form and along with such particulars as may be prescribed by the Central Government.
- (2) The State Government may prescribe, the list of documents in addition to the particulars as prescribed in sub-section (1) to be submitted or adduced by the applicants for registration; by notification in official gazette.
- (3) Every application for registration shall be made to the Registrar of Inland Vessels appointed under this Part, within the jurisdiction of the respective State in which the owner of the mechanically propelled inland vessel ordinarily resides, has the principal place of business or the officially registered office is situated.
- (4) A Registrar of Inland Vessels may refuse the registration of a mechanically propelled inland vessel, if the vessel or the application submitted for registration is found not to be in compliance with this Act, by recording the reasons thereof and shall provide the applicant a note containing the reasons for such refusal.

26. **Grant of Certificate of Registration and Marking of the Vessel:**

- (1) Subject to Section 25, the Registrar of Inland Vessels shall grant the Certificate of Registration to the applicant, who has paid the prescribed fee for the issuance of such certificate, and shall assign the registration mark and the Official Number to such registered vessels.
- (2) The Certificate of Registration shall be in such form and content, as may be prescribed under this Section by the Central Government by notification in official gazette and shall contain the following among others
 - a) Registered Address of the owner & other Ownership details
 - b) Details of Mortgage, if any
 - c) Hull Identification Number
 - d) Official Number
 - e) Classification and Category of Vessel
 - f) Any other conditions that the respective State Government by notification in official gazette, which shall be complied with, by the owner or operator of the mechanically propelled inland vessel after registration under this Act.

- (3) The owner shall display the Registration Mark and the Official Number on a conspicuous part of the vessel as may be prescribed by State Government in official gazette.

27. **Effect of Certificate of Registration**

- (1) Unless otherwise specified in the Certificate of Registration, a Certificate of registration granted under Section 26, shall be deemed to be valid in all States and Union Territories in India.
- (2) A valid Certificate of Registration issued under this Part shall be conclusive proof of ownership and title, as declared by the applicant and as entered in the Book of Registry by the Registrar of Inland Vessels.
- (3) Notwithstanding anything contained in this Act, any person who has beneficial interests of ownership in the mechanically propelled inland vessel or shares therein, shall have the same rights as that of the registered owner and shall be deemed as owner of such vessel for the purposes of this Act.
- (4) Registrar of Inland Vessels, who receives an application for renewal of Certificate of Registration, may demand the owner or master of any mechanically propelled inland vessel, to furnish,
- a) the Certificate of Registration in force, carried on such vessel and / or
 - b) any other documents or information, the list of which may be prescribed by notification in Official Gazette by State Government.

28. **Duplicate Certificate**

- (1) If the Certificate of Registration issued under this Part is lost or destroyed, the registered owner shall apply for a duplicate certificate to the Registrar of Inland Vessels, which issued the lost or destroyed Certificate of Registration; in such form or manner as prescribed by the State Government.
- (2) The Registrar of Inland Vessels, upon receipt of application under sub-section (1) and the prescribed fees or additional fees, as may be applicable, shall issue the duplicate certificate.

29. **Provisional Certificate of Registration:**

- (1) Pending issuance of the Certificate of Registration; the Registrar of Inland Vessels may issue a provisional Certificate of Registration valid for not more than 45 days, in such form and content as may be prescribed by the State Government by notification in Official Gazette, upon an application in the prescribed form and payment of prescribed fee made by the applicant.
- (2) During the period of validity of the provisional Certificate of Registration issued under this Part, the owner, operator or construction yard shall implement and comply with all necessary steps to be taken to have the vessel registered under this Part.

30. **Registration of Alterations:**

- (1) The Competent Authority shall prescribe the list of modifications or alterations, which will affect the strength and stability of vessel that are required to be registered.
- (2) The owner, operator or master of the mechanically propelled inland vessel shall, within such period as may be prescribed, make an application, in such form, and content as may be prescribed by the Competent Authority for entry of such alterations made, as prescribed under subsection (1), with the Registrar of Inland Vessels of the respective port/place of registry, where the vessel is registered, failing which, it shall be considered as plying without a valid Certificate of Registration.
- (3) The Registrar of Inland Vessels, on receipt of application and on payment of the prescribed fee, shall either cause the alteration to be registered and entered in the Certificate of Registration, or direct that the vessel be registered anew.

Provided that, where the Registrar of Inland Vessel, directs that the vessel be registered anew, it shall grant a provisional certificate describing the vessel as altered or endorse on the existing certificate, for a specific period, the particulars of the alteration.

31. **Change of Residence or Place of Business:**

If the owner of a mechanically propelled inland vessel ceases to reside or carry on business at the registered address, which is recorded in the Certificate of Registration of the vessel, he shall, within thirty days of the change of address, intimate his new address to the Registrar of Inland Vessels who granted the Certificate of Registration or, if the new address is within the jurisdiction of another port of registry, to the Registrar of Inland Vessels of that port of registry, and shall at the same time forward the Certificate of Registration to the respective Registrar of Inland Vessels, in order that the new address may be entered therein.

32. **Prohibition against Transfer of Ownership of Registered Vessel**

- (1) Any mechanically propelled inland vessel registered with the registering authority of a State Government under this Part, shall not be transferred to a person residing in another State in India or in any country outside India, without the prior approval of the Registrar of Inland Vessels of the State Government, who has originally issued the Certificate of Registration.
- (2) Subject to sub-section (1), the owner of a mechanically propelled inland vessel registered under this part and the transferee shall, within thirty days of the transfer of ownership of the said vessel to the transferee, jointly submit a report of the transfer to the port/place of registry, within whose local limits of jurisdiction, the transferee resides or carries on business and shall also forward the valid Certificate of Registration to the Registrar of Inland Vessels appointed at that port/place of registry, together with prescribed fee, in order that the particulars of the transfer of ownership may be entered thereon in the Book of Registry.

(3) Notwithstanding anything contained herein, the State Government may demand or order the transferor and transferee for a fresh survey to be conducted and/or fresh registration to be initiated under this Part, for grant of Certificate of Registration to a vessel, whose ownership is reported to have been transferred from transferor to transferee.

33. **Suspension of Certificates of Registration:**

(1) A Registrar of Inland Vessels may order the suspension of the Certificate of Registration of a mechanically propelled inland vessel for such period, if it has reason to believe that after the granting of the said certificate the vessel became unfit to ply in inland waters.

a) Any Registrar of Inland Vessels, before suspending the valid Certificate of Registration, shall provide an opportunity for hearing, to the owner, operator or master and may suspend the Certificate of Registration under sub-section (1) by recording the reasons.

b) The Registrar of Inland Vessels who suspends the Certificate of Registration under sub-section (1) shall issue a notice of suspension to the registered owner stating the reasons for suspension and the conditions to be complied with in a time prescribed, for withdrawal of such order of suspension.

(2) Where the registration of a mechanically propelled inland vessel is suspended under sub-section (1) by any Registrar of Inland Vessels other than the Registrar who has originally issued the Certificate of Registration; the former shall intimate the latter, regarding such order of suspension or withdrawal of such order of suspension; and the latter shall enter such order in the Book of Registry in which the registration of the vessel is originally recorded.

(3) The Registrar of Inland Vessels suspending the certificate shall confiscate such certificate and return the certificate to the owner or master only upon withdrawal of the order of suspension.

34. **Cancellation of Certificate of Registration**

(1) A Certificate of Registration that remains suspended for a period up to 12 months, shall be deemed and declared as cancelled by the Registrar, who had originally granted such Certificate and such cancellation shall be recorded in the respective Book of Registry of Vessels.

(2) If the Certificate of Registration is cancelled following any order of suspension issued by any Registrar of Inland Vessels other than the Registrar who had originally issued such Certificate, the cancellation of such Certificate shall be communicated by the latter to the former.

(3) The registered owner must make an application in such form and manner as may be prescribed by the State Government by notification in Official Gazette; in order to have his name deleted and shall return the Certificate of Registration to the Registrar

of Inland Vessels who originally granted the Certificate of Registration, in the occurrence of any of the following events;

- c) Vessel is missing;
- d) Vessel is destroyed;
- e) Vessel is irreparably damaged;
- f) Vessel is sold abroad

(4) Any Registrar of Inland Vessels who cancels the Certificate of Registration under this Section shall record the cancellation and reasons thereof in the respective Book of Registry.

(5) State Governments shall inform the list of cancellations to the Competent Authority, who shall enter the same in the Central Registry of Vessels in which the details of registration of vessels and ownerships are recorded and maintained.

35. **Mortgage of Mechanically Propelled Vessel or Share therein:**

(1) A registered mechanically propelled inland vessel or a share therein may be made a security for a loan or other valuable consideration, and such instrument creating the security shall be in the prescribed form or as near thereto as circumstances permit, and on the production of such instrument, the Registrar of Inland Vessels who granted the Certificate of Registration shall record it in the Book of Registry.

(2) Mortgages shall be recorded by the Registrar of Inland Vessels in the chronological order in which they are reported to him, by the mortgagee and, the Registrar of Inland Vessels shall, by memorandum under his hand, note down on each mortgage that it has been recorded by him stating the day and hour of that record, for the purpose of prioritising the creation of charge or lien on the mechanically propelled vessel or share therein by the mortgagee.

(3) If there are more mortgagees than one recorded in respect to the same vessel or share, the mortgages shall, notwithstanding any express, implied or constructive notice, have priority according to the date on which each mortgage is recorded in the Book of Registry and not according to the date of creation of each mortgage.

(4) Where a registered mortgage is discharged, the Registrar of Inland Vessels shall, on the production of the respective document evidencing the cancellation of mortgage issued by the mortgagee along with a receipt for the mortgage money endorsed thereon, duly signed and stamped, make an entry in the Book of Registry to the effect that the mortgage has been discharged, and on that entry being made the estate, if any, which passes to the mortgagee shall vest with the registered owner of the mechanically propelled inland vessel, who prior to cancellation had the status of mortgagor.

- (5) Except in so far as may be necessary for making a mortgaged mechanically propelled inland vessel or share available, as a security for the mortgage debt, the mortgagee shall not, by reason of his mortgage, be deemed to be the owner of the vessel or share therein, nor shall the mortgagor be deemed to have ceased to be owner thereof.
- (6) Where there is only one registered mortgagee of a mechanically propelled inland vessel or share therein, he shall be entitled to recover the amount due under the mortgage by selling the mortgaged mechanically propelled inland vessel or share therein, without approaching the High Court:
- Provided that nothing contained in this sub-section shall prevent the mortgagee from recovering the amount so due, by approaching the High Court, as provided in sub-section (7) hereunder.
- (7) Where there are two or more registered mortgagees of a mechanically propelled inland vessel or share therein, they shall be entitled to recover the amount due under the mortgage in the High Court, and when passing a decree or thereafter the High Court may direct that the mortgaged mechanically propelled inland vessel or share be sold in execution of the decree.
- (8) Every registered mortgagee of a mechanically propelled inland vessel or share therein who intends to recover the amount due under the mortgage by selling the mortgaged mechanically propelled inland vessel or its share under sub-section (6) shall give an advance notice of fifteen days relating to such sale, to the Registrar of Inland Vessels, in whose registry the mortgage is recorded.
- (9) The notice under sub-section (8) shall be accompanied by the proof of payment of the wages and other amounts due to crewmen employed on the mechanically propelled inland vessel.
- (10) A registered mortgage of a mechanically propelled inland vessel or share therein, shall not be affected by any act of insolvency committed by the mortgagor after the date of the record of such mortgage, notwithstanding that the mortgagor, at the commencement of his insolvency, had the mechanically propelled inland vessel or share in his possession, order or disposition, or was the reputed owner thereof, and the mortgage shall be preferred to any right, claim or interest therein, of other creditors of the insolvent or any trustee or assignee on their behalf.
- (11) A registered mortgage of a mechanically propelled inland vessel or share therein, may be transferred to any person, and the instrument effecting the transfer shall be in the prescribed form or as near thereto as circumstances permit, and on the production of such instrument, the Registrar of Inland Vessels shall record it by entering in the Book of Registry the name of the transferee as mortgagee of the mechanically propelled inland vessel or the shares therein and shall, by memorandum, notify on the instrument of transfer that it has been recorded by him stating the day and hour of the record.

- (12) The person to whom any such mortgage has been transferred shall enjoy the same right of preference as was enjoyed by the transferor.
- (13) Where the interest of a mortgagee in a mechanically propelled inland vessel or share is transmitted on death, or insolvency, or by any lawful means other than by a transfer under this Act, the transmission shall be authenticated by a nomination of the person to whom the interest is transmitted, containing a statement of the manner in which, and the person to whom, the property has been transmitted, and shall be accompanied by like evidence, as is required by this Act, in case of a corresponding transmission of the ownership of a mechanically propelled inland vessel or share therein.
- (14) The registrar, on receipt of the declaration and the production of the aforesaid evidence, shall enter the name of the person entitled under the transmission in the Book of registry, as mortgagee of the mechanically propelled inland vessel or share therein.

PART V: MANNING, QUALIFICATION, TRAINING, EXAMINATION AND CERTIFICATION

36. Minimum age for Employment:

- (1) No persons under the age of 18 years shall be engaged on a mechanically propelled inland vessel registered under the Act.
- (2) Notwithstanding anything contained in sub-section (1), any person above the age of 16 can be inducted for the purposes of training in the capacity of a trainee or an apprentice.

37. Power to prescribe different & minimum manning scales:

- (1) The Central Government shall prescribe the minimum manning scale applicable to mechanically propelled inland vessels of different class or category, which may be as categorized under this Act or such other laws in force in India:
- (2) Notwithstanding anything contained in sub-section (1), the State Government in consultation with the Central Government, may prescribe by notification in official gazette, the manning requirements in addition to that specified in subsection (1), to be possessed by the qualified persons, who are employed on any class or category of mechanically propelled inland vessels registered, recognised or identified under this Act.

38. Appointment and Duties of Examiners:

- (1) The State Government may appoint examiners, in accordance with the criteria and qualifications as prescribed by Central Government by notification in Official Gazette; for the purpose of examining the qualifications of persons desirous of obtaining certificates under this Part to the effect that they are competent to undertake

the responsibilities of and act as, masters, or as engineers or engine-drivers, or as such other persons, as the case may be, on the mechanically propelled inland vessels

- (2) The examiners shall evaluate the persons who have undergone the prescribed training, for qualifying as masters, or as engineers or engine-drivers, or as such other persons, as the case may be, and shall report to the Competent Authority or such other officer appointed or authorised by notification in the Official Gazette by State Government, regarding the list of successful candidates who possess the prescribed qualifications.

39. **Grant of Certificate of Competency:**

- (1) The Competent Authority or any officer appointed or authorised by notification in the Official Gazette by State Government, may evaluate the report provided by the examiners, and upon such confirmation as correct; shall grant to every candidate; who is reported by the examiners to possess the prescribed qualifications, with respective Certificate of Competency, certifying that the candidate is competent to serve as a first-class master, second-class master, or as an engineer, first-class engine-driver or second-class engine-driver or such other person, designation as the case may be, on any class or category or whole of the mechanically propelled inland vessel as mentioned in the Certificate.
- (2) The Competent Authority or any authorised officer appointed or authorised by notification in the Official Gazette by State Government, shall require the examiner for a further examination or a re-examination of any/all applicant(s), if it is found that the report submitted by examiners is defective, or there exists reason to believe that such a report has been unduly made.
- (3) Every certificate granted under this Part shall be in such form or manner as prescribed by notification in Official Gazette by Central Government under this Part.
- (4) Every Certificate of Competency granted under this part, shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate the other shall be kept and recorded in the prescribed manner.
- (5) Whenever a master or an engineer or engine-driver or any other person as the case may be, proves to the satisfaction of the authority, which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which he is entitled, shall be granted to him, and shall have the same effect as the original.

40. **Effect of Certificate of Competency**

- (1) Subject to provisions as provided under this Act, a Certificate of Competency shall be valid throughout India:

Provided that any Certificate of Competency granted to any Master shall have effect in the jurisdiction of another State Government that allows such Certificate to have such effect, by virtue of endorsement or by way of general or special permission and / or subject to such conditions as may be prescribed.

- (2) Notwithstanding anything contained herein, the State Governments in consultation with the Competent Authority, shall prescribe conditions to be complied with by applicants for such endorsements, as a pre-requisite to extend the application of Certificate of Competency to that State endorsing such certificates.
- (3) The holder of any Certificate of Competency found to be employed on any mechanically propelled inland vessel, within the jurisdiction of another State Government without endorsement or without complying with the endorsement, special permission and / or subject to such conditions as provided in proviso to sub-section (1) shall be cancelled by the State Government-

41. **Suspension & Cancellation of Certificates**

- (1) Any certificate holder, who is found to have acted in contravention to the provisions of this Act or Rules made hereunder, shall have the Certificate issued under this Part suspended or cancelled.
- (2) The Competent Authority or any officer appointed or authorised under this Part shall issue notice to the concerned certificate holder and shall provide him an opportunity of hearing before a suspension and / or cancellation of certificates issued under this Part.
- (3) Notwithstanding anything contained herein, the Competent Authority or any officer appointed or authorised under this Part, may suspend or cancel the Certificate of Competency granted under this Part by recording reasons thereof.
- (4) In the event of suspension or cancellation of certificates issued under this Part, the holder of such certificate shall deliver it to the Competent Authority or such officer, appointed or authorised by State Government by notification in Official Gazette under this Part.

42. **Registry of Certificate Holders:**

- (1) The State Government shall maintain registers to record the details and data of the certificate and the respective certificates, issued under this Part in such form and content as prescribed hereunder.
- (2) State Government shall report and update the Central Government with the information on data and details of Certificate issued, granted, cancelled or suspended or such other remarks, made by the respective authority within regular interval as prescribed by the Central Government.
- (3) The Competent Authority shall maintain a central registry to compile the reports received from all the State Governments under this Part.

PART VI: SPECIAL CATEGORY VESSELS

43. **Power to Classify & Categorise:**

- (1) For the purpose of this part, the Central Government, shall prescribe by notification in official gazette, the criteria and standards to identify any class or category of mechanically propelled inland vessels as special category vessels based on their design, construction, use, purpose, area of plying, source of energy or fuelling and such other criteria, by publishing in the Official Gazette.
- (2) The Central Government shall prescribe by notification in the Official Gazette, the requirements of construction, design, survey, registration, manning, qualification, competency, or such requirements in addition to those contained elsewhere in this Act or made hereunder.
- (3) The State Government shall notify in the Official Gazette, the list of categories or class of mechanically propelled inland vessels identified as Special category vessels, with reasons and purpose of such identification mentioned in such notification under this Part.

44. **Identification of vessels under this Part:**

- (1) The State Government shall appoint or authorize qualified officers for the purpose of exercising duties and implementing provisions provided under this Part.
- (2) On an application made by owner, operator or master of any mechanically propelled inland vessel in the prescribed form and content as notified in the Official Gazette by the State Government; any officer appointed under Subsection (1), on having been satisfied that such vessel complies with the provisions of this Act and falls under the special category vessels as identified in this Part, and subject to such other conditions as may be prescribed; may grant a Certificate of Identification, in such form and content as may be prescribed by the State Government by notification in the Official Gazette.
- (3) The State Government may refuse the granting of Certificate of Identification on an application made under Subsection (2), by stating the reasons thereof.

45. **Safety of passengers or Service users:**

- (1) The State Government shall prescribe by notification in the Official Gazette, the safety features, gears and such other measures by which any mechanically propelled inland vessel identified as special category vessel under this Part, shall comply with and be equipped in accordance with the categorisation of such vessel.
- (2) The State Government/Competent Authority shall prescribe the maximum carrying capacity of the vessel identified as special category vessel by prescribing the safety waterline or the limits of water line to keep them afloat, or such other criteria and conditions other than those mentioned elsewhere in this Act for the safe voyage of such inland vessel.

46. **Inspection of Vessel:**

- (1) Other than for the purpose of survey, the surveyor may, at any reasonable time, go on board any special category vessel, and may inspect the respective vessel including the hull, equipment and machinery or any part or properties of such vessel.
- (2) The owner, operator, agent, master and any such person-in-charge of the mechanically propelled inland vessel, shall facilitate all reasonable facilities to the surveyor for inspection and survey, and all such information regarding the vessel and her machinery and equipment, or any part thereof, respectively, as the surveyor or such other officers may reasonably require.
- (3) While exercising powers under this Part, the Surveyor shall not unnecessarily hinder the embarking or disembarking of the passengers or loading or unloading of cargo or any other functions which the special category vessel is assigned to use, or unnecessarily detain or delay her from proceeding on any voyage.
- (4) Any mechanically propelled inland vessel not found to be in compliance with this Part, shall be detained or removed from the inland waters with immediate effect until the vessel comply with this Part.

47. **Suspension and/ or Cancellation of Certificate of Identification:**

- (1) The State Government, having found that any special category vessel is not complying with the provisions as provided under this Act or Rules made hereunder, shall issue notice to the owner or operator of such vessel, for rectifying the non compliance.
- (2) In the event of non compliance to the notice as issued under sub-section (1), the State Government, after providing an opportunity of fair hearing to the owner, operator, master or any person in charge of such vessel, and by recording the reasons thereof, may suspend and / or cancel the Certificate of Identification issued under this Part.
- (3) Any special category vessel of which, the Certificate of Identification issued has been suspended and / or cancelled under sub-section (1), shall cease to operate for such time period till the suspension is withdrawn or in the event of cancellation, shall cease to operate till a Certificate of Identification is granted anew.

PART VII: NAVIGATION, SAFETY AND SIGNALS

48. **Lights & Signals:**

- (1) The Central Government may prescribe by notification in official gazette, the specifications and requirements of signals and equipment based on classification and categorisation of mechanically propelled vessels, which such vessels shall comply.
- (2) The Central Government may prescribe by notification in official gazette, the fog and distress signals to be carried and used, the steering and sailing rules to be complied

with and the different protocols for exhibition and display of different standards of lights, shapes and signals, by any mechanically propelled vessel plying in inland waters.

- (3) The owner or master of every mechanically propelled vessel, while in the inland water limit shall comply with the regulations prescribed under sub-section (2), and shall not carry or exhibit any lights or shapes or use any fog or distress signals, other than that required to be exhibited under this Part or made hereunder.

49. **Inspectors of Lights and Signals:**

(1) The State Government may appoint or authorise such officers as Inspectors of Lights and Signals, who shall inspect the mechanically propelled vessel, while in the inland water limit, for the purpose of assuring compliance with this Part or Rules made hereunder.

(2) If an inspector appointed under sub-section (1) finds that any mechanically propelled vessel, while in the inland water limit, is not complying with this Part, he shall give a notice in writing in the prescribed form and manner to point out the deficiency, and the remedies to rectify the deficiency to the owner or master.

(3) Any mechanically propelled vessel that has been issued with a notice as provided in sub-section (2) shall not proceed to conduct any voyage unless he complies with the said notice.

50. **Obligation to ensure safe navigation:**

(1) All mechanically propelled vessels shall adopt necessary measures to prevent collision and to ensure safe navigation through inland waters.

(2) If any damage to person or property arises from the non-observance of any of the regulations as prescribed under this Part; by any mechanically propelled vessel, while in the inland water limit, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of such vessel at the time, as the case may be, unless it is shown to the satisfaction of the Court that the circumstances of the case demands deviance from the applicable regulations.

51. **Distress Signal:**

The master of a mechanically propelled vessel, while in the inland water limit, on finding or encountering a dangerous derelict or any other hazard to navigation in the inland waterways; shall immediately send a signal to indicate the danger or distress; or any such information to other mechanically propelled vessels in the vicinity and to the State Government:

Provided that no fees or charges shall be levied on any mechanically propelled vessels, in using any device for communicating any information, as requisitioned by this Section.

52. **Assistance to vessels in distress and persons in distress:**

- (1) The master of any mechanically propelled vessel, while in the inland water limit, who has received any signal of distress from any vessel or aircraft within the inland water limit shall proceed immediately to the assistance of the persons in distress, by acknowledging the receipt of such signal to the vessel in distress.
- (2) Notwithstanding anything contained herein, the master of a mechanically propelled vessel shall be released from the obligation to render assistance as provided in sub-section (1), if he is unable to do so, or in the special circumstances of the case, considers it unreasonable to act in compliance with this provision or if the requirement for assistance is being complied with by other vessels or the assistance is no longer required.
- (3) The master of any mechanically propelled vessel, while in the inland water limit, shall render assistance to every person found in danger of being lost in the inland waters.
- (4) The master of any mechanically propelled inland vessel may abstain from complying with Sub-section (3), if in his judgment, he is unable to or, in the special circumstances of the case, such assistance cannot be rendered without serious danger to his vessel, or the persons thereon.

53. **Life Saving , Fire Safety and communications Appliances :**

- (1) The Central Government may by notification in official gazette prescribe any class or category of mechanically propelled inland vessels to be equipped with life saving appliances, fire detection and extinguishing, and communication appliance.
- (2) The owner, operator or master of all mechanically propelled inland vessels shall comply with the requirements of life saving appliances and fire detection and extinguishing appliances as prescribed under sub-section (1).
- (3) On application received from the owner, operator or master of a mechanically propelled inland vessel in such form and content as may be prescribed under this Part; the surveyor shall inspect the mechanically propelled inland vessel and on finding that the vessel is complying with this Part or Rules made hereunder may issue a Certificate of Life Saving Appliances, Fire Prevention and Extinguishing and Communication Appliances to the effect that such vessel complying with this Part.
- (4) The State Government may appoint or authorise such officers as surveyors to inspect and ensure that the mechanically propelled inland vessels comply with the applicable requirements prescribed under sub-section (1).
- (5) Other than for the purpose of survey, a surveyor may, at any reasonable time, enter and inspect any mechanically propelled inland vessel for ensuring that such vessel is properly provided with life saving and fire appliances in conformity with the Rules made under this Act.
- (6) If the said surveyor finds that the mechanically propelled inland vessel is not so provided, he shall issue a notice to the master or owner or operator in writing pointing

out the deficiency, and also pointing out the remedy, which in his opinion is required to be complied with.

- (7) Any mechanically propelled inland vessel that has been issued with a notice as provided in sub-section (6) shall not proceed to conduct any voyage unless he complies with the said notice.

PART VIII: INLAND VESSEL BASED POLLUTION

54. **Designate as Pollutants:**

(1) For the purposes of this Part, the Central Government shall designate the list of chemicals, any ingredients or substance carried as bunker or as cargo or any substance in any form discharged from any mechanically propelled inland vessel, as pollutants.

(2) No mechanically propelled inland vessel shall cause pollution by discharging or dumping of pollutants designated under Subsection (1).

Provided that nothing in this Section shall apply to the discharge dump or emission of such oil or oily mixture, hazardous chemical or obnoxious substance or any other pollutant, as the case may be, from a mechanically propelled inland vessel for the purpose of securing the safety of any mechanically propelled inland vessel, preventing damage to another mechanically propelled inland vessel, cargo or saving of life at inland water.

55. **Prevention of Pollution Certificate:**

(1) The Central Government shall prescribe by notification in official gazette, the standards of construction and equipment of the mechanically propelled inland vessels to ensure compliance with the requirements of this Part.

(2) The State Government shall appoint or authorise such officers as inspectors to ensure construction and, the installation and maintenance of equipment of all mechanically propelled inland vessels, in compliance with this Part.

(3) All mechanically propelled inland vessels, which have been constructed and equipped in compliance with this Part shall be issued with a Prevention of Pollution Certificate in such form, validity and content as prescribed by Central Government by notification in official gazette .

(4) All mechanically propelled inland vessels shall carry on board a valid certificate issued under this Section and shall furnish the same on demand by concerned authorities appointed or authorised under this Part.

56. **Reception facilities and Containment of Pollution:**

- (1) The Central Government shall prescribe by notification in official gazette, the conditions for construction, use and maintenance of reception facilities for the containment of pollution and removal of pollutants arising from spillage or discharge arising from mechanically propelled inland vessels at all inland port, cargo terminal or passenger terminal.
- (2) The owner or operator of an inland port, cargo terminal or passenger terminal shall provide reception facilities to discharge oil, oily mixture, hazardous chemicals or obnoxious substances at such inland port, cargo and / or passenger terminal, as the case may be, in compliance with Sub-section (1) of this provision.
- (3) The owner or operator of an inland port, cargo terminal or passenger terminal, providing reception facilities shall receive charges, at such rates as may be prescribed by the State Governments.
- (4) For the purposes of minimizing the pollution already caused, or for preventing the imminent threat of pollution, the Competent Authority or such other officer appointed by the State Government may, by order in writing, direct the owner or operator of inland port, cargo or passenger terminal to provide or arrange for the provision of such pollution containment equipment and pollutant removing materials, at such inland port, cargo and passenger terminal as may be specified in such order.
- (5) The owner or operator of the inland port shall submit a report of compliance to the Competent Authority or such other officer appointed under subsection (4), in such form as may be prescribed by State Government by notification in official gazette.
- (6) The owner, operator or master of any mechanically propelled vessel used or plying within inland waters, shall discharge the pollutants at the port reception facilities as prescribed by State Government by notification in official gazette.

57. **Appointment & Powers for Inspection:**

- (1) The State Government shall authorise or appoint any surveyor or any person as officers, to inspect any inland port, cargo or passenger terminal lying within its respective jurisdiction, by notification in Official Gazette.
- (2) Any surveyor or any person authorised or appointed under this Part in this behalf may, at any reasonable time, enter and inspect any inland port, at cargo or passenger terminal for the purposes of--
 - a) ensuring that the provisions of this Part are complied with;
 - b) verifying whether such inland port, cargo or passenger terminal is equipped for pollution containment and removal, in conformity with the order of the State Government or any of the Rules made under this Part; and
 - c) Satisfying himself about the adequacy of the measures taken to prevent pollution.

(3) If the surveyor finds that the inland port, cargo or passenger terminal is not provided with the aforesaid equipment and materials, he shall give a notice in writing pointing out the deficiencies and the recommended remedial measures to rectify such deficiency or deficiencies, that are identified during the inspection, to the owner or operator of such inland port, cargo or passenger terminal, as the case may be.

58. **Subsequent Measures:**

(1) The State Government shall direct the authorised officer appointed under Part XII to conduct investigation into the incident of pollution.

(2) The State Government shall update the Central Government with such information or report of the Court concerned on pollution that occurred within the respective jurisdiction.

PART IX: WRECK AND SALVAGE

59. **Duty not to intentionally cause wreck:**

The owners, operators, masters or persons in charge of vessels plying in inland waters shall not intentionally abandon, desert, dump, throw overboard or jettison the vessel or property or parts or cargo so as to cause wreck.

60. **Receivers of Wreck:**

(1) The Central Government may appoint or authorise officer by notification in the Official Gazette to act as receiver of wreck found in national waterways.

(2) For the purpose of this Part, the State Government may appoint or authorise officer by notification in the Official Gazette to act as receiver of wreck within a prescribed jurisdiction, under this Part.

(3) The owners, operators, masters or persons in charge of vessels, property or cargo, which are wrecked, stranded or in distress or who have found any vessel, property or cargo wrecked, stranded or in distress in the inland waters shall immediately inform, by all means of communication to the Receiver of wreck in whose jurisdiction within which the vessel, property or cargo is found to be wrecked, stranded or in distress;

a) if he is the owner of the wreck, give the receiver of wreck, such information in writing of the finding thereof and of the marks by which such wreck is distinguished;

b) if he is not the owner of such wreck which is under his possession, deliver the same to the receiver of wreck.

61. **Duties of receiver of wreck:**

(1) The receiver of wreck who receives information about the wreck, shall record the information so received and immediately take necessary measures, as prescribed by State Government by notification in Official Gazette under this Part.

- (2) If any vessel irrespective of such vessel being registered or recognised under this Act, or property or part of the said vessel, is wrecked, stranded or sunk in any inland water is found to be or is likely to become an obstruction, impediment or danger to the safe and convenient navigation or use of inland water or the landing place or embarking or part thereof, the receiver of wreck or any authorised or appointed officer shall,
- a) If the whereabouts of the owner are identifiable or traceable, the receiver of wreck shall, in such form and content as may be prescribed by State Government by notification; immediately notify the owner of such vessel or property or parts about his obligation to remove or take possession of the wreck, or
 - b) if the owner is unidentifiable or not traceable, the receiver of wreck shall cause such vessel or property or part to be raised, removed, blown up or otherwise destroyed as the circumstances may warrant.
- (3) The receiver of wrecks or any officer appointed or authorised thereof, shall record the events of finding, marking, recovery and / or disposal of wrecks in the official register maintained and shall send a report to the respective State Government..
- (4) If any property recovered by a receiver of wreck remains unclaimed or the person claiming it fails to pay reasonable expenses incurred for preserving the wreck and an additional amount of twenty-five per cent, of the amount of such expenses; such vessel or property or part may be put to sale by public auction,
- a) immediately if the property is of perishable nature
 - b) if it is not of a perishable nature, at any time not less than two months after the recovery thereof .

62. **Removal of obstruction to navigation:**

- (1) The receiver of Wreck may remove, or cause to be removed, any timber, raft or other property, floating or being in any part of the inland water, which, in his opinion, obstructs or impedes the free navigation thereof or the lawful use of any landing place or embarking or part thereof.
- (2) The owner or such person responsible for causing any obstruction or impediment, or public nuisance as provided in sub-section (1) shall be liable to pay the reasonable expenses for the removal of such obstruction or impediment, affecting or likely to affect free navigation.
- (3) If the owner or any person responsible for causing any such obstruction, impediment or public nuisance, 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 State Government may, by general or special order direct, the receiver of wreck or such other officer 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.

63. **Unsold Property and Sale Proceeds:**

- (1) If the property so recovered by a receiver of wreck remains unsold, such property shall be kept and deposited in such manner as the State Government directs, and may, if necessary, from time to time, realise the expenses of keeping the same, together with the expenses of sale, or further sale of so much of the thing or materials remaining unsold.
- (2) The expenses and the additional amount as provided in Section 61 shall be payable to the receiver of wreck or such other officer, out of the sale proceeds of the property so recovered from inland waters, 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 the person thereafter establishing his right of ownership thereto.
- (3) No claim beyond 36 months from the date of the sale shall be entertained and the same shall be dismissed by the receiver of wreck or such other officer.
- (4) After the period of 36 months the unclaimed amount so deposited under sub-section (1) shall be transferred to the fund constituted under Part XV of this Act.
- (5) Where the sale proceeds of the property are not sufficient to meet the expenses and the additional amount receivable as provided in Section 61, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the receiver of wreck or such other officer on demand, and if the deficiency be not paid within one month of such demand, receiver of wreck or such other officer, may recover the deficiency from such owner as if it were an arrear of land revenue.

64. **Protecting the wreck :**

- (1) No person shall -
 - a) without the leave of the master board or attempt to board any vessel which is wrecked, stranded or in distress as aforesaid, unless the person is, or acts by command or order in writing issued by, the receiver of wreck; or
 - b) impede or hinder or attempt in any way to impede or hinder the saving of any vessel stranded or in danger of being stranded or otherwise in distress in the inland waters or of any part of the cargo or equipment of the vessel, or of any wreck; or
 - c) secrete any wreck or deface or obliterate any marks thereon; or
 - d) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded or otherwise in distress, in the inland waters, or any part of the cargo or equipment of the vessel or any wreck.
- (2) Where a receiver of wreck suspects or receives information that the wreck is secreted or is in the possession of some person who concealed is not the owner thereof or that any wreck is otherwise improperly dealt with, he may apply to the Judicial Magistrate of the first class or Metropolitan Magistrate, who has jurisdiction over the matter, for a search warrant, and that magistrate may grant such warrant and the receiver of

wreck by virtue thereof may enter any house or other place and also any vessel and search for, seize and detain any such wreck there found.

65. **Fouling of Government Moorings:**

(1) If any vessel hooks or gets fouled in any of the buoys or moorings laid down by or by the authority of the State Government in any part of inland water, the master or person in charge of such vessel shall not, nor shall any other person, except in the case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without permission in writing from the receiver of wreck or any other officer appointed or authorised in this behalf.

(2) The receiver of wreck or any other officer appointed or authorised in this behalf immediately on receiving information of such possibility of accident or accident, shall issue permission in writing and shall assist and superintend clearing of such vessel, the master, or person in charge of the vessel shall, on demand, pay such reasonable expenses that are incurred.

66. **Salvage and Right of Salvors:**

(1) Where services are rendered

- a) wholly or in part within the inland water limit in saving life from any vessel, or;
- b) in assisting a vessel or saving the cargo or equipment of a vessel which is wrecked, stranded or in distress at any place in the inland water limits; or
- c) by any person other than the receiver of wreck in saving any wreck;

the owner of the vessel, cargo, equipment or wreck shall pay the salvor, a reasonable sum for the salvage as determined by the Receiver of wreck or any officer appointed or authorised to act as valuers for the said purpose.

(2) Salvage in respect of the preservation of life when payable by the owner of the vessel shall be paid in priority to all other claims for salvage.

67. **Dispute in determination of Amount Payable as Salvage:**

(1) Any dispute arising with respect to the determination amount payable or determined amount pending or due payment under this Part shall be determined upon application made by either of the disputing parties:

- a) to Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be, where the amount claimed does not exceed ten thousand rupees; or
- b) to the High Court where the amount claimed exceeds ten thousand rupees.

(2) Where there is dispute as to the persons who are entitled to the salvage amount under this Section, the Judicial magistrate of the first class or the Metropolitan Magistrate or the High Court, as the case may be, shall decide the dispute and if there are more persons than one entitled to such amount, such magistrate or the High court shall adjudicate and apportion the amount thereof among such persons.

(3) The costs of and incidental to all proceedings before a Judicial Magistrate of the first class or a Metropolitan Magistrate or the High Court under this Section shall be in the discretion of such magistrate or the High Court, who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the aforementioned purpose.

PART X: LIABILITY AND LIMITATION OF LIABILITY

68. Liable under the Act:

- (1) The owner, operator, master, a member of crew or insurer shall be liable for the offences and contraventions of the provisions under this Act or Rules made thereunder.
- (2) Where any person is beneficially interested otherwise than by way of mortgage or in the share in any mechanically propelled inland vessel registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all the pecuniary penalties imposed by this or any other Act on the owners of mechanically propelled inland vessels or shares therein.

69. Division of loss :

(1) Whenever by the fault of two or more mechanically propelled inland vessels damage or loss is caused to one or more of them or to the cargo of one or more of them or to any property on board one or more of them, the liability to make good the damage or loss shall be in proportion to the degree in which each of such vessel was at fault:

Provided that,

- a) If, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally;
 - b) Nothing in this Section shall operate so as to render any vessel liable for any loss or damage to which such vessel has not contributed;
 - c) Nothing in this Section shall affect the liability of any person under any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.
- (2) For the purposes of this Part, references to damage or loss caused by the fault of a mechanically propelled inland vessel shall be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable in law by way of damages.
- (3) The victim or representative of the victim may apply to the any Court with appropriate jurisdiction, who has jurisdiction on the claim, for the detention or attachment of the vessel.

70. **Liability for Personal Injury, Loss of Life or Pollution to the environment:**

- (1) Whenever, loss of life, personal injuries, damage to property, pollution are suffered by any person on any mechanically propelled inland vessel or any other vessel, owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the such vessels concerned shall be joint and several.
- (2) No liability for any claim other than loss of life, personal injury or pollution, shall attach to the owner, operator, master, or a member of crew or insurer under this Part, if he proves that the cause for claim,
 - a) was a result from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or
 - b) was wholly caused by an act or omission done with intent to cause such damage by any other person; or
 - c) was wholly caused by the negligence or other wrongful act of State Government or other authority responsible for the maintenance of lights or other navigational aids in exercise of its functions in that behalf.

71. **Detention under this Part :**

The State Government may appoint or authorise such officer under this Part, for the purpose of detaining any mechanically propelled inland vessel in connection with a claim, or an offence under this Part, and shall also prescribe the procedure for such detention by notification in the Official Gazette.

72. **Limitation of Liability:**

- (1) The owner, operator, master, or person in charge of a vessel, or member of crew of any mechanically propelled vessel may limit the extent of his liability that could be incurred from the application and operation of this Part for;
 - a) claims arising from loss of life or personal injury, environmental pollution, or loss of or damage to, property including damage to inland port works, jetties, wharfs, basins and waterways and aids to navigation, occurring on board or in direct connection with the operation of such vessel(s) or with salvage operations, and consequential loss resulting there from;
 - b) claims arising out of loss resulting from delay in the carriage of cargo and passengers or their luggage by inland waters;
 - c) claims arising out of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of such vessel or salvage operations;
 - d) claims of a person other than the person liable in respect of measures taken in order to avert or minimise loss;
 - e) claims for the loss of life or personal injury to passengers of such vessel brought by or on behalf of any person,

- a. under the contract of passenger carriage; or
 - b. who, with the consent of the carrier, is accompanying a vessel for live animals which are covered by a contract for the carriage of goods, carried in such vessel;
- (2) Notwithstanding contained anything herein, the act of invoking limitation of liability shall not be construed to constitute an admission of liability by any person who takes the defence.
- (3) For the purpose of this Part, the liability of the owner or operator of a mechanically propelled inland vessel shall include liability in an action brought against such vessels.
- (4) The Central Government shall prescribe by notification in official gazette the limits of liability and the criteria in determining compensation for any claim relating to;
- a) Loss of life, personal injury, damage caused by mechanically propelled inland vessel to the another vessel, environment or cargo and / or such other property,
 - b) any other damage of specific nature as deemed fit by the State Government.
- (5) The persons entitled to limit liability under sub-section (1) may apply to the High Court for constituting of a limitation Fund for the consolidated rate as provided for under this Part.
- (6) Where a vessel or other property is detained in connection with a claim, covered under this Part, the respective High Court may order the release of such vessel or other property, upon an application made by the persons, who are entitled to limit their liability and,
- a) by ensuring that such person, who is entitled to constitute the limitation fund has submitted his availability in person to the jurisdiction of the respective High Court or
 - b) by depositing sufficient fund or financial guarantee as determined by the High Court as Security or
 - c) by constituting the limitation fund, as the case may be.

73. **Non applicability of Limitation:**

No person shall be entitled to limit the liability against any claim, if such claim has arisen due to intentional act or negligence of the persons or his employees, who otherwise would have been entitled to limit their liability under this Part.

**PART XI: INSURANCE OF MECHANICALLY PROPELLED VESSELS PLYING IN
INLAND WATERS**

74. **Insurance to cover :**

No mechanically propelled vessel shall be used for voyage in inland waters, unless there is in force;

(1) A policy of insurance covering risks other than that provided in sub-section (1), which shall cover any liability that may be incurred by the insured:

- a) In respect of the death of or bodily injury to any person or persons or damage to any property caused by or arising out of the use of the mechanically propelled vessel.
- b) In respect of liability of operational pollution and accidental pollution of inland waters.

(2) A policy of insurance in compliance with the Public Liability Insurance Act, 1991 (6 of 1991), if the mechanically propelled inland vessel is carrying or meant to carry, dangerous or hazardous goods.

(3) A policy of insurance covering the mechanically propelled vessel to

- a) a value not less than the liability incurred or
- b) in case such vessel is entitled to be covered under limitation of liability as provided under this Act, a value not less than the prescribed and applicable limitation amount:

Provided that any policy of insurance issued with a value not less than the limitation of liability in force, immediately before the commencement of this Act, shall continue to be effective for a period of twelve months after such commencement or till the date of expiry of such policy whichever is earlier.

75. **Contractual Liability Not to Cover:**

Notwithstanding anything contained herein, a policy shall not be required as mandatory to cover any contractual liability of the insured that arises due to any performance or non performance a contract or of agreement in the capacity of a service provider.

76. **State owned vessels exempted:**

Any mechanically propelled inland vessel owned or operated by Central Government, State Government or Inland Vessel Transport Corporation, used for commercial purpose and which is exempted for this purpose by the Central Government or State Government or any other governmental authority, by general or specific order subject to such conditions as may be prescribed herein:

Provided that no such order shall be made in relation to any such authority unless a fund has been established and is maintained by that authority in accordance with the

Rules made in that behalf under this Act for meeting any liability arising out of the use of any vessel of that authority, which that authority or any person in its employment may incur to any claimant.

77. **Issuance and form:**

- (1) For the purpose of Section 74, the policy of insurance issued shall be a policy of which:
 - a) is issued by a person who is an authorized insurer;
 - b) insures the mechanically propelled inland vessel, any person or any classes of persons specified in the policy to the extent specified in Section 74; and
 - c) is a Certificate of Insurance issued by the insurer to the insured in such form and content, and subject to such conditions as may be applicable and prescribed.
- (2) The Central Government may prescribe minimum terms and conditions to be incorporated in the contract of insurance entered between insurer and insured to cover the risks as provided in Section 74.

78. **Duty to indemnify:**

Notwithstanding anything contained in any law for the time being in force, an insurer issuing a policy of insurance under this Section shall be liable to indemnify the insured or any person(s), as specified in the policy in respect of any liability which the policy purports to cover in the case of the insured or those person(s).

79. **Validity of cover note:**

Where a cover note of the policy of insurance, issued by the insurer under the provisions of this Part or the Rules made hereunder is not followed by a policy of insurance within the prescribed time, the insurer shall, within seven days of the expiry of the period of the validity of the cover note, notify the fact to the registering authority in whose records the mechanically propelled vessel to which the cover note relates has been registered or to such other authority as the State Government may appoint or authorize in this behalf.

80. **Inspection:**

- (1) The Competent Authority or authorised officer appointed by the State Government by notification in official gazette, may require the owner, operator or master of a mechanically propelled vessel to produce the valid certificate of insurance carried on board such vessel, for the purpose of inspection on compliance with this Part.
- (2) Further to inspection as provided in sub-section (1), if it is found that the mechanically propelled inland vessel is not in compliance with this Part, such vessel shall immediately be detained; with immediate effect.

81. **Release:**

The officer who detains the vessel or suspends the Certificate of Registration as provided under Section 80 shall, upon production of satisfactory proof that mechanically propelled vessel possesses a valid Certificate of Insurance in compliance with this Part, release of such vessel or withdraw the suspension of Certificate of Registration, as the case may be.

82. **Duty of insurers to satisfy judgments and awards:**

(1) If, after a certificate of insurance has been issued under this Part, in favour of the person by whom a policy has been effected, judgment or award in respect of any such liability as is required to be covered by a policy as mentioned in this Part is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the insurer shall, subject to the provisions of this Section, pay to the person entitled to the benefit of the decree any sum not exceeding the sum assured payable, as if he were the judgment debtor, in respect of the liability, together with any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by an insurer under sub-section (1) in respect of any judgment or award unless, before the commencement of the proceedings in which the judgment or award is given the insurer had notice through the Court or, as the case may be, the Court appointed or authorised to process claim or of the bringing of the proceedings, or in respect of such judgment or award so long as execution is stayed thereon pending an appeal; and an insurer to whom notice of the bringing of any such proceedings is so given shall be entitled to be made a party thereto and to defend the action on any of the following grounds, namely:

- a) that there has been a breach of a specified condition of the policy, being a condition excluding the use of the mechanically propelled vessel, or
- b) for hire or reward, where the mechanically propelled vessel is on the date of the contract of insurance a vessel not covered by a permit to ply for hire or reward, or
- c) for organised racing and speed testing.

(3) Where any such judgment as is referred to in sub-section (1) is obtained from a Court in a reciprocating country and in the case of a foreign judgment is, by virtue of the provisions of Section 13 of the Code of Civil Procedure, 1908 (5 of 1908) conclusive as to any matter adjudicated upon by it, the insurer (being an insurer registered under the Insurance Act, 1938 (4 of 1938) and whether or not he is registered under the corresponding law of the reciprocating country) shall be liable to the person entitled to the benefit of the decree in the manner and to the extent specified in sub-section (1), as if the judgment were given by a Court in India:

Provided that no sum shall be payable by the insurer in respect of any such judgment unless, before the commencement of the proceedings in which the

judgment is given, the insurer had notice through the Court concerned of the bringing of the proceedings and the insurer to whom notice is so given is entitled under the corresponding law of the reciprocating country, to be made a party to the proceedings and to defend the action on grounds similar to those specified in sub-section (2).

- (4) Where a certificate of insurance has been issued under this Part to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any condition other than those in clause (b) of sub-section (4) shall, as respects such liabilities as are required to be covered by a policy under Section 74, be of no effect:

Provided that any sum paid by the insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this sub-section shall be recoverable by the insurer from that person.

- (5) If the amount which an insurer becomes liable, under this Section to pay in respect of a liability incurred by a person insured by a policy, exceeds the amount for which the insurer would apart from the provision of this Section be liable under the policy in respect of that liability, the insurer shall be entitled to recover the excess from that person.

- (6) The insurer who has issued the Certificate of Insurance, shall not be held liable for any claim against the insured that arises due to non disclosure of material fact or false or misrepresentation of any material and relevant fact or any such other obligation as provided under this Part by the insured :

Provided that any sum paid by the insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this sub-section shall be recoverable by the insurer from that person.

- (7) No insurer to whom the notice referred to in sub-section (2) or sub-section (3) has been given shall be entitled to avoid his liability to any person entitled to the benefit of any such judgment or award as is referred to in sub-section (1) or in such judgment as is referred to in sub-section (3) otherwise than in the manner provided for in sub-section (2) or in the corresponding law of the reciprocating country, as the case may be.

83. **Rights of claimants on insolvency of the insured.**

- (1) Where under any contract of insurance effected in accordance with the provisions of this Part, a person is insured against liabilities which he may incur to parties as provided in Section 74 of this Part, then,

- a) in the event of the person becoming insolvent or making a composition or arrangement with his creditors, or
- b) where the insured person is a company, in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to the company or of a receiver or manager of the company's business or undertaking

being duly appointed, or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge,

if, either before or after that event, any such liability is incurred by the insured person, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything to the contrary in any provision of law, be transferred to and vest in the claimants covered under this Part to whom the liability was so incurred.

(2) Where an order for the administration of the estate of a deceased debtor is made according to the law of insolvency, then, if any debt provable in insolvency is owing by the deceased in respect of a liability to a claimants covered under this Part against which he was insured under a contract of insurance in accordance with the provisions of this Part, the deceased debtor's rights against the insurer in respect of that liability shall, notwithstanding anything to the contrary in any provision of law, be transferred to and vest in the person to whom the debt is owing.

(3) Any condition in a policy issued for the purposes of this Part purporting either directly or indirectly to avoid the policy or to alter the rights of the parties hereunder upon the happening to the insured person of any of the events specified in clause (a) or clause (b) of sub-section (1) or upon the making of an order for the administration of the estate of a deceased debtor according to the law of insolvency shall be of no effect.

(4) Upon a transfer under sub-section (1) or sub-section (2), the insurer shall be under the same liability to the claimants covered under this Part as he would have been to the insured person.

84. **Duty to give information as to insurance:**

(1) Person against whom a claim is made in respect of any liability referred to under this part shall on demand by or on behalf of the person making the claim, state the details and particulars of insurance, if any and the extend of coverage that the insurer who has issued such a policy of insurance covers.

(2) Any person who acts in contravention to sub-section (1) is committing an offence under this Part.

(3) In the event of any person becoming insolvent or making a composition or arrangement with his creditors or in the event of an order being made for the administration of the estate of deceased person according to the law of insolvency, or in the event of circumstances as provided in clause (b) of sub-section (1) of Section 83, it shall be the duty of the insolvent debtor, personal representative of the deceased debtor or company, as the case may be, or the official assignee or receiver in insolvency, trustee, liquidator, receiver or manager, or person in possession of the property to give at the request of any person claiming that the insolvent debtor, deceased debtor or company is under such liability to him as is covered by the provisions of this Part, such information as may reasonably be required by him for the

purpose of ascertaining whether any rights have been transferred to and vested in him, and for the purpose of enforcing such rights, if any; and any such contract of insurance as purports whether directly or indirectly to avoid the contract or to alter the rights of the parties upon the giving of such information in the events aforesaid, or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

(4) The duty to give the information imposed by this Section shall include a duty to allow all contracts of insurance, receipts for premiums, and other such other relevant documents in the possession or power of the person on whom the duty is so imposed under this Act or such other laws in force in India.

85. **Settlement between insurers and insured persons :**

(1) No settlement made by an insurer in respect of any claim in respect of any liability of the nature referred in Section 74 of this Part shall be valid unless such claimant is a party to the settlement.

(2) Where a person who is insured under a policy issued for the purposes of this Part has become insolvent, or where, if such insured person is a company, a winding- up order has been made or a resolution for a voluntary winding-up has been passed with respect to the company, no agreement made between the insurer and the insured person after the liability has been incurred to a claimants covered under this Part and after the commencement of the insolvency or winding-up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured person after the commencement aforesaid shall be effective to defeat the rights transferred to the claimant under this Part, but those rights shall be the same as if no such agreement, waiver, assignment or disposition or payment has been made.

86. **Insolvency not to affect liability:**

Where a certificate of insurance has been issued to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as mentioned in Section 83 shall, notwithstanding anything contained in this Part, not affect any liability of that person of the nature referred to in Section 74 of this Part; but nothing in this Section shall affect any rights against the insurer conferred on the person to whom the liability was incurred, as provided under this Part.

87. **Effect of death on certain causes of action:**

Notwithstanding anything contained in Section 306 of the Indian Succession Act, 1925 (39 of 1925), the death of a person in whose favour a certificate of insurance had been issued, if it occurs after the happening of an event which has given rise to a claim under the provisions of this Part, shall not be a bar to the survival of any cause of action arising out of the said event against his estate or against the insurer.

88. **Effect of Certificate of Insurance:**

When an insurer has issued a certificate of insurance in respect of a contract of insurance between the insurer and the insured person, then

- a) if and so long as the policy described in the certificate has not been issued by the insurer to the insured, the insurer shall, as between himself and any other person except the insured, be deemed to have issued to the insured person a policy of insurance conforming in all respects with the description and particulars stated in such certificate; and
- b) if the insurer has issued to the insured the policy described in the certificate, but the actual terms of the policy are less favourable to persons claiming under or by virtue of the policy against the insurer either directly or through the insured than the particulars of the policy as stated in the certificate, the policy shall, as between the insurer and any other person except the insured, be deemed to be in terms conforming in all respects with the particulars stated in the said certificate.

89. **Transfer of Certificate of Insurance**

- (1) Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Part transfers to another person the ownership of the mechanically propelled vessel covered under this Part, in respect of which such insurance was taken together with the policy of insurance relating thereto, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the mechanically propelled inland vessel is transferred with effect from the date of its transfer.

Explanation: For the removal of doubts, it is hereby declared that such deemed transfer shall include transfer of rights and liabilities of the said certificate of insurance and policy of insurance.

- (2) The transferee shall apply within fourteen days from the date of transfer in the prescribed form to the insurer for making necessary changes in regard to the fact of transfer in the certificate of insurance and the policy described in the certificate in his favour and the insurer shall make the necessary changes in the certificate and the policy of insurance in regard to the transfer of insurance.

PART XII: CASUALTY AND INVESTIGATION

90. **Reporting Casualty, Accident or Wreck:**

- (1) The State Government, by notification in official gazette shall appoint or authorise officer for the purpose of this Part.
- (2) The owner, operator or master of a mechanically propelled inland vessel, shall give notice of any casualty or accident occurred to or onboard such a vessel while in the inland waters to the officer appointed or authorised by the State Government.

91. **Preliminary Enquiry & Investigation:**

- (1) Whenever any officer as is referred to in Section 90 receives credible information that a casualty or accident has occurred, or having been directed to conduct an enquiry by the State Government and may proceed to make a preliminary inquiry into the casualty.
- (2) An officer making a preliminary inquiry, shall send a report thereof to the State Government as may be appointed by it in this behalf.
- (3) The State Government may if it is necessary or expedient to have a formal investigation into the facts of any case reported by the authorised officer may,
 - a) appoint a special Court and direct the Court to make the investigation at such place as the State Government may fix in this behalf, or
 - b) direct any Court of Judicial Magistrate of the First Class specially empowered in make formal this behalf by the State Government and Metropolitan Magistrate.
- (4) The officer appointed under this Part, may, whether he has made a preliminary inquiry or not, and where the State Government so directs, make an application to a court, appointed and constituted hereunder, requesting it to make formal investigation into any matters of plying or usage, accident or casualty, wreck or such other matter in relation to mechanically propelled inland vessels to which this Act shall apply.

92. **Constitution & Powers of Court:**

- (1) A Court appointed and directed under clause (a) of sub-section (3) of Section 91, shall consist of not less than two nor more than four persons, of whom one shall be a Magistrate, one shall be a person conversant with maritime affairs or with the navigation of the mechanically propelled inland vessels, and the other or others, if any, shall be conversant with either maritime or mercantile affairs, or with the navigation of mechanically propelled inland vessels.
- (2) A court making an investigation into any casualty or any other incident referred or directed to it may inquire into,
 - a) Any charge of incompetency or misconduct arising in the course of the investigation against any person holding a certificate granted under Part V of this Act, and/or
 - b) Any charge of a wrongful act or default on his part causing any accident or casualty.
- (3) For the purpose of any investigation under this Part, the Court making the investigation shall, so far as relates to compelling the attendance and examination of witnesses, and the production of documents and the regulation of the proceedings, have -

- a) if the Court is a special Court; the same powers as are exercisable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made; or
- b) if the Court is a principal Court of ordinary criminal jurisdiction or the Court of the District Magistrate; the same powers as are exercisable respectively by either Court in the exercise of its criminal jurisdiction.

93. **Assessors:**

- (1) For the purpose of investigation under this Part, the State Government shall appoint and maintain a list of Assessors, which may be revised from time to time.
- (2) The State Government shall prescribe the qualifications, criteria and consideration/fees/charges for the Assessors, who has experience in the merchant service or in the navigation of the mechanically propelled inland vessels.
- (3) When, in the opinion of the Court making an investigation under this Part, the investigation involves, or appears likely to involve, any question as to the cancelling or suspension of the certificate of a master, engineer or engine-driver, or any person holding a certificate granted under Part V, the Court shall, appoint any number of assessors, from the list of Assessors provided to it by the State Government.
- (4) In every other investigation the Court may, if it thinks fit, appoint as its assessor, for the purposes of the investigation, any person conversant with maritime affairs or the navigation of mechanically propelled inland vessels and willing to act as assessor.
- (5) Every person appointed as an assessor under this Section shall attend during the investigation and deliver his opinion, to be recorded on the proceedings.
- (6) Notwithstanding the appointment of assessor or assessors under this Section, the exercise of any/all powers conferred on the Court by this Part or any other law for the time being in force shall rest with the Court.

94. **Report By Court To State Government:**

- (1) The Court shall, in the case of every investigation under this Part, transmit to the State Government a full report of the conclusions at which it has arrived, together with the evidence recorded and the written opinion of any assessor.
- (2) The State Government shall, on receipt of the investigation report from the court, cause it to be published in the Official Gazette.

95. **Power To Direct Investigations Into Causes Of Explosions:**

- (1) Whenever any explosion occurs on board any mechanically propelled inland vessel, the State Government may direct that an investigation into the cause of the explosion be made by such person or persons as it may appoint in this behalf.
- (2) The person or persons so appointed may, for the purpose of the investigation, enter any mechanically propelled inland vessel, with all necessary workmen and labourers, and remove any portion of the mechanically propelled inland vessel, or of the

machinery thereof, and shall report to the State Government, his or their opinion on the cause of the explosion.

(3) Every person making an investigation under this Section shall be deemed to be a public servant within the meaning of the Indian Penal Code 1860.

96. **Powers of court subsequent to Investigations and Inquiry:**

(1) A certificate of a master, crew or engineer which has been granted by the State Government under Part V of this Act may be cancelled or suspended,

a) by a Court holding a formal investigation into a inland transportation casualty under this Part, if the court finds that the accident or casualty, including loss, standing or abandonment of, or damage to, any mechanically propelled inland vessel, or loss of life, has been caused by the wrongful act or default of such master or engineer;

b) by a court holding an inquiry under this Part into the conduct of the master, -or engineer if the court finds that he is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct or in a case of collision has failed to render such assistance or give such information and / or notice as required under this Act.

(2) At the conclusion of the investigation or inquiry, or as soon thereafter as possible, the Court shall state in open sitting, the decision to which it may have come with respect to the cancellation or suspension of any certificate and, if suspension is ordered, the period for which the certificate is suspended.

(3) Where the court cancels or suspends a certificate, the Court shall forward it to the State Government together with the report which it is required by this Part to transmit to it.

(4) A Court specially empowered under this Part, may remove the master of any mechanically propelled inland vessel, within his jurisdiction if the removal is shown as necessary to the satisfaction of the Court.

(5) The Court may appoint a new master instead of the one removed, but where the owner, agent or consignee of the mechanically propelled inland vessel is within his jurisdiction, such an appointment shall not be made without the consent of that owner, agent or consignee.

(6) The Court, may also make such order and require such security in respect of the costs of the matter as it may deem fit and necessary.

97. **Power of State Government:**

(1) Any certificate granted under Part V may be suspended or cancelled by the State Government in whose jurisdiction, the certificate was granted or, in the event of the vessel being found in the jurisdiction of another State Government, such State Government may confiscate the certificates, if,

- a) on any investigation made under this Part, the Court reports that the work or abandonment of, or loss or damage to, any vessel, or loss of life, has been caused by the intentional and wrongful act or default of the holder of such certificate, or that the holder of such certificate is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct, or
 - b) the holder of such certificate is proved to have been convicted of any non-bailable offence, or
 - c) the holder of such certificate is proved to have deserted his vessel or has absented himself without leave and without sufficient reason, from his vessel or from his duty; or
 - d) in the case of a person holding any designation as provided by the Certificate of Competency or service, is or has become, in the opinion of the State Government, unfit to act in such designation, as the case may be.
- (2) Every person whose certificate is suspended or cancelled under this Part shall deliver it up to such person as the State Government which suspended or cancelled it may direct.
- (3) If any State Government confiscates the certificates granted under Part V of this Act, the proceedings and the fact of confiscation and recommendation for suspension or cancellation shall be reported to the State Government which has originally issued, granted or endorsed such certificates.

PART XIII: REGULATION OF TRADE PRACTICES

98. **Powers of the Central Government:**

The Central Government may, stipulate the minimum standards, terms and conditions to protect the interests and to ensure safety of service providers and service users that shall be incorporated in the contract entered for carriage or use of inland vessels.

99. **Obligations of Service Provider :**

- (1) The service provider shall properly and carefully,
- a) assist and care for the passengers during embarking, disembarking and the entire course of voyage and preserve their safety with priority.
 - b) receive, load, handle, stow, carry, keep, care for, unload and deliver the goods as per the contract of carriage.
- (2) The Central Government may by notification in the Official Gazette prescribe the Rules for carriage of cargo and passenger by mechanically propelled inland vessel.
- (3) Notwithstanding anything contained herein, the service provider, during the period of his responsibility, may decline to receive or to load, and may take such other measures as are reasonable, including unloading, destroying, or rendering goods

harmless, if the goods are, or reasonably appear likely to become an actual danger to persons, property or the environment.

- (4) The service provider shall issue the transport documents or electronic records; or such documents or records, evidencing the obligations of carriage and other details of instruction and agreed terms and conditions, in a timely manner to the service user.

Provided that the service user provides the service provider the relevant information requested or required, accurately and timely for the purpose of preparation, compilation and timely issuance of the transport documents or electronic records.

100. **Obligations of Service User:**

- (1) The service user shall provide all reasonable information and instructions, to the service provider and shall guarantee that all the information so disclosed are accurate and made in good faith, as requested by the service provider or required under this Act, for the proper handling and carriage of the goods:

Provided that the service user is under no obligation to disclose any information about which he has no knowledge or is within the reasonable knowledge and information of service provider or if required not to be disclosed under any law, on any written instruction from public authorities.

- (2) The service user is liable for loss or damage sustained by the service provider, if the service provider proves that such loss or damage was caused by a breach of the obligations of such service user under this Act.
- (3) The service user shall inform the service provider of the dangerous nature or character of the goods in a timely manner, before they are delivered to the service provider and if he fails to do so, and the service provider does not otherwise have knowledge of their dangerous nature or character, the service user is liable to the service provider for loss or damage resulting or arising from such failure to inform; and
- (4) The service user shall mark or label the dangerous goods in accordance with any law, or other directives of public authorities that apply, during any stage of the intended carriage of the goods and if he fails to do so, the service user is liable to the service provider, for the loss or damage resulting from such failure.

101. **Liability of Service Provider :**

- (1) The service provider is liable for the breach of any of his obligations under this Act, caused by the acts or omissions of any person, including employees, agents and subcontractors, to whom such service provider has entrusted the performance of any of his obligations.
- (2) The service provider shall not be held liable for acts or omissions of the service user or any person acting on behalf of the service user, to whom the service user has entrusted the performance of his obligations.

(3) Notwithstanding anything contained herein, except with respect to loss or damage caused by a breach of his obligations by the service provider, the service provider is relieved of all or part of his liability if the cause or one of the causes of the loss or damage is not attributable to his fault or to the fault of any person acting on his behalf.

(4) When the service provider is relieved of a part of his liability pursuant to sub-section (3), the service provider shall be held liable only for that part of the loss or damage that is attributable to his fault or to the fault of any person acting on behalf of, or employed by him.

102. **Prohibited Goods & Dangerous Goods:**

(1) The Central Government, by notification in the Official Gazette, shall declare the list of dangerous goods that may be carried subject to conditions as may be prescribed and prohibited goods that are prohibited from being carried on any class or category of mechanically propelled inland vessels, while plying in the inland waters.

(2) A passenger being a service user of any mechanically propelled inland vessel under the capacity of the passenger shall not—

- a) take with him on board, load, carry, or be permitted to take with him on board, load, carry, any goods declared as Prohibited Goods under this Part; packed or stored in any form or content on board a mechanically propelled inland vessel, or
- b) deliver or tender or be permitted to load, deliver or tender any goods declared as Prohibited Goods under this Part; packed or stored in any form or content on board a mechanically propelled inland vessel, or
- c) take with him on board a mechanically propelled inland vessel, any dangerous goods without giving notice of their nature to the owner or master of the mechanically propelled inland vessel, or
- d) deliver or tender for carriage on such mechanically propelled inland vessel, any dangerous goods without giving such notice, and without distinctly marking their nature, outside the package containing the goods.

(3) If the owner or master of a mechanically propelled inland vessel suspects, or has reason to believe, that any luggage, parcel or package stored in any form or content taken, delivered, loaded or tendered, for carriage on the mechanically propelled inland vessel contains prohibited goods and/ or dangerous goods, he may --

- a) refuse to carry it upon the mechanically propelled inland vessel, or
- b) require it to be opened to ascertain the nature of its contents; or
- c) if it has been received for carriage, stop its transit until he is satisfied as to the nature of its contents.
- d) report to the nearest Police Station or any officers appointed or authorised by State Government by notification in official gazette under this Part.

- (4) Upon receipt of report from the owner or master of any vessel as provided under sub-section (3), the officers appointed or authorised under this Part shall confiscate such goods, and refer the matter to be investigated by the police or law enforcement department of the respective State Government, which has jurisdiction over the vessel, and such goods confiscated shall be destroyed, stored or be subjected to judicial sale as prescribed by the State Government by publication in the Official Gazette.
- (5) Any person who is found to do an act or have done an act of contravention, under sub-section (2) shall be handed over or arrested and removed, immediately and charged for an offence for causing danger to vessel and life of passenger and / or crew in the vessel, and be prosecuted as per the Code of Criminal Procedure, 1973 and shall be punishable for such offences as provided under the Indian Penal code 1860.
- (6) Where any dangerous or prohibited goods have been taken or delivered on board any mechanically propelled inland vessel, in contravention of this Part, and if the service provider of such vessel is unable to resort to and comply with sub-section (2) of this Part, such goods may be unloaded from such vessel or thrown overboard, along with any package or receptacle in which they are contained, so as to prevent danger and to ensure safety of such vessel and life onboard; and neither the owner nor the master shall, in respect of his having so caused the goods to be unloaded or thrown overboard, be subject to any liability, civil or criminal, in any Court.

PART XIV: NON-MECHANICALLY PROPELLED INLAND VESSEL

103. Local Self Governance:

- (1) The State Government may administer and implement the provision of this Part, by means of local self governance.
- (2) The office of Department of Local Self Administration shall be established at locations that are accessible to owners, operators of non-mechanically propelled inland vessel or service users of such vessels.
- (3) The offices of the Department of Local Self Administration established for the purposes of this Part, shall in the order of hierarchy of power, be at District, Taluk and Panchayat/Village levels, or any other hierarchy as prescribed by the respective State Governments, and shall exercise the powers and duties as prescribed by the respective State Government by notification in the Official Gazette and shall include the powers and duties to,
- a) enrol the non-mechanically propelled inland vessel under this Part;
 - b) collate data with regard to the non-mechanically propelled inland vessel enrolled under this Act and report it to the higher authority in the hierarchy of power;
 - c) administer the welfare fund constituted under this Part in accordance with the authority and obligation prescribed under such notification in the Official Gazette;

- d) advise and conduct awareness programmes for assisting the owners, operators or service users of non-mechanically propelled inland vessel enrolled under this Act; and
- e) perform such other functions as assigned under this Act or Rules made thereunder.

104. **Obligation to enrol:**

- (1) The owners or operators may enrol, by submitting the details of the ownership of non-mechanically propelled vessel, undertaking that the vessel is put into motion by solely employing human labour and such other details as may be prescribed by State Government by notification in the Official Gazette, at the office of the Department Of Local Self Administration, located nearest to the place of residence of the owners or area of plying of the non-mechanically propelled inland vessel, in such form and content as may be prescribed by State Government by notification in the Official Gazette.
- (2) Any forms or notifications prescribed by State Government under sub-section (1) of this Section shall be made in the respective vernacular language, apart from Hindi and/or English, as the case may be.
- (3) For the purposes of identification and categorisation of non-mechanically propelled inland vessels, to be enrolled as per sub-section (1), the State Government shall publish such criteria for categorization which may include the size, purpose of employment, age, construction, design or such other criteria of the vessels.
- (4) Enrolment of non-mechanically propelled inland vessels shall be a prerequisite for such vessels to be entitled for the benefits and preferential treatment accorded under this Part.
- (5) The data and details of the enrolled vessels shall be recorded in the Registry of Enrolment and be reported by the offices of lowest order in the hierarchy of power to the highest hierarchy and the collated list of enrolled vessels shall be maintained by the office of District Collector or such officer appointed or authorised under this Part, for the said purpose.
- (6) The State Government shall maintain a Central Data Base to record the details of the non-mechanically propelled inland vessel enrolled within the respective jurisdiction, in such form and content as may be prescribed by notification in Official Gazette.
- (7) Any change to the Registry of Enrolment, maintained by the lowest ranking of the office of the Department of Local Self Administration shall be reported and brought to the attention of the office higher in the hierarchical order and changes may be brought out accordingly, in every such registers maintained by the respective authorities including the central data base maintained by the Principal Secretary / Secretary of respective State Governments.

105. **Certificate of Enrolment and Marking of the Vessel:**

- (1) The officer of the Department of Local Self Administration, appointed or authorised to maintain the Registry of under this Part, shall issue a Certificate of Enrolment; to the non-mechanically propelled inland vessels that have enrolled in the registry of enrolment.
- (2) The Certificate of Enrolment shall be issued in such form and content, as may be prescribed by notification in the Official Gazette by the respective State Government and details to be specified in such certificate shall include;
 - a) Name, details of permanent address as given in the Unique Identification Document made mandatory by such laws in force in India, issued by Unique Identification Authority of India, Electoral Identification Document or such other document of the owner or owners, as prescribed by State Government by notification in official gazette;
 - b) Details such as year of construction, laying of keel or such other information;
 - c) Details of design if identified or categorised under this Part;
 - d) Details of officer issuing or granting the certificate; and
 - e) A mark or number given to the vessels enrolled by the issuing authority.
- (3) The Department of Local Self Administration in every State shall issue a mark or number to the non-mechanically propelled inland vessel enrolled within the respective jurisdiction, which shall be unique for the purpose of identification of enrolment with the respective Department of Local Self Administration located in respective States.
- (4) The marking or numbering so issued under sub-section (3) shall be exhibited on a conspicuous part of the non-mechanically propelled inland vessel in such form and manner as may be prescribed by the respective State Government under this Part.

106. **Construction and Safety :**

- (1) The State Government shall prescribe the basic minimum standards that may be reasonably observed during the construction of any non-mechanically propelled inland vessel.
- (2) Notwithstanding anything contained herein, the State Government shall prescribe by notification in the Official Gazette, the standards of construction, which any class or category of non-mechanically propelled inland vessel shall comply with.

Provided that the standards prescribed by the State Government shall be in harmony with the traditional knowledge and practices passed on as customary or ancestral means that are applied by skilled and talented persons involved in the designing and construction of non-mechanically propelled inland vessel.
- (3) The State Government shall stipulate the minimum safety gears and equipments by notification in the Official Gazette with which the non-mechanically propelled inland vessel shall be equipped with, for the purpose of ensuring safety of such vessels.

(4) The State Government shall provide for standards of overhauling, modifying, altering or refitting the non-mechanically propelled inland vessel for the purpose of ensuring safe navigation.

(5) The non-mechanically propelled inland vessels enrolled under this Act, shall comply with the safety standards as stipulated under this Part or Rules made in this regard.

(6) For the purpose of ensuring safe navigation of non-mechanically propelled inland vessels, the State Government shall by notification in the Official Gazette publish the routes, areas or stretch of inland waters that are prohibited from being used or subject to such terms and conditions, for the navigation of non-mechanically propelled inland vessel.

107. **Pollution to caused by carriage of pollutants by Non-mechanically propelled inland vessel:**

No one shall engage or use any non-mechanically propelled inland vessel to dump pollutants, or such other wastes listed as pollutants by the State Government by notification in the Official Gazette, into the inland waters.

108. **Removal of Obstruction:**

The State Government or any officer appointed or authorised under this Part shall remove or order the removal of any impediment or obstruction to safe navigation through inland waters caused by non-mechanically propelled vessel and such owner or operator shall remove the obstruction or impediment which is ordered for removal.

109. **Casualty and Accidents:**

An owner or operator of a non-mechanically propelled inland vessel involved in casualty or accident shall inform or report it to the nearest police station, who shall take cognizance of the offence.

110. **Constitution of Welfare Fund:**

(1) Every State Government by notification in the Official Gazette shall constitute a fund to be allocated at District level, within its respective jurisdiction to assist the non mechanically propelled inland vessels enrolled under this Part.

(2) Any officer appointed or authorised under this Part to be in charge of the fund for the non mechanically propelled inland vessel, shall with previous written approval of the respective State Government or such other authority appointed for the said purpose, utilise the fund to;

- a) create awareness and conduct knowledge dissemination sessions for educating the owner, operators and service users on improvements required for safe navigation;
- b) provide equipments and devices of safety and navigation at a subsidised rate;
- c) provide support or relief during casualties, accidents or such emergencies; and
- d) for such other purposes as it may deem fit

PART XV: MISCELLANEOUS PROVISIONS

111. **Pilotage:**

- (1) The Central Government shall designate by notification in the Official Gazette, the requirement of pilotage in whole or part of inland water ways designated as national waters.
- (2) The State Government shall designate by notification in the Official Gazette, the requirement of pilotage in whole or part or any stretch of designated inland water ways or such passages other than national waterways.

112. **Certificated masters to be deemed pilots under Section 31 of Act 15 of 1908:**

Subject to the provisions of Section 111, every master of any mechanically propelled inland vessel, who possesses a master's certificate granted under this Act and in force, shall, in ports to which Section 31 of the Indian Ports Act, 1908 (15 of 1908), has been extended, be deemed, for the purposes of that Section, to be the pilot of the mechanically propelled inland vessel of which he is in charge.

113. **Vessel Detention and / or Forfeiture:**

- (1) Any mechanically propelled inland vessel, which is obliged to register under the provisions of this Act,
 - a) if found plying or being used in inland waters without a valid Certificate of Registration or
 - b) though in possession of a valid Certificate of Registration; if the registration mark and number assigned thereto are not affixed;
 - c) for the purpose of claims or offence found to have committed under Part IXshall be removed from the inland waters detained and / or forfeited by the authorised officers appointed by the respective State Government.
- (2) The owners, operators or any such person recognised as responsible for the vessel under this Act, shall pay respective and applicable fees and charges for the safe custody and maintenance of the detained or forfeited vessel, which shall be a precondition for release of the vessel and which if unpaid, shall create a lien over such vessel to comply with this Act.
- (3) Upon compliance with the provisions of the Act and Rules made hereunder, and after rectifying the mistakes that lead to detention, the State Government shall without any unreasonable delay, release the vessel and her custody to the owner, operator or any such person recognised as responsible for the vessel under this Act.

- (4) Unless specifically prescribed or mentioned elsewhere in this Act, the State Government shall prescribe procedures for detention, formalities, fees and conditions to be followed and observed by the concerned officers or authorities or Court, appointed or authorised or constituted under this Act, for the purpose of detaining a vessel.
- (5) An officer so authorised to enter any vessel may, for the purpose of enforcing the order of detention and/or forfeiture, call to his aid, any officers of the Police Department or any other persons authorised under this Act or such other laws in force in India.

114. **Desertion And Absence Without Leave**

No person employed or engaged in any capacity on board a mechanically propelled vessel shall,

- (1) neglect or refuse, without reasonable cause, to join his mechanically propelled vessel or to proceed on any voyage in his vessel or,
- (2) cause to be absent without leave at any time within twenty-four hours of the vessel sailing from a port or ghat either at the commencement or during the progress of a voyage or
- (3) cause to be absent from his vessel or from his duty at any time without leave and without sufficient reason or
- (4) deserts from his mechanically propelled vessel..

115. **Prohibited Acts :**

The Central Government may prescribe the acts that are prohibited under the Act or Rules made under this Act, by notification in official gazette.

116. **Claims Tribunal**

- (1) The State Government may, prescribe for the constitution of Inland Vessels Accidents Claims Tribunals and its powers, jurisdiction and procedures that are applicable for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of mechanically propelled vessels or damage to any property of a third party so arising, or both:

Provided that where such claim includes a claim for compensation in respect of damage to property exceeding rupees Three Lakhs may refer the claim to a civil court for adjudication and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim.

- (2) On receipt of an application for compensation from the aggrieved persons or representatives, the Claims Tribunal shall, after giving the parties an opportunity of being heard, hold an inquiry into the claim and may make an award determining the amount of compensation and specifying the person or persons to whom compensation shall be paid; and in making the award, the Claims Tribunal shall

specify the amount which shall be paid by the insurer or owner or master or driver of the vessel involved in the accident or by all or any of them, as the case may be.

117. **General Powers :**

(1) The Central Government or State Government, as the case may be, shall by notification in the Official Gazette;

- a) prescribe and implement standards for the use of inland waterways by special category of vessels;
- b) prescribe standards for the development of fairways in inland waters;
- c) prescribe standards of,
 - (i) River Information Services;
 - (ii) vessel traffic and transport management, safety and information services.
 - (iii) vessel tracing and tracking information
 - (iv) to tackle calamities and furtherance of emergency preparedness.
- d) enforce standards to avoid and tackle pollution arising from inland waterways;
- e) exempt, include or extend the application of any or all of the provisions of this Act to any vessels registered, recognised or identified and intended to ply, or plying in the inland waters; and / or
- f) any other matter as it may deem fit and necessary in the proper implementation of this Act or Rules made hereunder for the purpose of ensuring safe navigation, safety of life and prevention of inland vessel.

(2) For the purpose of administration of the notifications mentioned in sub-section (1), the Central Government or State Government as the case may be, shall authorise competent authority or such other officers by notification in official gazette.

118. **Constitution of the Fund**

(1) There shall be a Fund constituted by the respective State Government to be called the Development Fund to be utilised for;

- a) meeting emergency preparedness;
- b) meeting containment of pollution caused by discharge of oil, mixtures, obnoxious substances, chemicals and other noxious and harmful substances, to preserve and protect the inland waters;
- c) supporting part or whole of expenses of owners or economically backward sector involved in activities of trade and living depending solely on inland waters;
- d) removal of unidentified wreck or obstruction affecting and impeding navigation; and

- e) to boost up development works of inland water navigation with respect to safety and convenience of conveyance.
- (2) For the purposes of constitution of Fund under sub-section (1), endeavor shall be made to design schemes of contribution from ;
- a) Central Government and respective State Government;
 - b) Stake holders;
 - c) Consolidated fund from sale of wreck or cargo or remains thereof after deducting the expenses incurred;
 - d) Excess fund out of judicial sale of vessels or any property or cargo after meeting the expenses incurred or set-off against the Court to meet damages or functioning of the Court or administrative machinery; and
 - e) Part or proportionate disbursement of fees collected by respective State Governments as provided in this Part.

119. **Immunity Of Officials Acting Under The Act :**

- (1) No suit, prosecution or other legal proceeding shall lie against any person or officer appointed or authorized under this Act, in respect of anything done or intended to be done in good faith under this Act.
- (2) For the purpose of claiming immunity under sub-section (1), the officers appointed or authorized under this Act, shall perform and carry out the respective functions and responsibilities, with utmost care and due diligence.

120. **Offences by the Company, Limited Liability Partnership Firm or any such arrangement:**

- (1) Where an offence under this Act has been committed by a company or a limited liability partnership firm or any such arrangement, every person who at the time the offence was committed was in charge of, and was responsible to the company or the limited liability partnership firm or any such arrangements, for the conduct of the business, as well as the company or the limited liability partnership firm or any such arrangement, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, 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.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company or a limited liability partnership firm or any such arrangement 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 partner or other officer of the company or the limited liability

partnership firm or any such arrangement as the case may be, such director, manager, secretary or partner or other officer, as the case may be; shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

121. **Power to remove difficulties:**

(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 for removing the difficulty.

Provided that no such order shall be made under this Section after the expiry of a period of three years, from the commencement of this Act.

(2) Every order made under this Section shall be laid, as soon as may be, after it is made, before each house of Parliament.

122. **Consistency with other Laws :**

(1) The provisions of this Act shall be in addition to, and not be construed in derogation of the provisions of any other law, and shall be construed as consistent with such law, for the time being in force.

(2) In the event of any conflict between a provision of this Act and a provision of any other law for the time being in force in whole of India or restricted to the application of the jurisdiction of any State Government, the provision of this Act shall prevail to the extent of such conflict.

123. **Suspension or Alteration of the Application and Operation of the Act:**

(1) The State Government may, by notification in the Official Gazette, declare that all or any of the provisions, under this Act or Rules made hereunder;

- a) Other than that provided for safety, manning and prevention of pollution, shall not apply to any specified class or category of the mechanically propelled inland vessels, or
- b) Shall apply to any specified class or category of the mechanically propelled inland vessels with such modifications, as may be specified in the notification.

(2) Notwithstanding anything contained in this Section, if the Central Government or State Government, as the case maybe, may, by notification in the Official Gazette, suspend or relax to a specified extent, either indefinitely or for such period as may be specified in the notification, the operation of all or any of the provisions of this Act.

(3) Where the operation of any provision of this Act, under sub-section (1) and/ or sub-section (2) has been suspended or relaxed indefinitely, such suspension or relaxation may at any time while this Act remains in force be removed by the Central Government by notification in the Official Gazette.

124. **Emergency Preparedness :**

- (1) State Government may appoint or authorise the advisory committee or officers by notification in the Official Gazette to take adequate measures as may be prescribed hereunder to minimise or counter emergency.
- (2) The owner, operator, master, crew or any other person connected with inland vessels plying in inland waters shall upon finding or apprehending a situation of crisis, which could adversely affect or is adversely affecting the safety of navigation, safety of human life or preservation of inland waters, inform or report the Advisory committee or such other officers, appointed under sub-section (1) having respective jurisdiction or jurisdictions over such crisis that is found or is anticipated to affect adversely;
- (3) The Advisory committee or officers, who are appointed or authorised under sub-section (1), upon receipt of information as received in sub-section (2), or as directed by State Government/ Competent Authority or on their own initiative, may record the crisis as emergency and, shall adopt such measures as prescribed under sub-section (1), and such other measures which are feasible and in best of the judgment necessary to minimise or counter such emergency.
- (4) The Advisory committee or officers, who are appointed or authorised under sub-section (1) shall order or request the navy, coast guard, any other emergency force, or any inland vessel available for such assistance as necessary.
- (5) No mechanically propelled inland vessel directed or acting voluntarily in rendering assistance as mentioned in sub-section (3) shall be bound by provisions of this Act or Rules made hereunder.
- (6) Any mechanically propelled inland vessel acting voluntarily, for the purpose of saving life or vessel or providing basic amenities, shall report to the Advisory committee or officers appointed or authorised under sub-section (1) regarding the presence and reasons for the acts in writing, at the earliest possible.
- (7) The Advisory committee or officers appointed or authorised under sub-section (1) shall disburse all basic amenities necessary and essential as it may deem fit, to the persons or vessels affected by such emergency.
- (8) The Advisory committee or officers appointed or authorised under sub-section (1) shall report to the State Government/Competent Authority, the complete description of the events, consequences and such measures adopted under sub-section (3) and the effectiveness of such measures in countering the emergency.

125. **Removal of lawful Obstruction:**

- (1) If any obstruction or impediment to the navigation of any inland water has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the competent officer shall report the same for the information of the State Government and shall, with the sanction of the State

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 out of or concerning such compensation shall be determined according to the procedure established Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (30 of 2013).

126. **Recognition of Certificates issued under laws other than this Act:**

(1) Every Certificate issued in respect of any vessel under any other enactment by Central Government, shall be valid and effective as a Certificate issued under this Act and the relevant provisions of this Act shall apply in relation to such vessel as they apply to any mechanically propelled inland vessel registered, recognised or identified under this Act.

(2) Notwithstanding anything contained herein, the State Government may prescribe additional conditions and requirements for the purpose of recognition of certificates as provided under sub-section (1).

127. **Endorsement of certificates issued by foreign countries:**

(1) Any certificate granted any other foreign country in accordance with the provisions of any law for the time being in force in that country corresponding to the provisions as provided in Part III and V under this Act may, on payment of the respective fees prescribed for the grant of a similar certificate or licence under this Act, be endorsed by-

- a) the Government of any State in India, or
- b) with the general or special sanction and subject to such other conditions of the Government of such State, by any authority competent to grant a similar certificate under this Act.

(2) Upon endorsement of any such certificates or licenses as provided in sub-section (1), it shall have effect as if it had been granted under this Act.

128. **Obstruction of officer appointed or authorised:**

No person shall wilfully cause obstruction or attempt to obstruct any authority or officer appointed under this Act in exercise of the respective functions and powers conferred upon such authority or officer, or in the discharge of any duty imposed by or under this Act; by abstinence, failure to facilitate inspection, or restraining or physically objecting the entry or movement or non-production of books or records as and when demanded by such authority or authorised officers.

PART XVI – PENALTIES, APPEAL, FEES, RULES MAKING POWER AND REPEAL

129. **Penalties:**

(1) Any person who contravenes any provision of this Act or fails to comply with any provision thereof shall be punishable with the penalties as mentioned in the fourth column of the Table provided in sub-section (2) of this Section.

(2) Table of penalties shall be as follows;

	<u>Section to which offence has reference</u>	<u>Offences</u>	<u>Penalties</u>
1.	10(1)	Any owner, operator or construction yard who/that is found guilty of Construction, alteration and /or modification of mechanically propelled inland vessel in contravention to sub-section (1) of Section 10	Fines which may extend to Rs. 5,000 for every non compliance found
2.	17(1)	Owner, operator or master of any mechanically propelled inland vessel, in contravention to sub-section (1) if Section 17	Fines which may extend to Rs. 10,000 for the first offence and Rs. 25,000 for subsequent offences.
3.	22(1)	Owner, operator or master of any mechanically propelled inland vessel proceeding on any voyage or use a mechanically propelled inland vessel required to be registered, for any service, without a valid Certificate of	Fines which may extend to Rs. 10,000 for the first offence and Rs. 25,000 for subsequent offences

		Registration.	
4.	28(3)	Owner, operator or master of any mechanically propelled inland vessel plying without displaying the Registration Mark and the Official Number as prescribed.	Fines which may extend to Rs. 1,000.
5.	32(2)	Owner, operator or master of any mechanically propelled inland vessel not registering the details of alterations that are mandated to be registered as prescribed.	Fines which may extend to Rs. 10,000 for the first offence and Rs. 25,000 for subsequent offences
6.	33	Owner or operator of any mechanically propelled inland vessel without intimation of Change of Residence or Place Of Business	Fines which may extend to Rs. 500 for every day of non-compliance.
7.	39(1) & 39(3)	Owner or operator of any mechanically propelled inland vessel without complying with the prescribed minimum manning scale	Fines which may extend to Rs. 10,000 for the first offence and Rs. 25,000 for subsequent offences
8.	42(1)	Owner, operator or master of any mechanically propelled inland vessel on which any master, who is employed without complying with the requirement of endorsement or conditions as may be prescribed as provided in the proviso to sub-section (1) of Section 42.	Fines which may extend to Rs. 5,000 for the first offence and Rs. 15,000 for subsequent offences
9.	43(3)	The holders of certificate of competency not surrendering the suspended, cancelled or varied certificate issued under master Non submission of suspended or cancelled certificates.	Fines which may extend to Rs. 10,000 for every day of non-submission

10.	50	Owner, operator or master of any mechanically propelled vessel registered, recognised or identified under this Act, for not equipping the vessels or exhibiting the lights and signals prescribed under Part VIII.	Fines which may extend to Rs. 10,000 for the first offence and Rs. 25,000 for subsequent offences
11	51 (3)	Owner, operator or master who has been found to proceed or conducting voyage without complying with notice issued subsection (2) of Section 52.	Fines which may extend to Rs. 20,000
12	52	Owner, operator or master not ensuring safe navigation and/ or causing damage due to non-observance of regulations.	Fines which may extend to Rs. 25,000
13	54(1)	Owner, operator or master of any mechanically propelled vessel plying in inland waters abstaining from proceeding to render assistance after answering to the distress signal.	Fines which may extend to Rs. 10,000
14	55(7)	The owner, operator or master of any mechanically propelled inland vessel proceeding to conduct any voyage without complying with the notice issued under sub-section (6) of section 55.	Fines which may extend to Rs. 25,000
15	56	The Owner, operator or master of any mechanically propelled vessel causing pollution by discharging and / or dumping of pollutants in inland waters.	Fines which may extend to Rs. 25,000
16	57(4)	The owner, operator or many mechanically propelled vessel who are required under this Act to possess a valid Prevention of	Fines which may extend to Rs. 25,000

		Pollution Certificate, plying or using the vessel without the said valid Certificate	
17	58	The owner or operator of any reception facility who does not comply with the standards and obligations stipulated prescribed	Fines which may extend to Rs. 75,000.
18	59(3)	The owner or operator of the terminal who operates without complying with the notice issued under subsection (3) of Section 60.	Fines which may extend to Rs. 10,000 per day of non compliance beyond period of notice.
19	61	Any owner, operator or any persons who intentionally causes wreck within inland waters	Fine amounting to Rs. 50,000 and Imprisonment upto 3 years.
20	62(3)	Any person who is guilty of offence committed by contravention of sub-section (3) of Section 62.	Fines which may extend to Rs. 5,000
21	66(1)	Any person contravening sub-section (1) of Section 66	Fines which may extend to Rs. 10,000 and /or imprisonment upto 1 year.
22	67(2)	Any person found guilty of contravening subsection (2) of Section 67	Fines which may extend to Rs. 10,000 and /or imprisonment upto 1 year.
23	68	Any person found guilty of contravention of Section 68	Fines which may extend to Rs. 25,000
24	82(2)	Any owner or operator of any mechanically propelled vessel registered, recognised or identified under this Act and found to have guilty of contravention of subsection (2) of section 82	Fines which may extend to Rs. 50,000

25	92(2)	The owner, operator or master of any mechanically propelled inland vessel not complying with subsection (2) of Section 92	Fines which may extend to Rs. 10,000
26	99(2)	Any person who holds a Certificate issued under Part V and fails to surrender suspended or cancelled certificates .	Fines which may extend to Rs. 10,000 for every day of non-submission
27	101	Any person, in the capacity of Service provider, who is found to act in contravention of Section 101	Fines which may extend to Rs. 1,00,000
28	102	Any person, in the capacity of Service user, who is found to act in contravention of Section 102	Fines which may extend to Rs. 1,00,000
29	116	Any person employed for desertion of the vessel in violation of his obligation as provided under Section 116	Forfeiture of a sum not exceeding two days' pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute, from his wages and also to imprisonment which may extend to two months.
30	117	Any person who is found guilty for offences of contravention of any or all of the prohibitions prescribed by Rules made hereunder.	Fines which may extend to Rs. 1,00,000 and / or imprisonment upto 3 years.
31	130	Any person found guilty of causing obstruction or acting in contravention of Section 129	Fines which may extend to Rs. 1,00,000 and / or imprisonment

				upto 3 years.
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- (3) Any person who acts in contravention to this Act or Rules made hereunder, but for which an offense is not specifically prescribed in this Act, shall be punishable with a fine upto Rs. 3,00,000 or imprisonment upto a term not exceeding three years or with both.
- (4) Where an inland vessel has been used in contravention to the provisions of this Act or Rules made hereunder, the details of the offence, the offender and the vessel shall be recorded in such form and content, as may be specified by the Central Government by the notification in the Official Gazette.

130. **Appeal**

- (1) Unless elsewhere provided in this Act, any person aggrieved by an order made by the officers or authorities under this Act, may appeal to the State Government against, refusal, suspension, cancellation, detention, removal or such other order, issued under this Act, within 30 days from the receipt of such order .
- (2) The State Government shall cause notice of every such appeal to be given to concerned officers or authorities whose order is made the subject matter of the appeal, and after giving an opportunity to the appellant; shall pass appropriate order by recording reasons thereof , which shall be final.

131. **Fees, Additional Fee and Penalty – Payment and Collection:**

- (1) Unless specified elsewhere, the State Government shall collect, the fees and additional fees for the services provided under this Act and any other charges or payment made to it against penalties of pecuniary nature, at such rates and intervals as prescribed by the Central Government or State Governments by notification in official gazette under this Act or Rules made hereunder.
- (2) The State Government shall appoint, authorise or constitute such officers, or constitute such offices within its jurisdictions, by notification in the Official Gazette, to act as single point collection offices within the districts or ports, considering proximity and convenience of remittance.
- (3) The State Government shall by notification in the Official Gazette, prescribe procedures, forms and of the note of receipts, , maintenance of accounts and any other matter that is necessary for the purpose of the remittance, collection, accounts and accountability of collect fees, additional fees, charges or payment against penalties of pecuniary nature.
- (4) The owner, operators or their representatives, as the case may be, shall remit the fees or additional fees in a manner and at such rates as prescribed under this Act or Rules made hereunder.

132. **Power / procedures to make Rules :**

- (1) For the purpose of effective implementation of the provisions of this Act, the Central Government shall have the power to formulate Rules as provided under this Act.
- (2) For the purpose of implementing the provisions of this Act, the State Government shall have the power to make Rules on provisions specified to be administered by it under the Act or as delegated by the Central Government.
- (3) The Central Government or State Government, as the case may be, may make Rules, consistent with this Act, for enabling it to effectively discharge its functions as provided in this Act.
- (4) Every rule made under this Act by the Central Government 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 or of the immediately following session, or the successive sessions aforesaid, both Houses agree in making any modification in 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.
- (5) 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.

133. **Repeal and savings:**

- (1) The enactments specified hereunder, are hereby repealed to the extent of the application as provided under of this Act;
 - a) -----
 - b) -----
 - c) -----¹
- (2) Notwithstanding the repeal of any enactment by sub-section (1):
 - a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under any enactment hereby repealed shall, if it is not inconsistent with the provisions of this Act, continue to be in force unless and until revoked, and shall have effect as if it had been issued, made or granted under the corresponding provision of this Act;
 - b) any officer appointed and anybody elected or constituted under any enactment hereby repealed shall continue and shall be deemed to have been appointed, elected or constituted unless specifically removed or

¹ List prepared separately. But to be concluded in the final draft only.

replaced by appointment of officer or offices, as the case may be, under this Act;

- c) any document referring to any enactment hereby repealed shall be constructed as referring to this Act or to the corresponding provision of this Act;
 - d) any fine levied or penalty imposed under any enactment hereby repealed may be recovered as if it had been levied under this Act;
 - e) any offence committed under any enactment hereby repealed may be prosecuted and punished as if it had been committed under this Act;
 - f) sailing vessels or sailing boats registered under any enactment hereby repealed shall be deemed to have been registered under the Act;
 - g) mortgages of any mechanically propelled inland vessels recorded in any register book maintained at any port in Indian under any enactment hereby repealed shall be deemed to have been recorded in the register book under the corresponding provision of this Act;
 - h) any licence, Certificate of Competency or service, Certificate of Survey, licenses or any other certificate or document issued, made or granted under any enactment hereby repealed and in force at the commencement of this Act shall be deemed to have been issued, made or granted under this Act and shall, unless cancelled under this Act, continue in force until the date shown in the certificate or document, as the case may be.
- (3) The matters specifically provided in this Section, shall not be held to prejudice or affect the general application of Section 6 of the General Clauses Act, 1897.