

[To be published in the Gazette of India, Part III, Section 4]

**MINISTRY OF PORT, SHIPPING AND WATERWAYS**

(INLAND WATERWAYS AUTHORITY OF INDIA)

**NOTIFICATION**

**New Delhi, the [\_\_\_\_], 20[\_\_]**

**F. No. IWT-** IWAI-230115(11)/1/2020 – In exercise of powers conferred by sub-section 1, read with clauses (d), (f) and (h) of sub-section 2 of section 35, read with clauses (b), (f) and (g), sub-section 1 under section 14 of the Inland Waterways Authority of India Act, 1985 (82 of 1985), the Authority, with the previous approval of the Central Government makes the following regulations (hereinafter referred to as the “**Regulations**”), namely:-

**1. Short title and commencement –**

- 1) These Regulations may be called the “**Regulations for development of Inland Water Terminal on or along National Waterways by any entity other than IWAI**”.
- 2) These Regulations shall come into force on the date of their publication in the Official Gazette.

**2. Applicability -** These Regulations shall be applicable to all the existing or to be developed new IWTs by any entity other than IWAI on any of the National Waterways declared under “The National Waterways Act, 2016”.

2.1 For any existing IWT, NOC shall also be required to be applied under these Regulations within six months of notification of these Regulations.

2.2 These Regulations shall not be applicable to the area under the jurisdiction of any port governed by the provisions of the Indian Port Act, 1908 (15 of 1908) and the Major Port Authorities Act, 2021 as amended from time to time.

**3. Definitions:**

In these regulations unless the context otherwise requires:-

<b>S. No.</b>	<b>Term</b>	<b>Definition</b>
a.	Act	'Act' means the Inland Waterways Authority of India Act, 1985.
b.	Access Channel	Fairway between an Inland Waterway Terminal (IWT) and the main navigable channel maintained by IWAI.
c.	Authority	Authority, wherever used in the Regulations, refers to the Inland Waterway Authority of India (IWAI).
d.	Chairman	'Chairman' means the Chairman of the Authority.
e.	Existing IWT	Any existing Inland Waterway Terminal on or along the National Waterways, developed by any entity other than IWAI, that is already commissioned before the notification of these Regulations. It also includes IWTs that have already been issued No Objection Certificate and have applied for NoC for expansion of the same IWT.
f.	No Objection Certificate (NoC)	Document issued by IWAI to Inland Waterway Terminal Developer and Operator (TDO) under these Regulations setting forth the terms and conditions for the construction, development and operation of IWT on or along the National Waterways.
g.	Permanent IWT	An IWT on or along the National Waterways, with fixed immovable structures, that is and to be commissioned to facilitate transportation on National Waterways will be a Permanent IWT. An Existing IWT with fixed immovable structures, that proposes to expand the terminal infrastructure and operations under this Regulation will also be considered as a Permanent IWT.
h.	Inland Waterway Terminal (IWT)	An Inland Waterway Terminal (IWT) refers to an inland waterway terminal Jetty for cargo and passenger traffic on National Waterway, notified as per these Regulations.

S. No.	Term	Definition
		<p>The term IWT includes the terminal infrastructures such as wharves, jetties, landing stages, Roll on- Roll off (Ro-Ro) facilities, inland ports, the associated cargo handling equipment, storage spaces, road/rail access, and the Access Channel required to connect the terminal with the main channel of National Waterway</p> <p>The term IWT includes all forms of IWT such as Existing, Permanent and Temporary IWT</p>
i.	Temporary IWT	An IWT that is a floating structure /temporary structure on or along the National Waterways, that is set up to facilitate transportation on National Waterways for a period of up to 05 (five) years from the date of its commissioning, will be a Temporary IWT.
j.	Inland Waterway Terminal Developer and Operator (TDO)	An applicant to whom the NoC has been issued under these Regulations is referred to as Inland Waterway Terminal Developer and Operator (TDO)
k.	Vessel	'Vessel' means the Inland Vessel as defined under Inland Vessels Act, 2021);
l.	Words and expressions	Unless the context otherwise requires, words and expressions used herein and not defined, but defined in the Act, shall have the same meanings respectively as assigned to them in the Act.

#### 4. Application for NoC for development of IWT:

- 4.1 The applicant fulfilling the eligibility, shall apply online for NoC from the Authority along with submission of the prescribed documents and application fee as mentioned in Sections 5, 6 and 7 and Annexure I.

- i) The Appraisal Committee shall examine the documents for confirmation of the applicant fulfilling the eligibility and necessary documentation requirements.
- ii) The Appraisal Committee shall also assess the technical feasibility of the proposal received from the applicant for the development of a new IWT or the NoC for the Existing IWT. The proposal shall be reviewed for its technical feasibility in terms of access channel connecting the proposed IWT to the main channel and likely material impact on the main channel due to any offshore physical structures of the IWT as well as the suitability of the operations at the identified location/area. For IWTs in proximity to an Existing IWT, technical feasibility will also be assessed to ensure that the operations of the existing IWTs are not obstructed or hampered.
- iii) IWAI shall take a decision for the grant of the NoC based on the consideration of the relevant factors and the recommendations of the Appraisal Committee on the applicant's proposal.
- iv) The NoC application, will be disposed of within ninety days from submission of the application.

## **5. Eligibility for TDO:**

5.1 The following entities shall be considered eligible for TDO under these Regulations:

- i) Any individual or partnership firm having PAN, TAN (in case of sole proprietorship firm) and registration with GST,
- ii) A company registered in India under the Companies Act, 2013,
- iii) An organization created under any statute of Central or State Government,
- iv) Any autonomous body, Company, Public Sector Undertaking/Trusts or Boards managed or controlled by State Govt./Central Govt., local authority (like Municipal Corporations, Zila Panchayats, Gram Panchayats etc.) or statutory organizations,

- v) An entity registered as a Co-operative Society under Co-operative Societies Act, 1912 or a trust under Indian Trust Act,
- vi) A joint venture or consortium of any of the above (i) to (v)

5.2 The eligible entity shall provide the following self-attested documents as applicable.

- i) PAN
- ii) TAN (in case of sole proprietorship Firm only)
- iii) Memorandum of Association (MoA)/ Articles of Association (AoA)
- iv) Certificate of Incorporation of the company
- v) Certification of incorporation for a PSU, notification regarding incorporation / registration of Trusts or Boards or any local authority
- vi) Memorandum of Association of Society / Trust Deed
- vii) Registration of the Co-operative Society and its Rules and Regulations
- viii) Joint Venture/ Consortium Agreement along with the name and authorization of its lead member.
- ix) Documents conveying the authorization of the competent authority of the Applicant for submitting the Application.

## **6. Documents required:**

6.1 The application for obtaining NoC for the IWT on the National Waterways shall include following documents:

### **A) Details of the applicant**

- i. Name and designation of the authorized personnel
- ii. Documents related to eligibility as stipulated in the Regulation

### **B) Details of the IWT**

- i. Concept sketch/drawing/layout of the terminal/ access channel and ancillary facilities. In case of an Existing IWT, the applicant shall provide the as-built drawings of the facility.
- ii. Documents relating to NoC/ concession, if any, of the Existing IWT or a new IWT, by any authority of Central or State Government or any other organization constituted for the purposes by Central or State Govt.
- iii. The ownership documents of the land or land lease deed, as the case may be. For the IWT proposed to be developed, the applicant shall submit the registered agreement with the owner of the land for transfer of the concerned land to the TDO on ownership basis or lease basis at least for the period for which the NoC for IWT is being sought.
- iv. Traffic projections (including commodities, expected volumes per year, expected number of vessels to be handled per year). For an Existing IWT, the applicant shall also submit traffic volumes for the immediately preceding three years also.
- v. Any other document or information as the Committee may call for during the processing of the Application.

**7. Application Fee:**

The Applicant will be required to deposit the following non-refundable application fee at the time of applying for development of an IWT.

<b>S. NO</b>	<b>Type of IWT</b>	<b>Application Fee</b>
i)	<b>Permanent IWTs and expansion of Existing IWT in excess of 20% of existing capacity</b>	<b>INR 15,000/-</b>
ii)	Existing IWTs	INR 2,000/-
iii)	Temporary IWT	INR 3,000/-

**8. Permitted Commodities:**

Unless otherwise specified by IWAI from time to time by suitable notification or any other means of communication, an IWT under these Regulations will be allowed to handle all type of cargos, subject to compliances of applicable rules & regulations.

**9. Types of vessels permitted at an IWT:**

All vessels registered under the IV Act, 2021(as amended from time to time) and Merchant Shipping Act 1958 (as amended from time to time) are permitted to operate on National Waterways and will be permitted to call on the IWT.

**10. General Conditions for grant of NOC:**

10.1 TDO will be solely responsible for having valid ownership/leasehold right in respect of the land required for the IWT.

10.2 NoC for development of an IWT within the notified exclusivity zone will not be granted i.e. within the specified distance from the IWT developed by IWAI. W.r.t. existing IWAI's terminals, such exclusivity zone will be notified by the Authority with the approval of Board of IWAI within 60 days of publication of these regulations. Exclusivity zone will be revised from time to time with the approval of Board of IWAI as and when new IWAI's terminals are approved.

10.3 The issuance of a NoC for the establishment of an IWT shall not be construed as a technical or legal approval for the IWT. The TDO shall be solely responsible for the design, construction, and operation of the project. This responsibility includes ensuring adherence to safety standards and compliance with all applicable laws, environmental regulations, and statutory norms.

10.4 The TDO shall be solely responsible for the commercial and financial feasibility of the IWT.

10.5 The NoC to establish an IWT provided to a TDO can be transferred or assigned to another party with prior approval of IWAI.

10.6 Unless otherwise extended in writing by IWAI, the TDO shall ensure commencement of operations of the Permanent IWT within period of five years from the date of issue of NoC by IWAI. Failure to adhere to

this time limit may lead to cancellation of the NoC without any liability to IWAI. The decision of IWAI in this regard shall be final and binding.

10.7 The NoC for a Temporary IWT shall be granted for a period of five years from the date of issuance of NoC by the IWAI. The period of the NoC may be extended by IWAI upon receipt of written request from the TDO. The decision of IWAI on the extension of the NoC period shall be final.

10.8 No NoC shall be granted by IWAI for development of terminal within the limit of Major Ports. Applicants seeking such NoC in the limits of Major Ports may approach the Port Authority for NoC/permission. The concerned Port Authority shall obtain comments/ NoC of IWAI separately on such proposals, if so desired, before granting the NoC/ permission.

10.9 The Authority shall not be liable to the TDO or any other entity, in case of cancellation or withdrawal of the NOC by the Authority for any reason whatsoever.

The detailed General Conditions for the grant of NoC are mentioned in Annexure III

## **11. Access Channel development:**

11.1 The Access Channel connecting the main navigational channel of the National Waterway to the IWT Jetty Terminal shall be developed and maintained by TDO at its own cost, under supervision of IWAI.

11.2 All the costs due to changes in the planning or design of infrastructure of IWT, that result in changes in Access Channel connectivity of the IWT, will be borne by the TDO.

## **12. Appraisal of Applications:**



An Appraisal Committee shall be constituted by the Chairman, IWAI, for considering and recommending issuance or rejection of the NoC as per these Regulations.

**13. No Objection Certificate (NoC):**

The NoC for the IWT shall be issued by IWAI to TDO as per Annexure II along with the detailed terms and conditions for development and operations of the IWT.

**14. Liabilities and Indemnification:**

14.1 IWAI shall not be responsible for any loss, destruction, damage or deterioration of goods handled at the IWT.

14.2 The TDO developing and operating the IWT shall indemnify IWAI against any claims by any party towards damages or compensation for any loss caused to life or property during the development and/or operations of the IWT. IWAI shall not be responsible for any incident which may occur at the IWT. The TDO shall be responsible for compliance with all applicable laws and shall indemnify the Authority against/ consequent to any claim for failure to comply with same.

**15. Insurance and Safety provisions**

The TDO shall fulfil and ensure compliance with all the safety requirements during development of the facilities / IWT. The TDO shall take adequate insurances to cover to all facilities/ personnel involved in the development/ operation of facilities.

**16. Feedback**

The TDO shall maintain a feedback register at the IWT and obtain feedback from various users of the facilities.

**17. Inspection**

The TDO shall permit the representative of the Authority to carryout periodic inspection of the IWT.

## **18. Damages**

In the event of any breach of terms and conditions herein by the TDO, the Authority shall have the right to:

- i) Terminate the NoC as per these Regulations.
- ii) Claim for damages incurred by IWAI due to the breach of terms and conditions herein by the TDO or due to the act of commission or omission by the TDO causing in damage to the National Waterway/ associated infrastructure.

## **19. Dispute Resolution:**

In case of any dispute under these Regulations, the decision of Authority will be final and binding.

## **20. Termination of the NoC:**

20.1 Authority may terminate the NoC for any breach of the terms and conditions of the NoC, violations of the provisions of the Act, committing of an unlawful act or in the event of default as defined in the NoC.

20.2 Before issuing a termination notice, Authority will issue a written Show Cause Notice informing the TDO to make a representation within 30 days. If no response is received, or if the response of the TDO is not satisfactory, a written 'Reasoned Order' of termination shall be issued to the TDO.

20.3 The TDO will also have the right to surrender the NoC by giving a notice of 90 days to IWAI.

20.4 In case of termination of the NoC by IWAI or upon surrender of the NOC by the TDO, the TDO shall dismantle and remove the various structures and equipment etc., at its own cost and responsibility within 180 days. IWAI reserves the right to take over the IWT assets, in case deemed necessary, upon payment of due consideration determined by Authority.

(Secretary)

(Name and Designation of the authority, which is authorized to notify)

~ \* ~

## Annexure I

### Application for issuance of NOC by the Authority for development and operation of IWT on or along National Waterways

#### **A) Applicant details**

1. Name of the Applicant:
2. Address and Contact Details of the Applicant (including email id)
3. PAN / GST Details/TAN (in case of sole proprietorship Firm only)
4. Memorandum of Association (MoA)/ Articles of Association (AoA)
5. Certificate of Incorporation of the company
6. Certification of incorporation, notification regarding incorporation / registration of Trusts or Boards or any local authority
7. Memorandum of Association of Society / Trust Deed
8. Registration of the Co-operative Society and its Rules and Regulations
9. Joint Venture/ Consortium Agreement along with the name and authorization of its lead member.
10. Copy of the authorization Letter/Power of Attorney in favour of the Authorized Representative submitting the application on behalf of the Applicant.
11. Copy of the Board Resolution or such other document evidencing approval of the Competent Authority of the Applicant to submit the present application.

#### **B) IWT Details**

1. Project Background along with details of operational strength (manpower):
2. Location of the terminal (Co-ordinates/ map):
3. National Waterway:
4. Type of Terminal (Permanent/ Temporary/Existing):
5. Land parcel size of terminal:
6. Duration for which the terminal is operational and further planned to be utilized (in years) (in case of an Existing IWT):
7. Duration for which terminal is planned to be utilized (in years) (in case of a new IWT)
8. Proposed timeline for commencement of operations at the terminal
9. Projected cargo volumes:

10. Cargo (Type/Tonnage) handled in last three years, if any, and projected cargo volumes (in case of an Existing IWT):
11. Infrastructural facilities at the IWT:
12. Any cargo monitoring IT application (software) installed in the IWT:
13. Do you need improvement of Channel (Yes/No):       DETAILS
14. Documents relating to NoC/ concession, if any, of the Existing IWT, by any authority of Central or State Government or any other organization constituted for the purposes by Central or State Govt.
15. The relevant documents establishing the ownership/right of the Applicant over the land on which the IWT is proposed to be developed. Such ownership shall not be for a period lesser than the period for which NOC is being sought.
16. Documents (report / drawings) with details of the inland waterway terminal including concept sketch, general arrangement drawing, layout of the terminal and ancillary facilities, road/rail connectivity details, location map. In case of Existing IWT, the applicant shall also submit as built drawings of the facilities.
17. Traffic projections (including commodities, expected volumes per year, expected number of vessels to be handled per year). For Existing IWT, the applicant shall also submit traffic volumes of part three years also.
18. Details (report / drawings) of access channel for connecting the IWT to the National Waterway's main channel.

### **Declaration**

With reference to our application DATED \_\_\_\_\_ for grant of NoC for development and operations of the Inland Waterway Terminal under the Regulations \_\_\_\_\_, we hereby declare that,

- 1) All information provided as part of the application of the NoC for development and operations of the Inland Waterway Terminal under the Regulations is true and correct, nothing has been omitted which renders such information misleading; and all documents accompanying such application are true copies of their respective originals.
- 2) We shall make available to the Authority any additional information it may deem necessary or require for supplementing or authenticating the application.
- 3) We hereby agree to indemnify and hold harmless the Authority from any claims, damages, liabilities, or expenses arising from our any actions, omissions, or

negligence or any person acting on our behalf in connection with the granting of the NoC or the operation of the IWT. This indemnity extends to all costs, legal fees, and expenses incurred by the Authority in defending such claims or in relation to any proceedings that may arise from the actions of the TDO or its representatives.

(Signature with date)

For and on behalf of

Name and designation of applicant

\*\*\*\*

**Annexure II**

**FORMAT OF NoC**

Reference No.

Date:

To,

Subject: NoC for the Inland Waterway Terminal at \_\_\_\_\_ on National Waterway \_\_\_\_\_

Reference : i) Application ID:

ii) Drawing:

Sir / Madam

This in reference to the online application vide reference (i) above for the issuance of the NoC for the Existing/ Expansion of Existing / Permanent / Temporary Inland Waterway Terminal at \_\_\_\_\_ on National Waterway \_\_\_\_\_

In exercise of powers conferred by sub-section 1, read with clauses (d), (f) and (h) of sub-section 2 of section 35, read with clauses (b), (f) and (g), sub-section 1 under section 14 of the Inland Waterways Authority of India Act, 1985 (82 of 1985), and the Regulations \_\_\_\_\_, the Authority, hereby grants “No Objection Certificate” (NoC) to the aforesaid application.

This NoC is subject to the provisions of the Regulations and the terms and conditions annexed to this NoC

This is issued with the approval of the competent Authority

Name:

Designation

\*\*\*

### **Annexure III**

#### **General conditions for grant of NoC for development and operations of IWT on or along National Waterways**

- 1) TDO will be responsible for compliance with all statutory requirements relating to environment laws, pollutions laws or norms, Wildlife Act, Forest Act or any local laws and regulations etc. and shall obtain all statutory and non-statutory clearances that may be required for development and operations of the IWT including structural safety and safety of operations.
- 2) The location of the IWT should not lie within the notified boundary of a wildlife sanctuary declared under the provisions of the Wildlife Protection Act, 1972 and Forest Conservation Act, 1980 or any other notified area which prohibits such activity.
- 3) TDO shall ensure that all applicable environmental and pollution norms are complied with and maintained during development and operations of IWT.
- 4) TDO will be responsible for technical design and construction of the facility and ensure adequacy with respect to the business plan and land-side access (Road/Rail) to the facility. Access channel connecting IWT to the main channel of National Waterway will be developed and maintained by TDO at its own cost, under supervision of IWAI
- 5) TDO shall undertake to obtain all necessary clearances from the concerned Central and State Govts. and other authorities as required.
- 6) TDO will ensure and be responsible for complying with all applicable safety norms & regulations during development and operations of the IWT.



- 7) TDO will be responsible for payment of all applicable taxes, fee, charges and cess, etc.
- 8) TDO shall inform the Authority in writing regarding commencement of operations at the IWT within 15 days of commencement of operations.
- 9) TDO may charge fee from the users of its the IWT including terminal charges and any charges related to value added services provided at the IWT, subject to tariff regulations as per existing concession agreements or notifications by Competent Government/ Statutory agencies, if any.
- 10) Inland Waterways user charges shall be paid by the consignor or vessel operators to the Authority as per the rate and extant procedure prescribed by the Authority from time to time. A receipt against the payment of user charges shall be issued by the Authority. TDO shall be responsible for checking that the vessels berthed at the IWT have the valid receipts of inland waterways user charges corresponding to the previous and onward journeys before loading/unloading/sailing of vessels. TDO will inform the Authority on payment of waterway user charges by the shipper/ vessel operator loading/ unloading cargo at the IWT.
- 11) IWAI may direct the TDO to install an IT application at the IWT regarding operations to be integrated with the IT system/ Platform/ River Information System (RIS) of the Authority.
- 12) The Authority IWAI reserves the right of inspection of IWT at any time.
- 13) The vessels to be operated should be compliant with IV Act 2021 and as amended from time to time. Vessels should have valid Registration and Survey Certificate.
- 14) The location of the IWT shall not have any adverse implication on the fairway, channel or navigability of the waterway.

- 15) TDO shall ensure that the operations of the IWT will not cause hindrance to the plying of vessels in National Waterway.
- 16) The development, operation and maintenance of such IWT shall have no financial and risk liability on IWAI.
- 17) The TDO shall provide the complete data on cargo handled at the IWT on a monthly basis by the 2nd day of every subsequent month.
- 18) The TDO shall maintain record of berthing and loading/ unloading of vessels or other activities as may be required by IWAI from time to time.
- 19) The access channel connecting the main navigational channel of National Waterway to the IWT shall be developed and maintained by the TDO at its own cost. All the costs relating to changes in the planning or design of infrastructure of the IWT due to changes in access channel connectivity of the IWT shall be borne by the TDO.
- 20) TDO shall be allowed to operate the IWT for the validity period as per NoC and Regulations.