

SYNOPSIS
of
THE STATUTE ON INLAND VESSELS

INTRODUCTION

Corpus Droit (CD) is happy to inform you that by the submission of this Synopsis, the Stages 1 and 2 as agreed in the CONSULTING AGREEMENT are completed successfully. This document is the Synopsis of the proposed Statute on Inland Vessels. The same is arrived on the basis of Terms of Reference (TOR) provided by Indian Register of Shipping (IRS). Please acknowledge and confirm the receipt of this document.

Notes for reference:

- *Font colour BLUE refers to the Parts to be considered by IWAI to be removed.*
 - *Font colour GREEN refers to reference of TOR laws and jurisprudences.*
 - *Highlighted in Yellow refers to the requirement of further prescription of Rules, guidelines or notifications*
 - *It is recommended that the titles and subtitles mentioned in PART XV - NAVIGATION AND SIGNALS and PART XVI - PREVENTION OF COLLISION may be retained separately as incorporated in this document. However, based on the administrative and technical feasibility/ viability, the same can be blended.*
 - *The titles and subtitles mentioned in*
 - *PART – VII - MANNING, TRAINING, EXAMINATION AND CERTIFICATION require the technical expertise of IRS and the inputs on the same are requested.*
 - *The titles and subtitles mentioned in PART V - REGISTRATION OF INLAND VESSEL and PART VI – MORTGAGE are incorporated separately. However, subsequent to further research, there is a possibility of clubbing these two parts.*
-

Table of Contents

INTRODUCTION	2
PREAMBLE TO THE STATUTE.....	5
PART I – PRELIMINARY PROVISIONS	5
PART II – ADMINISTRATIVE PROVISIONS	5
PART III - CLASSIFICATION OF INLAND WATERS	6
PART IV – SURVEY	7
TC - IV	8
PART V - REGISTRATION OF INLAND VESSEL.....	11
TC – V	12
PART VI – MORTGAGE.....	17
TC – VI	17
PART – VII - MANNING, TRAINING, EXAMINATION AND CERTIFICATION.....	18
TC - VII	19
PART VIII - WAGES.....	22
TC – VIII	23
PART IX - PASSENGER VESSELS.....	24
TC - IX	25
PART X - CARGO VESSELS	27
TC - X	28
PART XI - SPECIAL CATEGORY OF VESSEL.....	30
TC - XI	31
PART XII - STATE TRANSPORTATION SERVICES	31
TC - XII	32
PART XIII - INLAND PORTS ADMINISTRATION – POWERS AND FACILITIES	32
TC - XIII	33
PART XIV - INSURANCE & FINANCIAL ARRANGEMENTS	35
TC - XIV	35
PART XV - NAVIGATION AND SIGNALS.....	36
TC - XV	36
PART XVI - PREVENTION OF COLLISION	38
TC - XVI.....	39
PART XVII - POLLUTION FROM VESSELS.....	40
TC - XVII	41

PART XVIII - WRECK AND SALVAGE.....	43
TC - XVIII.....	43
PART XIX - CASUALTY, INVESTIGATION & DISPUTE RESOLUTION.....	44
TC - XIX.....	45
PART XX – LIABILITY AND LIMITS OF LIABILITY	46
TC - XX	46
PART XXI - REGULATION OF TRADE PRACTICES	47
TC - XXI	48
PART XXII - NON- SELF PROPELLED VESSEL.....	49
TC - XXII.....	50
PART XXIII - MISCELLANEOUS PROVISIONS	51
TC - XXIII	51
PART XXIV- FEES AUTHORITY AND COLLECTION.....	54
PART XXV- PROHIBITIONS, OFFENCES, PENALTY, FINE AND PROCEDURE.....	54
Part XXVI - INCONSISTENCIES WITH OTHER STATUTES	55
PART XXVII - RULE MAKING POWER	55

PREAMBLE TO THE STATUTE

The preamble covers the intention, purpose and objective of the legislators in enacting the legislation. The preamble as judicially interpreted by Honourable Apex Court doesn't form part of the Statute. In case of conflict that arise between the Preamble and provision(s) of the Statute, the provision shall prevail over the preamble. However, in the event of difficulty in interpreting any/ all provision of this Act, the Preamble shall be relied upon as a guiding light to rule out misinterpretations or lack of clarity. The preamble shall reflect the intention of legislators to bring into force a statute to facilitate use of inland vessels as a mode of safe transportation of cargo and passengers.

PART I – PRELIMINARY PROVISIONS

The Preliminary provisions include Scope and Application of the Statute. The subject matter that is covered is mentioned in general provisions. The Part also provides for Definition of terms used in the statute. The definition allows the user of the Statute to interpret the terms of the Statute uniformly and effectively. The yardstick for deciding the necessity of defining the terms is that the references of terms that are available in the common knowledge base or understood by any prudent citizen are avoided. Whereas, the terms, for which the meaning changes in relation to the circumstance in which it is used in this statute; are defined separately.

PART II – ADMINISTRATIVE PROVISIONS

This Part shall deal with Administrative powers and provisions embedded in the Statute. This Part empowers Central Government, State Government and Competent Authority to administer under the Act at different levels. The Central Government, i.e. the Ministry shall be responsible to monitor the Act through Competent Authority appointed under the Act. The Competent Authority derives the power either from the statute directly or as delegated from time to time by the Central Government.

The State Governments come at the implementation level. The power and authority provided to State Government is limited in its application within the jurisdiction of every

State. For the same the State Government shall administer the powers as provided in the Act or as delegated by the Central Government. The powers delegated by Central Government to the State Government and/ or the Competent Authority shall be executed based on terms of “also be exercisable by”; which means that in delegating the authority does not hinder or takes away the power of the Central Government from exercising the delegated authority on its own.

The competent authority shall establish offices at every state’s jurisdiction. They shall help and act in coordination with State Administration / Governments to implement the statute effectively. The Competent Authority shall be answerable to the Central Government as far as exercising powers under this Act is concerned. Further the Competent Authority shall also be empowered to issue administrative orders, executive circulars, guidelines, orders, notifications and the like to administer the provisions under this Statute.

Regarding non self-propelled vessel, the power to administer and regulate the presently unregulated sector, is vested with State Governments and Local administrations. The reason being, the non-self-propelled vessels are essentially falling within the ambit of State List. Further, the unregulated sector is so extensive that Central Government or Competent Authority will not be able to effectively monitor and regulate the same.

PART III - CLASSIFICATION OF INLAND WATERS

The significance of this Part is that classification under this statute is that the permissions of inland vessels to ply in particular waters shall be made after evaluating the vessels’ compliance with standards and specifications. In accordance with this Part, depending upon the draft, manoeuvrability etc. the waterways are classified into categories from class I to Class VII. Further, the requirement of prior permission and assessment for construction of new structures in, on and across inland waters are also provided hereunder. This Part also covers the authority of competent authority / State Government to classify and issue licenses and grant permissions.

The provisions are adopted from Inland Waterways Authority of India Act, 1985 and in particular the Classification of Inland Waterways in India Regulation, 2006. The provisions to be drafted shall also be adapted from Classification of inland waters implemented in UK’s statute.

TC - III
PART III

<u>CLASSIFICATION OF INLAND WATERS IN INDIA</u> <u>REGULATION, 2006 UNDER IWAI ACT</u>		
1.	Application of Part III	
2.	Class I	
3.	Class II	
4.	Class III	
5.	Class IV	
6.	Class V	
7.	Class VI	
8.	Class VII	
9.	Vertical clearance of cables used for the transmission of data and power.	
10.	Construction of new Structures in, on and across inland waters.	(1).Rights to classify, provide License, grant permission and prescribe standards.

PART IV - SURVEY

A survey of the vessel is one of the prerequisites to the Registration of inland vessels under this Act. The process of survey and issuance of certificate therein ensures that the vessel complies with requisite standards as stipulated under the applicable laws. Further, the

Construction and design of the vessel is verified to be in compliance with all the requirements, thus ensuring safety of the vessel, passengers, crew, cargo and environment.

The application of Part V Survey is meant to cover mechanically propelled vessels. The Part further establishes that the design and plan of construction of newly built vessels and modifications of existing vessel are done in compliance with the **standards and specifications prescribed** by State Government and Competent Authority. The repairs and maintenance shall also be done in accordance with statutory standards. This part covers appointments, qualifications and powers of surveyors, places of surveys, inspection, standards to be applied, provisional and permanent certificate of survey, role of classification societies, suspension, cancellation and renewal of awarded licenses. This Part also provides for reciprocal recognition of Certificates of Surveys.

This part empowers State Governments to **prescribe fees and additional fees** and to **impose penalties for offences as prescribed** under this Act. The Competent authority is also vested with the power to delegate its powers to organisation / authority, which should function in accordance with the **terms and conditions prescribed** hereunder and to formulate rules under the Act.

The drafting of this part covers concepts and procedures followed in European Code for Inland Waterways (CEVNI), Inland Shipping Ordinance, 1976 of Bangladesh. (ORDINANCE NO. LXXII of 1976) and Marine Notice No. 13 of 2011 issued by South African Maritime Safety Authority on Small Vessel surveys, certification and numbering, and skipper qualification and certification, in terms of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 (as amended).

TC - IV

PART-IV

<u>SURVEY</u>		
1	Application of Part IV	(1) Vessels to be surveyed. <ul style="list-style-type: none"> a) Mechanically propelled vessel b) Power to extend requirement of Survey to non-self-propelled vessels (2) Prohibition of inland vessel from proceeding on voyage or used for

		voyage without Certificate of Survey.
2	Survey of Vessel	<p>(1) Appointment of Surveyors</p> <p>(2) Delegation of powers to appoint surveyors</p> <p>a) Prescribe qualifications to surveyors</p> <p>b) Places of Survey</p> <p>1) Power to prescribe or conduct survey at places other than those prescribed under the Act (subject to fee change).</p> <p>(3) Powers of Surveyors</p>
3	Standards to be applied in survey	<p>(1) Competent authority to prescribe</p> <p>(2) State Government to implement</p>
4	Construction Survey and Approvals	(1) Approval of design and plan of an inland vessel.
5	Delegation of functions to the Classification Society.	
6	Declaration of surveyor.	
7	Sending of declaration by owner or master to State Government.	
8	Power for State Government to grant or authorise the awarding of Certificates of Survey	<p>(1) Provisional</p> <p>a) Time period</p> <p>b) Power to prescribe conditions</p> <p>c) Cancellation / Suspension of Provisional Survey certificate</p> <p>(2) Permanent</p> <p>a) Time period</p> <p>b) Power to prescribe conditions</p> <p>c) Cancellation / Suspension of</p>

		Provisional Survey certificate (3) Issuance of Duplicate certificate
9	Certificate of Survey to be affixed in conspicuous part of inland vessel [mechanically propelled vessel].	
10	Duration and validity of Certificates of Survey.	
11	Renewal of Certificates of Survey.	
12	Reciprocity in the matter of recognition of Certificates of Registry	
13	Power for State Government to suspend or cancel Certificate of Survey.	
14	Power for State Government to demand delivery of expired, lost or cancelled certificate.	
15	Report of suspension or cancellation of certain certificates.	
16	Power for State Government to direct survey by two surveyors.	
17	Power for State Government to order a second survey.	
18	Division of duties in case of employment of two surveyors.	
19	Fees with respect to surveys.	(1) State Government to prescribe rate based on GRT (2) Additional fee for surveys based on Section 2(ii) under this part.
20	Offences	(1) Penalty for offences to be prescribed. See Part XVII (Note: Offences under the present Section 8(2) of IV Act 1917 to be increased to Rs. 500 per day and incorporation to be carried out in the Part meant for Penalties)
21	Power to make rules under this Part.	

PART V - REGISTRATION OF INLAND VESSEL

The requirement of Registration follows the Part on Survey wherein, the Survey is rendered a prerequisite for registration of mechanically propelled Inland vessels under this Act. Voyage without certificate issued is prohibited, under this Part. For convenience, facilities of registration are provided at various Ports in each and every State (and this includes designation of new places as Ports of Registry). The vessels are registered at the Port of Registry and the details of the vessels are forwarded to the Central Registry by State Administration. Alternatively, an online registry could be maintained, which is duly updated in tandem with the State Registry. The Competent Authority appointed under the Act shall maintain the Central Registry on behalf of the Central Government.

The process of Registration begins with submission of an application for registration, with required details, to the Competent Authority. The Competent Authority shall forward the application to the respective State Government, under whose jurisdiction the address of ownership and intended Port of Registry is located. The details to be furnished with the Application shall include the name of the vessel, ownership details and address along with Certificate of Survey and Classification issued under Part V of the new Statute. The Part provides for four instances of Registration, which shall necessitate the production of documents, required to be enclosed with the application for Registration of vessel and Ownership. These details are cross-checked and the Certificate of Registration is issued by the Registrar of Inland Vessels. This certificate shall expressly contain, the Hull Identification Number, Vessel Identification Number, Ownership details, duration of validity of the Registration certificate and conditions to be taken note of by Ship owner while possessing the Certificate. **This Certificate of Registry is to be carried on board the Vessel and displayed in a conspicuous place which is stipulated / prescribed by respective State Governments.**

This Part provides for provisions regarding reciprocal recognition of registration, cancellation / suspension, renewal, issuance of duplicate certificates and amendment/ entry of changes to Certificate of Registration.

The State Government is empowered to reject / refuse the issuance of certificate of registration, by valid reasons to be recorded in writing. The owner of an inland vessel; whose application is rejected may correct / rectify the errors / mistakes with regard to construction/ design or any reason so pointed out by the State Government and shall re – submit the

application, which shall be considered afresh by the respective State Government. When the registration of a vessel is refused, the aggrieved party shall also be provided an opportunity of hearing and the decision will be recorded. Owners are restricted from submitting parallel applications to different State Governments. Holding more than one Certificate of Registration issued under this Act, is an offence.

The Part also covers the provisions to issuance of temporary or provisional certificate to undertake voyages before the final certificate is approved. A vessel that is subjected to alterations will need a prior alteration plan and issue of a no-objection certificate. An assessment and survey of alterations must be carried out by appointed/designated surveyors. The aforementioned details are to be duly entered in a book of registry.

The Inland vessels can be transferred for which the transfer has to be registered and a Certificate of Transfer is to be issued by State Government. The vessel when transferred or altered or lost must be reported and registered. Further this Part also provides for requirement to register the vessel, if the vessel is intended to be used in the inland waters of another State other than the State of Registry.

Further, this Part also makes it mandatory that the establishments that build, transform and/ or repair or recycle the vessels must be registered and their standards shall be prescribed by respective State Governments. Moreover, the Mortgage needs to be recorded. Noncompliance with the provisions of this Part shall entail the Removal and forfeiture of unregistered vessels and any other Remedial Measures to be prescribed by Central Government to empower State Government to prevent misuse of Certificates issued under this Part.

This Part will be incorporated by analysis of Law on Inland Waterways Navigation (No.23/2004/QH11 of June 15, 2004 of Vietnam; Merchant Shipping Notice MSN 1823 (M), The Inland Shipping Ordinance, 1976. (Ordinance NO. LXXII of 1976) of Bangladesh, and the US Code of Federal Regulations, Inland Waters Shipping Act 1971.

TC - V

PART - V

REGISTRATION

1	Application of Part V	(1) Vessels to be registered a) Rights to register the vessel by Owner of the vessel who shall be a citizen, company
---	-----------------------	---

		<p>registered under Indian Companies Act 1956, Associations / trusts, Partnership registered under Limited Liability Partnership Act 2008 and by any person having legal personality registered and recognised by applicable and governing law in India.</p> <p>(2) Voyages of Vessels without Certificate issued under this Part Prohibited.</p>
2	Ports of Registry and Registers of Vessels.	<p>(1) Central Registry of vessels</p> <p>a) To be maintained by Central Government/ Competent Authority</p> <p>(2) Places of registration</p> <p>a) State Government to designate more ports/ places of Registry.</p> <p>b) Administrative branch of Competent Authority to be available / located in the respective designated places of registry.</p> <p>c) State Government to report periodically, the updates on places of registry; registration / cancellation / suspension entered in State Registry to the Central Government.</p>
3	Registration of Vessels.	<p>(1) Application of Registration of Vessels.</p> <p>a) Application to be submitted to the office of Competent Authority.</p> <p>b) Competent Authority shall forward the application to the appropriate and respective State Governments for registration of vessel.</p> <p>c) The State Government, considering the intention of the applicant with regard to area of plying of the inland vessel and address of ownership is intended to be registered, examines the compliance of the</p>

		<p>standards stipulated under this Act or rules made hereunder.</p> <p>(2) Documents of Title for newly built Vessels</p> <ol style="list-style-type: none"> a) Document of Builder's Certificate. b) Declaration of citizenship. c) Declaration of ownership. d) Certificate of Survey. e) Certificate of Tonnage f) Certificates on compliance of safety / prevention of pollution /other technical compliance enumerated under this Act <p>(3) Documents of Title for second hand Vessels</p> <ol style="list-style-type: none"> a) Bill of Sale/ Document of Sale. b) Declaration of citizenship. c) Declaration of ownership. d) Certificate of Survey. e) Certificate of tonnage. f) Certificates on compliance of safety / prevention of pollution /other technical compliance enumerated under this Act <p>(4) Documents of Title for vessels acquired outside India</p> <ol style="list-style-type: none"> a) Bill of sale / Document of Sale Invoice or other documents. b) Copy of last registry c) Declaration of citizenship. d) Declaration of ownership. e) Certificate of Survey. f) Certificate of Tonnage. g) Certificates on compliance of safety / prevention of pollution /other technical compliance enumerated under this Act <p>(5) Documents of title for vessels acquired by judicial sale or by due process of law</p> <ol style="list-style-type: none"> a) Evidence title required for captured, for forfeited, wrecked vessel.
--	--	--

		<p>b) Document of last Registry.</p> <p>c) Orders of the court for forfeiture / judicial safe / capture extra.</p> <p>d) Bill of sale / sale invoice.</p> <p>e) Certificates on compliance of safety / prevention of pollution /other technical compliance enumerated under this Act.</p> <p>6) Nothing in this Part shall prevent the rights of the owners or demise charterers having beneficial interest in the inland vessel.</p> <p>7) Nothing in this Part shall be deemed to restrain an action against the beneficial owners or demise charterers of the inland vessel.</p>
4	Certificate of Registration	<p>(1) Grant of Certificate of Registration</p> <p>a) Hull Identification number</p> <p>b) Vessel Identification number</p> <p>c) Ownership details</p> <p>d) Duration of registration certificates</p> <p>e) Details of mortgage, if any.</p> <p>f) Any other conditions that the State Government may deem fit to be complied with by the owner of the vessel registered under this Act.</p> <p>(2) Certificate of registry to be carried on board.</p> <p>(3) Refusal of registration</p> <p>a) Opportunity of hearing and Reasoned decision</p> <p>b) Forfeiture of vessel</p> <p>(4) Provisional registration</p> <p>a) Temporary Certificate</p> <p>(5) Use permit; Review of vessel and plying facilities</p> <p>(6) Loss, etc. Of certificate of registry</p> <p>(7) Change of Ownership or address</p> <p>(8) Deemed Registration of Vessel</p>
5	Maintenance of book of registry.	(1) Electronic Data base

		(2) Hard Copy registers
6	Transfer of registered inland vessel.	(1) Registry of Transfer of Inland Vessel (2) Registration, etc., in case of loss, etc., of certificate of transfer (3) Prohibition of transfer of ownership without previous approval of State Government
7	Vessels when altered are to be registered, etc.	
8	Import of Vessels.	(1) Ownership acquired outside India to be reported to registrar (2) Reciprocal recognition of Registration of Inland Vessels registered outside India.
9	Destruction of vessels.	
10	Marking of Inland Vessel.	
11	Reciprocity in the matter of recognition of Certificates of registry by State Governments	
12	Duties of respective local State Governments to submit report regarding registry to the Competent Authority.	
13	Cancellation and Suspension of Certificate of Registration	(1) Transmission of property in Inland Vessel on death, insolvency, etc. (2) Order for sale where vessel has ceased to be an Inland ship. (3) Transfer of Inland vessel on sale by order of court. (4) Opportunity of fair hearing (5) Appeal to State Administrative Authority. (6) Appeal to the Competent Authority.
14	Registration requirements of Establishments that build, transform and/ or repair or recycle the vessels.	(1) Registration with respective State Governments, whose jurisdiction the Establishment is located.
15	Mortgage to be recorded in the Registry of Vessels	

16	Certificates issued under other Acts to be valid under this Act.	(1) Removal and forfeiture of unregistered vessels. (2) Remedial Measures to be prescribed to prevent misuse of Certificates issued under this Part.
17	Offences	
18	Rulemaking Power under this Part	

PART VI – MORTGAGE

This Part covers the aspects of Mortgage of vessels. The provisions are synonymous to that of Merchant Shipping Act 1958 and are intended to insure and encourage more players in the field of financing the construction and trade of Inland Vessels. The Part intends to cover the circumstances and condition of mortgage. Further, it deals with aspects such as discharge of mortgage. This Part further supports the provision in registration that deals with the rights of the mortgagee, wherein the details of mortgage are incorporated in the book of Vessel registration. The aspects such as the transfer rules of mortgages, priority of mortgages, action on violations of conditions/clause on mortgage etc. are also dealt with, in this part. The provisions are similar to that stipulated under the MS Act 1958 (Section 19Q A of Inland Vessels Act 1917).

TC – VI

PART-VI

MORTGAGE		
1	Mortgage of Inland vessel.	(1) Entry of mortgage in Registry (2) Entry of discharge of mortgage
2	Priority of mortgages	
3	Mortgagee not deemed to be owner	
4	Rights of mortgagee.	
5	Mortgage not affected by insolvency	
6	Transfer of mortgages.	
7	Power to make Rules	

PART – VII - MANNING, TRAINING, EXAMINATION AND CERTIFICATION

This Part deals with the aspects of Manning, training, examination, qualification and certification with respect to the Inland Vessels. The Competent Authority is empowered under this Part to prescribe minimum manning scales and qualifications applicable to different categories of Inland Vessels registered under the Act. The Competent Authority is vested with the powers to prescribe training requirements, examination and certification of Titles and designations of crew, particularly the minimum qualifications of Master.

This Part declares the vessel as being manned by efficient crew with required qualifications, fit for plying. The Competent Authority is also empowered to conduct inspection on vessel and ensure compliance with this Part. This Part provides for issuance of Certificate of Competency. The competency certificates are based on a criteria comprising of the capacity of the vessel engines and time period/experience of holders of certificate of competency. Based on the above same, the licence are issued by the respective State Governments to the holders of such certificate of Competency. In addition to the above the Competent Authority shall prescribe conditions for medical examinations and clearance certification and other requirements such as uniforms and safety gear and identity cards for the crew of Inland Vessel. This Part also provides for hours of work to be recorded with respect to crew men.

The certificate of service is provided to trained personnel of the army, navy and coast guard personnel, who wish to gain employment in manning Inland Vessels. Further, the Part also intends to cover the contract of recruitment, placement and conditions of employment on board the inland vessel. The allied aspects such as requirements that the certificate must be made in duplicate and procedure to be followed in case of loss/suspension/cancellation of certificate and the recognition of certificate of competency are also provided.

The Part also provides for the formation of a Central Registry to collect and record data of all the certificate holders, based on nationality, qualifications and Identity Card numbers. The aspects such as reciprocal recognition of certificates and fees to be paid are also covered hereunder.

This Part deals with provisions that are drafted / adapted from various jurisdictions, Vietnamese Law on Inland Waterways Navigation (No.23/2004/QH11 of June 15,2004, Merchant Shipping Notice MSN 1823 (M), 2010 of United Kingdom; Central Commission for the Navigation of the Rhine with Resolution 2010 Annex 1, the Central Commission.

TC - VII**PART-VII**

MANNING, TRAINING, QUALIFICATION, EXAMINATION & CERTIFICATION		
1	Application of Part VII	(1) Titles of Master and crewmen, and the criteria thereof (2) Competent Authority to prescribe criteria, minimum manning and minimum qualification requirements of inland vessels (3) Effect of certificates issued, all over India.
2	Shipping Master	(1) Appointment of Shipping Master (2) Powers to Classify Crewmen.
3	Minimum Manning Requirements for Cargo Vessel	
4	Minimum Manning requirements for Passenger Vessel.	
5	Minimum Manning requirements for Special Category of Vessel.	
6	Minimum Qualifications for master and crew	
7	Certificate of Inspection	(1) To inspect and assess the vessel for the purpose of prescribing minimum manning requirements. (2) Form of the Certificate of Inspection to be prescribed by Competent Authority (3) Power to be delegated to State Government. a) To prescribe validity b) Suspend and Cancel c) Renew , Re-Issue

		<p>(4) Prohibition of voyage without a valid certificate of Inspection</p> <p>a) Penalty</p> <p>b) Cancellation / Suspension of Trade License</p> <p>c) Cancellation of Certificate of Registration.</p> <p>d) Forfeiture</p>
8	Training and Grading	<p>(1) Masters</p> <p>a) 1st class</p> <p>b) 2nd class</p> <p>c) 3rd class</p> <p>(2) Inland vessel engineers.</p> <p>(3) Serangs</p> <p>(4) Engine Drivers</p> <p>(5) Deck / Engine hands</p> <p>(6)-----</p> <p>(please clarify/ confirm / add designations or employment title or grading in the order of power and authority)</p>
9	Examination and Evaluation	<p>(1) Appointment of examiners by State Governments.</p> <p>(2) To examine the qualifications of masters or serangs or engineers or engine drivers or deck/engine hands as the case may be, employed on board vessel(below and above 40 BHP)</p> <p>(3) Medical Examination and Clearance</p> <p>(4) Uniforms and Safety gear</p> <p>(5) Identity cards for the crew of inland vessels</p>
10	Certificate of Competency.	<p>(1) Issuance of Certificate of Competency</p> <p>(2) Form of Certificate</p> <p>(3) Records of Orders affecting Certificates.</p>
11	License to holders of Certificate of Competency.	<p>(1) The Criteria and form to be decided by Competent authority</p>

		<p>a) Capacity of Vessel Engines</p> <p>b) Time period /Experience of Holders of certificate of competency.</p> <p>c) License to be issued by State Governments.</p> <p>(2) Employment shall be given corresponding to the License specifications.</p>
12	Certificate of Service	<p>(1) Forms of Certificate.</p> <p>(2) Record of Orders Affecting Certificates</p> <p>(3) Recognition and granting of Certificate of service to trained personnel (Army, Navy and Coast Guard).</p>
13	Hours of Work	<p>(1) Employed Workers</p> <p>(2) Self – Employed Boat Masters</p> <p>(3) Records of Hours of Work</p>
14	Contract of recruitment, placement and employment	
15	Certificate to be made in duplicate.	
16	Loss of Certificate.	
17	Suspension and cancellation of certificate.	
18	Recognition of certificates of Competency	
19	Central Registry/data based to record certificate holders data.	
20	Fees to be paid	
21	Offences	
22	Power to make Rules.	<p>(1) Delegation of Powers to State Governments to make Rules.</p>

PART VIII - WAGES

The employed master and crew of an inland vessel are entitled to wages as per the contract of Employment Act. This Part intends to protect the right of crew men for timely payment and disbursement of wages. The Part also provides for settlement of wages before Shipping Master/concerned authorities and deduction from wages of seamen when they are de-rated followed by undisbursed amounts to be utilised for welfare of seamen. In addition to this, the Act provides for conditions and wages to be paid for the hours of work done by seamen. The Provisions under this Part provide for ensuring the payment of wages at the time of termination of service due to wreck, illness and the rights of crew men in matters of salvage.

This Part provides for settlement of dispute arising out of non-payment of wages; the submission of complaints; powers of Courts to adjudicate the disputes. This Part also provides for rights of ship-owner to deduct the wages of crewmen, who are found to have abstained from employment without sanctioning of leave, refusal to work and imprisonment. The compensation to seamen for premature discharge, restriction on sale of inland vessels and charge upon wages and summary proceedings for wages are also covered under this Part. The remedies of Master for wages, disbursements, etc. can be brought before the power of Court. This Part also empowers the Court to issue appropriate orders to interfere with / rescind contract between master, owner or agent and seamen or apprentice; and to direct the Competent Authority and State Government to suspend, cancel and withdraw certificates and licenses issued.

This Part is already covered under the Minimum Wages Act, 1948. The main focus of the provisions under this Part is to ensure the rights of crewmen employed on board the ship and to provide them lien and right over the vessel. Intention is to provide for provision and rights similar to Maritime liens.

TC - VIII**PART-VIII**

WAGES		
1	Ensuring Wages as per the Contract of Employment.	(1) Right to wages to create Lien
2	Master to deliver the account of wages.	
3	De-rating of seamen.	
4	Deductions from wages of seamen.	
5	Payment of wages before shipping master/concerned authorities.	
6	Time of payment of wages.	
7	Settlement of wages.	
8	Undisbursed amounts to be utilised for welfare of seamen	
9	Master to give facilities to seamen for remitting wages.	(1) Banking Facilities at port
10	Decision of questions as to wages by shipping Masters.	
11	Power of shipping Master to demand of inspection of ship's papers	
12	Rule as to payment to seamen in foreign currency.	
13	Advance of wages.	
14	Allotment notes with respect to seamen's wages.	
15	Commencement and payment of sums allotted.	
16	Right to wages and provisions	
17	Working hours of seamen	
18	Right to recover wages and salvage not to be forfeited.	
19	Wages not to depend on freight.	
20	Wages on termination of service by wreck, illness, etc.	

21	Wages not to be accrued during absence without leave, refusal to work or imprisonment.	
22	Compensation to seamen for premature discharge.	
23	Restriction on sale of inland vessels and charge upon wages	
24	Summary proceedings for wages.	
25	Remedies of Master for wages, disbursements, etc.	
26	Power of Court to interfere	(1) To rescind contract between Master, owner or agent and seamen or apprentice. (2) To suspend, cancel, and withdraw certificates and licenses issued under Part VI (Registration)
27	Offences	
28	Power to make Rules	

PART IX - PASSENGER VESSELS

The topography of India makes the usage of inland vessels for transportation of passengers, viable and economical. The definition of Passenger Vessel is as provided under Section 3 (Definitions) of the MS Act 1958. The classification of an inland vessel as passenger vessel and the regulations applicable on Passenger Vessel are provided under Part X of the Act. The **design and construction of passenger vessels must be prescribed by competent authority**, which must comply with the standards of construction, design, survey and registration under this Act. Further, the vessels registered as Passenger vessels under this Act, are allotted route permits, subject to their compliance with conditions such as time table/fair table, mandatory insurance and the like. This part empowers the **competent authority to prescribe maximum and minimum fares/** freights and, to adopt regulations to ensure safe navigation, safety of life of passengers, and to provide for mandatory insurance to cover the instances of loss of life and personal injury, loss of cargo, and loss of baggage of passengers. This part also provides for accountability of passenger transport dealers who conduct the service, and the rights and obligation of passengers who avail the transportation

facilities that are so provided. Non-compliance with this part invites punishment and penalties for offenders. This part also provides for rule making power to the competent authority/ State government.

This Part covers Passenger vessels with provisions that are drafted / adapted from laws prevailing in various jurisdictions. They include Vietnamese Law on Inland Waterways Navigation (No.23/2004/QH11 of June 15,2004), Merchant Shipping Notice MSN 1823 (M), 2010 of United Kingdom, Europe Living and working condition in inland Navigation in Europe and recommendations of International Labour Organisation.

TC - IX

PART-IX

<u>PASSENGER VESSELS</u>		
1.	Application of Part IX	(1) Inland waterway transport activities.
2.	Route Permit for Transport of passenger on inland waterways.	(1) Cross-river passenger transport (2) Transport by small vessels. (3) Prohibitions. a).Plying without route permit [time table, fare table and printed ticket] prohibited. b). Plying in coastal water without permission prohibited. c). Voyages without Telecommunication equipment prohibited. e). Voyage during storm signal prohibited. f). Prohibition without Measures of protection against explosion and fire. g). Prohibition without compliance without rules for preventing collisions h). Causing obstruction on any navigable water route prohibited. I). Passenger ship to not carry any cargo

		on upper deck. j). Prohibition of Voyage without Insurance.
3.	Construction of Passenger Vessels	(1). Prescription of standards for construction of passenger vessels
4.	Passenger transport contracts	(1). Passenger tickets (2). Maximum and minimum fares and freights (3). Publication of fare and freight tables.
5.	Compliance of passenger vessels with navigation and safety standards.	
6.	Survey and Inspection of passenger vessels.	(1). Additional survey (2). Certificate of Survey (3). Validity of certificate of Survey (4). Powers of Surveyors to board the vessel for Survey and /or inspection. a). Suspension of Certificate of survey. b). Cancellation of certificate of survey.
7.	Rights and Obligations of Passenger transport dealers.	
8.	Rights and obligations of passengers	
9.	Compliance of passenger vessels with navigation and safety standards	(1). Regulations applicable on Class I, Class II, Class IV and Class V vessels as provided in the IWAI 2002 regulation on classification of inland vessels. (2). Navigation and Communication. (3). Lifesaving appliances (please see repetition in Chapter related to Navigation and Signals).
10.	Luggage, Consigned baggage.	(1). Passenger prohibited from carrying dangerous goods on board passenger vessels.
11.	Loss of life and personal injury	(1). Mandatory Insurance

12.	Loss of cargo/baggage carried by passengers	(1). Mandatory Insurance
13.	Offences and punishment	
14.	Power to make Rules.	

PART X - CARGO VESSELS

This part provides for regulations similar to but separate from standards applicable to passenger vessels. Ensuring reduction of pollution and convenience of cargo transportation, the cargo vessels provides for solutions to the challenges posed by land transportation

Thus keeping in mind the safety of navigation and life of crewmen; **the State Government/ Competent body is empowered to prescribe the standards of design and construction**. The Inland Vessels have to comply with the prescribed standards as a prerequisite for trade permissions and licenses, which again are allotted by the competent authority / state government. This part also provides for prohibitions and partial ban of certain category of cargo so as to ensure accountability of cargo owners and to prevent misuse of available resources and to minimise the possibilities of inland water pollution caused from the ship vessel or by the cargo. Like in the case of passenger vessel, the competent authority is empowered to stipulate standards on additional surveys. This part also covers rights and obligations of cargo transport dealers, cargo transport consignor and cargo consignees.

The requirements of mandatory insurance and handling of unclaimed cargo within prescribed time limit for filing compensation claims are also provided for. The offences under this part are punishable as stipulated under part penalties.

The drafting of this part covers concepts and procedures for Cargo Vessels followed in Law of Vietnam on Inland Waterways Navigation (No.23/2004/QH11 of June 15, 2004) and Law of United Kingdom MGM 469 (M) Standards for Non-passenger Vessels Operating solely on inland Waterways in the United Kingdom.

TC - X**PART- X**

<u>CARGO VESSEL</u>		
1.	Application of Part X	(1) Inland waterway transport activities
2.	Prohibitions	(1) Plying without route permit prohibited (2) Plying in coastal water without permission prohibited (3) Voyages without Telecommunication Equipment prohibited. (4) Voyages during storm signals prohibited. (5) Measures of protection against explosion and fire. (6) Compliance with rules for preventing collisions. (7) Causing obstruction on any navigable water route prohibited (8) Prohibition of carriage of dangerous cargo. (9) Prohibition of carriage of extra-length and extra weight cargoes (10) Prohibition of Voyages without Insurance.
3.	Construction of Cargo vessels.	(1) Prescription of standards for construction of Cargo Vessels.
4.	Transport of Live animals as cargo.	
5.	Transport of human corpses, remains.	
6.	Compliance with navigation and safety standards.	
7.	Declaration of cargo.	
8.	Carriage of Dangerous Goods.	
9.	Cargo transport contracts, documents of cargo consignments and bills of lading.	

10.	Survey and Inspection of Passenger Vessels.	(1).Additional Surveys. (2). Certificate of survey (3). Validity of Surveyors to board the vessel for Survey and/ or inspection. (4). Powers of Surveyors to board the vessel for Survey and / or inspection. a).Suspension of Certificate of Survey. b).Cancellation of Certificate of Survey.
11.	Rights and Obligations of cargo transport dealers.	
12.	Rights and Obligations of cargo transport consignors.	
13.	Rights and Obligations of cargo transport consignees.	
14.	Handling of cargo without recipients or disclaimed by consignees.	
15.	Compensation for lost or damaged cargo	(1).Mandatory Insurance
16.	Time limit for filing of compensation claims time limit for settlement of compensation and statute of limitations for initiation of lawsuits.	
17.	Offences and punishments	
18.	Power to make Rules	

PART XI - SPECIAL CATEGORY OF VESSEL

This Part intends to cover any or all inland vessels other than those falling under the category of passenger vessels and cargo vessels. Further, the classification of inland vessels is determined on the basis of specific purpose, for which the term special category of vessel is coined. The vessels that are employed for carriage of specific cargo or for the use for special purpose, demands application of special regulations to provide for standards of design, construction and survey for ensuring safety. These aspects are to be covered under this Part.

They include a) Pleasure / Recreational Craft and Boats, b) Gas Tankers, c) Sea-plane and other specific utility inland vessels and d) Fishing Vessels plying in inland waters. In order to ensure safety for users of the special category of vessels, the State Government/**Competent Authority shall prescribe regulations with respect to manning**, qualifications of crew men, loading and unloading, port facilities and embarking and disembarking of passengers.

The permission and licenses shall be given only to those vessels which comply with this Part or rules made hereunder. Separate or additional fees can be provided for. A violation of mandatory obligations will amount to offence and shall be subject to penalties prescribed under this Act. This Part is proposed to act as an umbrella to encompass the existing as well as new categories of inland vessels, particularly, the future inventions that have not been developed or exists in the imagination of law makers or administrators. Thus, any invention of purpose or utility of vessels that are intended to be used in inland waters are covered under the broad title “other specific utility inland vessels”. Thus the legal hurdle to amend this Part, every time, when such a requirement arises is also avoided.

This Part covers Special Category of Vessels with provisions that are drafted / adapted from the jurisdictions of United Kingdom MGN 489 (M)_1 Pleasure Vessels - UK Regulations and CANADA Small Vessel Regulation PART 3 SOR/2010-91 Human-Powered Vessels Other Than Pleasure Craft 301. This Part applies in respect of a human-powered vessel other than a pleasure craft. Current to February 4, 2015 Published by the Minister of Justice.

TC - XI**PART - XI**

<u>SPECIAL CATEGORY OF VESSEL</u>		
1.	Pleasure/ Recreational Craft and Boats	(1) Construction (2) Manning (3) Safety and Signals (4) Survey
2.	Gas Tanker	(1) Construction (2) Manning (3) Safety and Signals (4) Survey
3.	Sea-plane and other specific utility inland vessels	(1) Construction (2) Manning (3) Safety and Signals (4) Survey
4.	Fishing Vessels plying in inland waters	(1) Construction (2) Manning (3) Safety and Signals (4) Survey
5.	Licenses & Trade Permission	
6.	Offences	
7.	Fees	
8.	Rulemaking power	(1). Delegate Competent Authority/Central Government. (2). Sub-delegate the power to State Governments (3). Power to issue orders, circulars, guidelines for implementing the provisions under this Part.

PART XII - STATE TRANSPORTATION SERVICES

This Part deals with the State Transportation Services. Under this Part, the Act intends to provide the Competent Authority and respective State Governments, powers to afford privilege and special treatment to State Transportation services. This Part provides for special permissions for state owned inland vessels subject to conditions prescribed under this part. It also provides for the power of competent authority to exempt any vessel owned by state governments from the application of any or all provisions or Part under this Act, other than requirements of safety and signals. The competent authority has the power to secure certain inland waterways exclusively for navigation by government vessels and also provide for

exemption of government vessels from fees. In addition to this, the State Government has the power to decide on applicable fees and also legislative powers.

This Part covers State Transportation Service with provisions that are drafted / adapted from various jurisdictions, Vietnamese Law on Inland Waterways Navigation (No.23/2004/QH11 of June 15 2004).

TC - XII

PART – XII

STATE TRANSPORTATION SERVICE		
1.	Application of Part XII	
2.	Registration of State owned Inland Vessels as provided in this Act.	
3.	Power of Competent Authority to exempt any vessel owned by the State Governments from the application of any/all provision or part under this Act other than requirements of safety and signals.	
4.	Power of Competent Authority to secure certain inland waterways exclusively for navigation by Government Vessels.	
5.	Exemption of Government Vessels from Fees.	
6.	Offence	
7.	Fees	
8.	Rulemaking power	

PART XIII - INLAND PORTS ADMINISTRATION – POWERS AND FACILITIES

The **Competent authorities shall prescribe designated places for loading/ unloading** or embarking/ disembarking of passengers and cargo respectively. The competent Authority is empowered to prescribe the limit for plying the inland vessel, which shall not go beyond the port limit. This Part provides for inland waterway port authorities, who will report to the competent authority on matters pertaining to management, accessibility, port charges and

measures adopted to ensure safe navigation, containment of pollution, disposal of oil and waste. The primary duty of the Port authority will be to permit and monitor the functioning of public and private ports. The authorities constituted under this Part, shall provide for appointment, duties and responsibilities of pilots and shall also prescribe the standards to be followed in their appointment and for listing them in the panel. The breach of the provisions mentioned in this Part will entail liability in the form of penalty. The competent authority is also authorised to make Rules for the purposes of this Part.

The drafting of this part covers concepts and procedures for Inland Ports from the Law of Vietnam on Inland Waterways Navigation (No.23/2004/QH11 of June 15, 2004) and Law of Bangladesh i.e. The Inland Shipping Ordinance, 1976.

TC - XIII

PART XIII

<u>INLAND PORTS- ADMINISTRATION-POWERS AND FACILITIES</u>		
1	Inland Ports/Place for disembarking /embarking and unloading /loading	<p>(1).Powers of Competent Authority</p> <p>a) Place of disembarking / embarking of Passengers</p> <p>1) Designation and Facilitation</p> <p>b) Place of loading and unloading of cargo.</p> <p>1) Designation and <i>facilitation for loading and unloading of cargo</i></p> <p>c) Extension of port limit.</p> <p>(2). Management of activities of Inland Waterway ports and landing stages.</p> <p>(3). Delegation of powers to State Governments under whose jurisdiction the Inland Port is located</p> <p>a) Appointment of Inland waterway port authorities.</p> <p>b) Duty to submit annual reports on Inland port Authorities to Competent Authority</p>
3	Duties and powers of inland waterway port authorities.	<p>(1) Regulation of Port charges</p> <p>a) Fixation of Port charges for</p>

		<p>Private Port</p> <p>b) Fixation Port charges for Public Port</p> <p>(2). Powers to ensure safe navigation</p> <p>(3). Powers to contain pollution</p> <p>a) Emergency Measures and Procedures</p> <p>b) Reception Facilities</p> <p>1. Disposal of Oil</p> <p>2. Disposal of Waste</p> <p>(4). Regulation of operations of vessels, seagoing ships at inland waterway ports, landing stages.</p> <p>(5). Regular reporting to State Inland Water Authority.</p> <p>a) The duty of State Government to inform the list of prescribed inland Ports/jetties to the competent authority.</p> <p>b) Competent Authority to publish the master data of Ports and Facilities available in a Central Web Site.</p>
4	Public ports and private ports	
5	Public and private transshipment sites	
6	Use of ports and transshipment sites	
7	Inland waterway pilotage.	<p>(1) Duties of pilots</p> <p>(2) Responsibilities of Captain/Master while hiring pilots.</p> <p>(3) Responsibilities of vessel owners and pilots when damage is inflicted.</p>
8	Fees	
9	Rulemaking power under this Part	

PART XIV - INSURANCE & FINANCIAL ARRANGEMENTS

Since owning and operation of Inland Vessels involves risks, citizens are wary of entering shipping trade as owners and operators of vessel. Under this Act, the vessel owner may be exposed to huge liability in case of any occurrence of unfortunate and unforeseen events, which he may not be able to meet. To lessen the burden of liability, this Part provides for mandatory insurance and financial arrangements, which is intended to cover possible liabilities that the owner/ operator of the vessel could incur. In such events, the insurance is meant to indemnify the loss suffered by any third party / victim/administrative authorities, the liability of vessel owner which could arise from operation of inland vessels. Further, this Part also provides for allied rights and duties.

This Part covers matters related to Insurance & Financial Arrangements with provisions that are drafted / adapted from various jurisdictions such as Cevni European Code for Inland Waterways. Resolution NO.24 adopted ON 15 November 1985 by the Working Party on Inland Water Transport. The U.K. Marine Insurance Act 1906 (MIA 1906): “the mother of all marine insurance statutes” (94 sections First Schedule (Form of Policy: Lloyd’s S.G. policy. The Canadian Marine Insurance Act 1993 (based on MIA 1906). The Canadian Marine Insurance Act 1993 (based on MIA 1906). Civil Code of Quebec 1991, Articles 2505 – 2628. The Australian Marine Insurance Act 1909 (based on MIA 1906).

TC - XIV

PART- XIV

<u>INSURANCE & FINANCIAL ARRANGEMENTS</u>		
1.	Vessel shall not ply or not proceed, without valid insurance coverage or financial security/arrangements/guarantee.	(1) Period of Validity <ul style="list-style-type: none"> a) Minimum Validity of one year. b) Shall remain valid during the subsistence of trading license/permissions. (2) Coverage of insurance <ul style="list-style-type: none"> a) Third Party Risks to be covered b) Vessel Hull and its machinery c) Insurance and compensation

		of the crew. d) For life and personal injury, pollution, collision, wreck and salvage. e) Cargo Insurance f) Civil Liability towards Passengers.
2.	Assignment and Subrogation of Rights.	
3.	Offences.	
4.	Fee	
5.	Rulemaking power under this Part	

PART XV - NAVIGATION AND SIGNALS

This Part makes it mandatory that the inland vessels should observe **regulations prescribed by competent authority/state government with regard to navigation and signals**. This Part, while providing for signal requirements also provides for compliance with Life Saving Appliances and Fire Safety. It is mandatory that the vessel registered under this Act shall carry on board, the applicable certificates which the State Government / Competent Authority has issued, as an evidence of compliance. This Part makes it mandatory for every inland vessel to record and inform respect dangers of navigation, once it comes into the knowledge of the master. Further, passenger safety/ cargo safety certificates are also made mandatory. Any offence will entail liability. **The State government has the authority to prescribe fees** and is empowered to enact rules.

The drafting of this Part covers the procedures for Inland Navigation & Signals of Inland Vessels from the Law of Vietnam on Inland Waterways Navigation (No.23/2004/QH11 of June 15, 2004), the CEVNI European Code for Inland Waterways Revision 4, 2009 and India Inland Navigation Rules 2002.

TC - XV

PART-XV

<u>NAVIGATION AND SIGNALS</u>		
1.	Observance of Regulations inland	(1) Inspectors of Lights and Signals.

	waterways navigation.	(2) Powers and Duties (3) Mandatory compliance with this Part.
2.	Navigating under restricted visibility conditions and at cross channels of channels bends.	
3.	Priority rights of vessels keeping out of each other's way	
4.	Head on Vessels keeping out of each other's way	
5.	Crossing Vessel keeping out of each other's way.	
6.	Sailboats keeping out of the way of one another.	
7.	Vessels overtaking others.	
8.	Vessels sailing through the clear spans of bridges or culverts.	
9.	Anchoring vessels.	
10.	Signals of Inland Waterways Navigation Vessels.	(1). Signals of Vessels (2). Manoeuvring Signal (3). Warning sound signals (4). Sound signals in case of restricted visibility (5). Classification of Vessels for the use of signals (6). Signal lights on vessels proceeding alone. (7). Signals on tug conveys (8). Signals on Convey towed alongside. (9). Signals on mixed tow conveys. (10). Signals on vessels not under command. (11). Signals on anchored vessels. (12). Signals on vessels engaged in operations or vessels aground on channels. (13). Signals on mechanically propelled passenger vessels (14). Signals on dangerous cargo vessels (15). Signals on fishing vessels. (16). Signals on Vessels calling with men falling overboard. (17). Signals on vessels calling for help of

		<p>inland waterways police or inspectors.</p> <p>(18). Signals on vessels with diseased people or animals.</p> <p>(19). Signals on Vessels in distress or calling for help.</p> <p>(20). Signals of navigation, inspection posts, patrol and navigation inspection vessels.</p> <p>(21). Signals to ask vessels for navigation inspection.</p> <p>(22). Signals on vessels engaged on special duty.</p> <p>(23). Signals on pilot vessels.</p> <p>(24). Distress Signals.</p>
11.	Dangers to navigation.	<p>(1). Duty to report dangers of navigation.</p> <p>(2). Communication of intelligence regarding dangers to navigation.</p> <p>(3). Obligation to render assistance on receiving signals of distress.</p> <p>(4). Obligation to render assistance to person in danger.</p>
12.	Life safety appliances	<p>(1). Standards to be prescribed.</p> <p>a). Including IWAI safety regulation 2002 (classification of inland vessels).</p> <p>(2). Licensing and Certification</p> <p>a). Validity</p> <p>b). Inspection.</p> <p>c). Renewal.</p>
13.	Fire appliances.	<p>(1). Standards to be prescribed.</p> <p>(2). Licensing and Certification</p> <p>a). Validity.</p> <p>b). Inspection.</p> <p>c). Renewal.</p>
14.	Radio Equipments	<p>(1). Radio requirements.</p> <p>(2). Radio Direction Finding Apparatus.</p> <p>(3). Licensing and Certification.</p> <p>a). Validity.</p> <p>b). Inspection.</p> <p>c). Renewal.</p>
15.	Safety Certificate.	<p>(1). Passenger Vessel Safety Certificate.</p> <p>(2). Cargo Vessel Safety Certificate</p>
16.	Power to make rules with regard to signals.	
17.	Offences	
18.	Fees.	
19.	Rule Making power under this Part	

PART XVI - PREVENTION OF COLLISION

Prevention of collision is a vital aspect for safe navigation in inland waters. The inland vessels are required to observe collision regulations and there are steps to be adopted after collision takes place, which include division of loss in case of collision, damages for

personal injury, rights of contribution, duty of Master of ship to assist in case of collision. This Part empowers the **Competent Authority to prescribe and implement standards set out in the previous Part ensuring safe navigation and standards that need to** be complied with in an event of collision. The collision has to be entered into the official log of the vessel and a report may be prepared which must be submitted to the competent authority in charge of accidents related to inland vessels. The notice of the loss of Indian inland vessels is also to be given to the concerned competent authority. **Fees and offences shall be prescribed by State Government / Competent Authority** by exercising under the rule making powers vested under this Part.

The drafting of this part covers the procedures for the Prevention of Collision of Inland Vessels from the Law of Vietnam on Inland Waterways Navigation (No.23/2004/QH11 of June 15, 2004) and Inland water authority of India Act 1985, Prevention of Collision on National Waterways Regulations, 2002, Bangladesh law - The Inland Shipping Ordinance, 1976.

TC - XVI

PART - XVI

<u>PREVENTION OF COLLISION</u>		
1	Prevention of Collision.	(1) Collision regulations a) Steering and sailing b) Lock-Out c) Safe speed d) Risk of Collision e) Action to Avoid Collision f) Narrow Channels g) Single Lane Traffic (2) Observance of collision regulations as a mandatory requirement
2	Steps to be adopted after Collision.	(1) Division of loss in case of collision. (2) Damages for personal injury. (3) Right of contribution. (4) Duty of master of ship to assist in case of collision. (5) Collision to be entered in official log of the vessel. (6) Notice of loss of India ship to be given to Competent Authority. (7) Referral of incident to Casualty and Investigation Cell (8) Inquiry by Court. (9) Submission of report to Competent Authority/Central Government
3	Offences	(1). Power to suspend and cancel endorsement on

		certificate of survey (2). Appeals (3) Penalty for contravening regulations of the National Waterway.
4.	Fees	
5.	Rulemaking power under this Part.	

PART XVII - POLLUTION FROM VESSELS

Pollution arising from Inland vessels is covered under this Part. The Part proposes to cover the vessel-based pollution such as discharge of oil, oily water, noxious substances, harmful substances in packaged form, sewage, garbage, air pollution and any other forms of pollution that must be contained. This Part authorises the **competent authority to prescribe standards of construction and equipments to be installed** so as to minimise/prevent pollution caused from Vessels. The competent authority shall issue a certificate showing compliance of the vessel with standards of prevention of pollution as provided under this Part, which shall be labelled a Pollution Prevention Certificate. The Pollution Prevention Certificate (PPC) must be carried on board the inland vessel and renewed from time to time. The State Governments are authorised to adopt adequate measures as a part of preparedness for containing pollution and to remove pollutants from a navigable channel before the same spreads and becomes uncontrolled. Correspondingly, shore facilities shall be ready to help out with unforeseen circumstances.

The pollution of the environment and waterways must be minimised and / or prevented. Pollution such as oil pollution arising from bunker pollution arising out of accidents of vessel must be contained immediately by adopting adequate measures. After the occurrence of any event resulting in pollution caused to inland waterways from Inland Vessel, the same shall be contained and measures shall be adopted at par with standards and measures stipulated in the Environmental Protection Act 1986. The officer so appointed shall be informed of any pollution caused to inland waters from inland vessels and the provisions of EP Act 1986 shall mutatis mutandis apply.

This Part provides for mandatory insurance to cover the liability of vessel owners / service providers in the event of pollution of inland waters arising from vessels. The right of

victims and all concerned to raise claims and this include State Government(s) under whose jurisdiction(s) the pollution has been caused is identified by this Part. The Part shall authorise State government / Competent Authority which shall take necessary measures and subrogation of rights from claimants, the expenses of salvage, payment of damage, indemnification and other expenditures.

The various state level authorities under whose jurisdiction the collision has taken place, report the same to the Central Government. Thus the Central Government is allowed to determine an assessment and take adequate steps / measures to avoid a similar incident in future.

This Part covers procedures for Pollution of Inland Vessels with provisions that are drafted / adapted from the jurisdictions of the law of Vietnam on Inland Waterways Navigation (No.23/2004/QH11 of June 15, 2004). United Kingdom MSN 1823 (m) Safety Code for Passenger Ships Solely in UK categorised waters.

TC - XVII

PART-XVII

<u>POLLUTION FROM VESSELS</u>		
1	Vessel Based Pollution.	(1).Prevention of Pollution by Oil & Oily Water. (2). Control of pollution due to Noxious liquid substances in Bulk. (3). Prevention of Pollution by harmful substances carried by inland waters in packaged form. (4). Pollution by sewage from inland vessels. (5). Pollution by garbage from inland vessels (6). Prevention of air pollution from inland vessels.
2	Construction and equipment in inland-vessels to prevent pollution.	
3.	Inland Port Reception Facilities	
4.	Pollution Prevention Certificate (PCC).	(1) Issuance of PPC. (2) Obligation to possess and carry on board a valid PPC (3) Renewal of PPC

		(4) Suspension and Cancellation of Validity of PPC.
5.	Preventive Measures	(1). Safety of navigation channel. (2). Shore Facilities.
6.	Recommendations and Assistance from Environmental Protection Authorities.	(1). Environmental Protection Act (2). Measures under EP Act, 1986. (3). Containment of accidental pollution. (4). Prevention and Containment of Oil Pollution.
7.	Pollution Damage	(1). Claims by affected. (2). Claims by State Government (3). Subrogation of Claimant (4). Salvage. a). Expenses involved in Salvage. b). Fund Formation.
8.	Mandatory Insurance to cover the liability of pollution.	
9.	Subsequent Measures.	(1). State Government/ State Inland Water Authority to Report to competent authority. (2). Competent authority to report to Central Government. (3). Adopting measures under Investigation & Dispute Resolution under PART XVI. (4). Report to Central Government.
10.	Offences.	
11.	Fees.	
12.	Rulemaking under this Part.	

PART XVIII - WRECK AND SALVAGE

Wreck is defined under proposed Section 3 of the new statute on inland vessel. Ingredients as provided in the definitions when concluded to have arisen, the wreck shall be declared by the officer in charge / (receiver of wreck) and he shall also have the duty to mark the Wreck. This Part provides for appointment, powers and duties of receiver of wrecks.

Procedures involved and formalities complied with by the owner of the wreck and / or those procedures involved in judicial sale, if any, are also provided. The mandatory cover of insurance in cases of instances of wreck must be evidently undertaken by the respective insurance company. This Part also provides for duties and rights of salvors', assignment and allied judicial procedures which once invoked will attract the provisions of procedures as provided in the Part i.e., Causality and Investigation. Like any other Part, this Part provides for fees, offences and penalties. Further, the State Governments are empowered to formulate rules for the purposes of this Part.

The drafting of this part covers concepts and procedures for Wreck and Salvage from the guide to Good Practice on Port Marine Operations. And, this is drafted in conjunction with the Port Marine Safety Code, July 2013.

TC - XVIII

PART - XVIII

<u>PART - XVIII</u>		
<u>WRECK AND SALVAGE</u>		
1.	Declaration of wreck.	(1) Procedures a) Marking of wreck (2) Appointment of Receiver of Wrecks
2.	Power of inspection and direction of vessels found to be unsafe.	
3.	General powers of surveyors, police officers, registrars of vessels and other authorized persons.	
4.	Power to remove or dispose of wreck.	(1). Acceptance of wreck by owner (2). Judicial sale of wreck

		(3). Insurance coverage. (4). Assignments and Subrogation of Rights
5.	Salvage	(1). Duty to Salvage (2). Rights of Salvors a) Payment of salvors b) Lien of Salvors) (3). Insurance coverage (4). Assignment and Subrogation of rights
6.	Application of Part XVI	(1).Inquiries as to shipping casualties (2). Judicial Procedures
7.	Offences	
8.	Fees	

PART XIX - CASUALTY, INVESTIGATION & DISPUTE RESOLUTION

This Part is intended to empower the State Governments for emergency preparedness to tackle unfortunate events arising from accidents and maritime casualties. This Part provides for reporting of casualties, constitution of an investigation cell and constitution of maritime code. This Part also prescribes procedures involved in conducting the trial and processing of the claims, courts constituted under this Part are given special powers to adjudicate the claims. Courts are also prescribed to provide the final reports to the Central Government. This Part also provides for provisions as to re-hearing, appeal and review of the adjudication.

This part of Casualty, Investigation & Dispute Resolution is intended to improve the provisions of the present IV Act 1917, with provisions that are drafted / adapted from the jurisdiction of United Kingdom MGN 458 (M+F) Accident Reporting and Investigation and Directive of The European Parliament and of the Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Directives 1999/35/EC and 2002/59/EC.

TC - XIX**PART-XIX**

<u>CASUALTY, INVESTIGATION & DISPUTE RESOLUTION</u>		
1.	Casualty	<p>(1). Reporting of Casualty</p> <p>a) Failure to report casualty is an offence.</p> <p>(2). Investigation Cell</p> <p>a) Inquiry into shipping casualty</p> <p>b) Inquiry to be submitted to the court.</p>
2.	Inquiry and trial by Court	<p>(1) Constitution of Maritime Court.</p> <p>(a) Maritime Court to have power of a Magistrate of the first class.</p> <p>(2) Application to court for formal investigation.</p> <p>(3) Court to order formal investigation.</p> <p>(4) Trial of Offences.</p> <p>(5) Procedure for trial.</p> <p>a) Opportunity to be given to person to make defence.</p> <p>b) Power of court as to evidence and regulation of proceeding.</p> <p>c) Summoning the witness</p> <p>i) Power to arrest witnesses and enter ships.</p> <p>ii) Power to invoke proceedings under Code of Criminal Procedure or Civil Procedure Code as the case may be.</p> <p>(6) Special Powers of Courts.</p> <p>(7) Report by Court to State Governments.</p> <p>(8) Powers of courts as to certificates and licenses granted and issued by Central Government.</p> <p>(9) Power of Court to censure</p>

		Master, mate or engineer. (10) Power of Court to remove Master and appoint new Master. (11) Rehearing. (12) Appeal. (13) Review.
3.	Offences	
4.	Fees	
5.	Rulemaking power under this Part	

PART XX - LIABILITY AND LIMITS OF LIABILITY

This Part deals with aspects of liability of vessel owners, operators, charterers and cargo owners. The limitation or caps of liability, offences and fees and rule making powers are also mentioned under this Part.

This part of Liability and Limits of Liability is formulated with provisions that are drafted / adapted from the jurisdiction of Vietnam law on Inland Water Navigation (No.23/2004/QH11 of JUNE 15, 2004) (Article 93), Convention on Civil Liability for Damage Caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD) Geneva, 10.10.1989 and Strasbourg Convention of 2012 on the Limitation of Liability in Inland Navigation (CLNI 2012) Note by the Central Commission for the Navigation of the Rhine (CCNR).

TC - XX

PART - XX

<u>LIABILITY</u>		
1.	Liability of Vessel Owners	
2.	Liability of Cargo Owners for cargo transported by Inland Vessel.	(2). Dangerous Cargo.
3.	Limitation or caps of Liability	
4.	Offences	
5.	Fees	
6.	Rulemaking power under this Part	

PART XXI - REGULATION OF TRADE PRACTICES

This Part deals with the power of the State Inland Vessels Authority to prescribe the Standards of Trade practices to be observed by vessel owners and operators of Inland Vessels. This Part also prescribes the fare stages. Apart from prescribing and allotting inland vessel routes, the State Governments are entrusted with the powers to allot time schedules. Trade can be carried out with trade permit and valid licenses and the same will be subject to inspection from time to time. The trade permits shall be renewed when the time period allotted expires and allotment of time schedule shall be prescribed as generally applicable to the inland vessels. In case of loss of the original permit, the duplicate shall be issued or a temporary permit may be issued according to the situation. Further, this Part also empowers the State Governments to adopt appropriate measures including revocation and cancellation or suspension of such Trade Licences, in the event of misuse or illegal use of the same or when they are not possessed or used in compliance with the provisions of this Act.

The vessel owners should have valid insurance certificates which cover the voyage of the vessel, crew and the passenger/ cargo in a particular trade route that the owner/ operator/charterer intends to use the vessel. The owners/operators / charterers / representatives shall be required pay the prescribed fees for issuing of permits, which are of non-refundable nature. This Part also provides for additional fees, emergency powers and penalties for offences committed by the vessel owners. The Part also empowers the State Governments to make Rules for the purpose of effective administration and implementation of this Part.

The importance of incorporating the Part into the new statute is that the Inland Vessels Act on India once enacted should be at par with other maritime nations who are expediting the enactment and regulation on Trade Practices. Further, it may also be noted that the Part is recommended to be brought in line with the Shipping Trade Practices (Bill) which is still in the stage of Bill before the Parliament.

TC - XXI
PART - XXI

<u>REGULATION ON TRADE PRACTICES</u>		
1.	Powers of State Inland Vessels Authority to	<p>(1) Prescribe the standards of trade practices to be observed by vessel owners.</p> <p>(2) Prescribe upper limit for rates as per stages and inland vessel routes</p> <p>(3) Prescribing and allotting time schedule.</p>
2.	Trade Permits and Licenses	<p>(1) No service except under a trade permit.</p> <p>(2) Granting of Permits</p> <p>(3) Trading Limits and Validity of Permits</p> <p>(4) Temporary Permits</p> <p>(5) Issuance of Duplicate Permits, when the original is lost</p> <p>(6) Inspection of Permits</p> <p>(7) Renewal, Modification and Extension of Permits</p> <p>(8) Revocation, Cancellation and /or Suspension of Permits</p>
3.	Valid Insurance Certificate	
4.	Fee for permits	<p>(1). No refund of fees</p> <p>(2). Additional fees chargeable</p>
5.	Emergency Power	
6.	Offences	
7.	Fees	
8.	Rule Making Power under this Part	

PART XXII - NON- SELF PROPELLED VESSEL

The intention behind incorporating this Part is to give shape to the intention of the Government to regulate the currently unregulated sector of Non Self Propelled Inland Vessels. This Part will provide a general legal regime to regulate the Non Self Propelled Vessels. The aim is to prevent misuse of these vessels and to enable the sector to flourish and expand under the watchful eyes of an efficient local administration. The non-self-propelled vessel essentially falls within the State List. For the same, the administration proposed is that of the State Government. Further, this would ensure accessibility, accountability and efficient implementation of laws and policies. Accountability once attached to the ownership, should be able to solve the problems faced by the sector that is vulnerable to accidents, unfortunate events and illegal/unlawful use of the non-self-propelled Vessel, which extends from terrorism, smuggling and other such illegal activities at present.

The State Government is the sole authority with regard to the Non-Self Propelled Vessel. The District Collector shall maintain the state registry of vessels and the details of registration of certificate issued, name and address of owner of such vessel, registration number, registration authority, and date of the building of the vessel/laying of keel, hypothecation details, certificate of fitness and validity and nature of purpose viz. passenger/cargo/vessel/fishing vessel/ and issue of duplicate registration alterations etc. All the above details have to be exhibited on a visible place on the vessel.

The State Government shall impose restrictions on trade by issuing notices/circulars and also provide opportunity of fair hearing to the aggrieved party. The powers to order inspection, survey of fitness etc., followed by cancellation, suspension, renewal of certificates and applicable prescribed fees and the rule making power are exclusively vested with the State Government.

The state governments will perform the duties such as organising training programmes, confidence building and awareness sessions and review, and ensure welfare of employees of non-self-propelled inland vessels and the like.

Any complaints shall be made to RDO and also will be appealable to the District collector and ultimately to the concerned appealable courts.

The Part is intended to be drafted in line with the Small Vessels Regulations, 2015 (Part 3 – Human Powered Vessel other than Pleasure Craft) the regulation enacted in Canada.

TC - XXII

PART - XXII		
NON- SELF PROPELLED VESSEL		
1.	State Government as the sole authority	(1). State Registry of vessel to be maintained by District Collector/ RDO shall have the following details of the non-self-propelled vessel <ul style="list-style-type: none"> a) Registration Certificate to be issued. b) Details / Name & Address of the owner(s) c) Registration number d) Registering authority e) Vessel built date / Laying of keel f) Hypothecation details g) Certificate of fitness and validity h) Nature of purpose passenger /cargo vessel/fishing Vessel i) Issue Duplicate, Register alterations etc.
2.	Registration number to be exhibited on a conspicuous place of the vessel.	
3.	Powers of State Governments	(1) To impose restriction on trade (2) Opportunity of hearing (3) Order inspection, survey of fitness etc. (4) Order cancellation, suspension, renewal of Certificates issued under this Part. (5) Prescribe fees
4.	Delegation of powers by State Governments	(1) Power so delegated shall be on terms “also be Exercisable by” the delegated authority.
5.	Duty of State Governments to organise	(1) Training programmes (2) Confidence Building and Awareness sessions. (3) Review and ensure welfare of employees of the non-self-propelled

		inland vessel
6.	Complaints	(1) To RDO (2) Appealable to District Collector (3) Appealable to Court
7.	Power to make Rules	

PART XXIII - MISCELLANEOUS PROVISIONS

This Part consists of various aspects such as pilotage, traffic control, vessel arrest, forfeiture of vessel or its property, power to exempt, power to include/apply, power to prescribe guidelines, issuance of circulars and orders by competent authority/State Governments. This Part also deals with the acts that the owners, masters, crew and passengers are prohibited to perform on and with their vessel. The Part further envisages for fees to be prescribed by Competent Authority / State Government and also provides for the rule making power.

This Part covers Miscellaneous Provisions with provisions that are drafted / adapted from the Rhine River Commission, Permanent International Association of Navigation Congresses (PIANC), Economic Commission for Europe Inland Transport Committee, Working Party on Inland Water Transport Geneva, Geneva Guidelines and Criteria for vessel traffic services on inland waterways resolution no. 58, United Nations New York and Geneva, 2005.

TC - XXIII

PART- XXIII

<u>MISCELLANEOUS PROVISIONS.</u>		
1.	Pilotage	
2.	Traffic Control	
3.	Vessel Arrest	
4.	Forfeiture of Vessel or its Property	
5.	Power to prescribe and implement the standards for the use of Inland	

	waterways by special category of vessels	
6.	Power to prescribe standards for the development of fairways in inland waters.	
7.	Power to prescribe standards of River Information Services for providing	<p>(1) Vessel Traffic and Transport Management, Safety and Information Services.</p> <p>(2) Vessel Tracing and Tracking Information</p> <p>(3) To tackle calamities and furtherance of emergency preparedness.</p>
8	Powers to prescribe standards and measures to regulate for Inland Vessels Operating at Sea as Hinterland Connection for Coastal Harbours	
9.	Power to prescribe and facilitate governance, organisation and management of Inland Ports	
10.	Power to enforce standards to avoid and tackle pollution arising from Inland waterways	
11.	Power to exempt/ include/apply	
12.	Power to prescribe guidelines, circulars as by orders by Competent Authority/ State Governments	
13.	Prohibited act	<p>(1).Destroying inland waterway navigation works; erecting obstructions to impede inland waterway navigation.</p> <p>(2).Illegal opening of inland waterway ports or landing stages; embarking or disembarking passengers, loading or unloading cargo at places that are not prescribed.</p> <p>(3).Illegal building of houses, tents, stalls or other works on inland waterways in violation of</p>

	<p>the protection of inland waterway infrastructures.</p> <p>(4). Dumping soil, rocks, sand, gravel or other waste substances & exploiting minerals within the areas of channels and channel protection corridors; putting fixed fishing gear, means of fishing or rearing aquatic resources in channels.</p> <p>(5). Putting out inland vessels that do not meet safety and environment protection requirements and also fail to meet operating conditions.</p> <p>(6). Employing crew without proper diplomas and certificates and also arranging fewer crewmen than prescribed to operate the vessel.</p> <p>(7). Carrying hazardous, inflammable and /or explosive cargo, large animals along with passengers, carrying passengers in excess of the vessels' capacity or safety waterline.</p> <p>(8). Working on board the vessels when the alcoholic content in blood is higher than ___ milligrams per 100 millilitres of blood or there is more than ___ milligrams per 1 liter of exhaled air or there are found other stimulants banned from use by law, in blood.</p> <p>(9). Escaping after causing accidents in order to shirk responsibility, infringing upon human life and/ or property when vessels are in distress; taking advantage of accidents to cause chaos, thus hindering the handling of accidents.</p> <p>(10). Breaching the signal on wave-causing restriction or other ban signals.</p> <p>(11). Organizing illegal races or participating in illegal races of vessels on inland waterways; steering vessels in zigzag motion, causing danger to other vessels.</p> <p>(12). Abusing one's position and powers to harass for extorting bribes while performing</p>
--	--

		one's duties; committing or permitting the commission of acts of violating the legislation on inland waterway navigation. (13).Other acts of violating the legislation with respect to inland waterway navigation.
14	Fees	
15.	Rulemaking power under this Part	

PART XXIV- FEES AUTHORITY AND COLLECTION

This Part provides for prescribing the fee. The Part also deals with the Authority who is appointed /delegated to collect fees. The Act under this Part provides for facilitation to collect and remit the fees. The Part also empowers the State Governments to revise the fee and to prescribe and implement special fees from time to time.

The State Government in revising the fee and implementing provisions under this Part will be under full monitoring and authorisation from Central Government. Authority and Consensus is pre-requisite for fee revision and application/ implementation of special fee. Ministerial recommendations are taken into account for fixation of powers to require fees.

PART XXV- PROHIBITIONS, OFFENCES, PENALTY, FINE AND PROCEDURE

This Part deals with the consequences of non-compliance and violations of provisions contained in this Act. Whereas, the Rules made hereunder will entail consequences different and distinguished from the offences and penalties mentioned and provided under this Act.

Part XXVI - INCONSISTENCIES WITH OTHER STATUTES

The provision clearly lays down the principle of harmonious construction of different Acts with this Statute. Where two interpretations are possible wherein one specifies conflict between different legislations and another provides for reading the provisions hand in hand then the latter shall be preferred. Further, when there is only one interpretation possible, which provides for conflicting situation wherein the question as to which legislation shall prevail as far as inland vessels is concerned; then the provisions of this legislation shall prevail over others.

PART XXVII - RULE MAKING POWER

For the purpose of implementing the provisions under this Statute, the Central Government shall have the power to make Rules. The Rule making power of the Central Government shall be delegated to the State Governments. The process of Rulemaking is thus, expected to be simplified.