

THE INDIAN PORTS BILL, 2025

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Bill No. 65 of 2025

THE INDIAN PORTS BILL, 2025

A

BILL

to consolidate the law relating to ports, promote integrated port development, facilitate ease of doing business and ensure the optimum utilisation of India's coastline; establish and empower State Maritime Boards for effective management of ports other than major ports; establish the Maritime State Development Council for fostering structured growth and development of the port sector; provide for the management of pollution, disaster, emergencies, security, safety, navigation, and data at ports; ensure compliance with India's obligations under international instruments to which it is a party; take measures for the conservation of ports; provide for adjudicatory mechanisms for the redressal of port-related disputes; and address matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5

1. (1) This Act may be called the Indian Ports Act, 2025.

Short title,
commencement
and application.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision. 5

(3) Save as otherwise provided in this Act, the provisions of this Act,—

(a) shall apply to—

(i) all ports to which the provisions of the Indian Ports Act, 1908 applied immediately before the date of commencement of this Act; 15 of 1908.

(ii) all new ports notified under sub-section (1) of section 11; 10

(iii) any part of the navigable rivers or channels leading to such ports as may be notified by the appropriate Government in such form and manner as may be prescribed by the Central Government in consultation with the State Government;

(iv) all vessels within port limits; and 15

(v) all aircrafts making use of any part of the port, while on water, as they apply in relation to vessels; and

(b) shall not apply to—

(i) such port or navigable rivers or channels or vessels or class thereof, as the Central Government may, by notification, specify in this behalf; 20

(ii) any vessel or aircraft making use of any part of the port belonging to or exclusively servicing, for military or non-commercial service of the Government, the Indian Navy, Indian Coast Guard, customs authorities, Central Armed Forces and police and other agencies as may be notified by the Central Government; 25

(iii) any vessel belonging to or in the service of the Central Government or the State Government; or

(iv) any foreign vessel of war.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “appropriate Government” or “Government”, in relation to major ports, means the Central Government; and in relation to ports other than major ports, means the State Government; 30

(b) “Authority”, in relation to—

(i) major ports, means—

(A) the Board of Major Port Authority; or 35

(B) the board of directors, in case a port is registered as a company under the Companies Act, 2013; and 18 of 2013.

(ii) ports other than major ports, means the State Maritime Board of each State;

(c) “Board of Major Port Authority” means the Board constituted by the Central Government under sub-section (1) of section 3 of the Major Port Authorities Act, 2021, for each major port; 40 1 of 2021.

(d) “Chairperson” means the Chairperson of the Council;

80 of 1976.

(e) “coastal waters” means any part of the territorial waters of India, along with any part of the adjoining maritime zones of India within the meaning of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, or any other law for the time being in force;

5

(f) “concessionaire” means any person who has been granted any right, licence, permit or authorisation, by whatever name called, by the Government or the Authority, including by way of a concession agreement, for conducting all or any activity within a port;

10

(g) “conservator” means a person or body of persons appointed for each port or two or more ports by the Government under sub-section (I) of section 18;

(h) “convention” means an international convention to which India is a party;

(i) “Council” means the Maritime State Development Council established under section 3;

15

(j) “equipment”, in relation to a vessel, includes boats, tackle, machinery, boilers, cargo handling gear, pumps and any fitting, anchor, propeller, apparels, furniture, life-saving appliances of every description, spars, masts, rigging and sails, fog signals, lights, shapes and signals of distress, medicines and medical and surgical stores and appliances, charts, radio installations, appliances for preventing, detecting or extinguishing fires, buckets, compasses, axes, lanterns, loading and discharging gears and appliances of all kinds and all other stores and spares or articles belonging to or to be used in connection with or necessary for navigation, propulsion, security, pollution prevention and safety of the vessel;

20

(k) “existing port” means every port to which the provisions of the Indian Ports Act, 1908 applied, immediately before the commencement of this Act;

15 of 1908.

25

(l) “Magistrate” means a person exercising powers of the Magistrate under the Bharatiya Nagarik Suraksha Sanhita, 2023;

46 of 2023.

(m) “major port” means any port declared as such by the Central Government by notification in the Official Gazette, to be a major port;

30

(n) “master”, in relation to any vessel or aircraft making use of any port, means any person having for the time being the command or charge of the vessel or the aircraft, not being a pilot or harbour master or conservator of the port;

(o) “mega port” means major port or port other than major port, classified as a mega port under section 73;

35

(p) “mooring” means a fixed or floating structure or device which is used for the berthing and unberthing of any vessel or aircraft making use of a port, including shifting along the quayside, or is required for the safe operation of a waterborne vessel in the port or in the waterway access to the port;

40

(q) “new port” means any port, other than an existing port, notified under sub-section (I) of section 11;

(r) “notification” means a notification published in the Official Gazette and the term “notify” or “notified”, shall be construed accordingly;

(s) “owner”, in relation to—

45

(i) goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods; and

(ii) any vessel or aircraft making use of any port, includes any registered owner, charterer, consignee or mortgagee in possession thereof;

(t) “pilot” means any person for the time being authorised by the Government to pilot vessels;

(u) “port” includes any terminal, offshore terminal, shipyard, repair yard, ship breaking yard, bunkering station, captive jetties or roadstead or port facility or single buoy mooring which is normally used for the fuelling, re-fuelling, loading, unloading, embarkation or disembarkation of passengers, warehousing, building or repair or anchoring of vessels, or any other place at which a vessel can call, and any part of the navigable river or channel to which this Act extends, but shall not include any ship recycling activities;

(v) “port facility” means any location or area including anchorages or awaiting berths or approaches from seaward as determined by the Central Government, or such designated authority as the Central Government may, by notification, specify, where interface between vessels or a vessel and a port takes place;

(w) “port limits” means the defined boundaries of the area of a port notified under sub-section (1) of section 11;

(x) “port officer” means the conservator or harbour master or such other officers appointed under sub-sections (1) and (2) of section 18;

(y) “port service provider” means a person who carries out all or any of the port works;

(z) “port tariff” means a scale of rates published under sub-section (2) of section 47 for the fees or other charges leviable under section 46;

(za) “port user” means any person who avails the services of a port including port works;

(zb) “port works” includes,—

(i) designing, constructing, extending, maintaining, removing or demolishing—

(a) maritime structures and other buildings, structures, machineries, equipment and enclosures;

(b) railways, roads, bridges and embankments;

(ii) reclaiming land from the sea or a river and dredging;

(iii) supplying water, fuel or electricity to the port;

(iv) providing labour to the port;

(v) construction of dry docks, cruise terminal and water transport terminal;

(vi) construction of port infrastructure; and

(vii) any other services as may be notified by the Government;

(zc) “prescribed” means prescribed by rules made by the appropriate Government or by the Central Government in consultation with the State Government under this Act;

(zd) “regulations” means regulations made by the Council under this Act;

(ze) “Schedule” means a Schedule annexed to this Act;

(zf) “security” means maritime security and includes any measures undertaken by the owners or operators or persons in charge of the vessels or management of port facilities, offshore installations and other marine organisations or establishments, or undertaken by the Central Government, to protect ports or vessels or any person or thing relating directly or indirectly to maritime navigation,—

(i) against terrorism, sabotage, stowaways, illegal migrants, asylum seekers, piracy, armed robbery, seizure or pilferage; and

(ii) against any other hostile act or influence, which threatens the security in the maritime transport sector;

5 (zg) “State” means any State or Union territory in India having coastal location;

(zh) “State Government”, in relation to a Union territory, means the Administrator thereof;

10 (zi) “State Maritime Board” means the State Maritime Board referred to in sub-section (I) of section 13;

15 (zj) “vessel” includes every description of water craft used or capable of being used in the marine environment, such as ship, boat, sailing vessel, fishing vessel, submersible, semi-submersible, hydrofoils, non-displacement crafts, amphibious crafts, wing-in-ground crafts, pleasure crafts, barges, lighters, mobile offshore drilling units, mobile offshore units, or of any other description whether fitted with mechanical means of propulsion or not.

1 of 2021.
44 of 1958.

(2) Words and expressions used and not defined in this Act but defined in the Major Port Authorities Act, 2021 or the Merchant Shipping Act, 1958, shall have the meanings respectively assigned to them in those Acts.

20 CHAPTER II

MARITIME STATE DEVELOPMENT COUNCIL

3. (1) The Central Government shall, by notification, establish, for the purposes of this Act, a Council to be called the Maritime State Development Council.

Establishment of Council.

25 (2) The Council shall consist of the following members, *ex officio*, namely:—

(a) the Union Minister for Ports, Shipping and Waterways who shall be the Chairperson;

(b) the Minister-in-charge of ports of each State;

30 (c) the Minister-in-charge of the Union territory of Puducherry and the Administrators of all other coastal Union territories;

(d) the Secretary or equivalent rank to the Government of India in the Indian Navy dealing with coastal security, to be nominated by the Central Government in the Ministry of Defence;

35 (e) the Secretary or equivalent rank to the Government of India in the Indian Coast Guard dealing with coastal security, to be nominated by the Central Government in the Ministry of Defence;

(f) the Secretary to the Government of India in the Ministry of Ports, Shipping and Waterways, who shall be the Member Secretary of the Council.

40 (3) The Chairperson may invite such persons to the meetings of the Council, in such manner and subject to such conditions as may be specified by regulations.

(4) The Council shall transact business at its meetings in such manner as may be specified by regulations.

(5) No member shall receive any remuneration for the performance of its functions under this Act.

45 (6) Notwithstanding anything in any other law for the time being in force, the office of a member of the Council shall not be deemed to be an office of profit.

Powers of
Chairperson.

4. The Chairperson shall have the powers of general superintendence and directions in the conduct of the affairs of the Council and shall discharge other powers and functions of the Council as may be assigned to him under this Act.

Vacancies etc.,
not to invalidate
proceedings of
Council.

5. No act or proceeding of the Council shall be invalid merely by reason of,—

(a) any vacancy in, or any defect in the constitution of, the Council; or 5

(b) any defect in the appointment of a person acting as a member of the Council; or

(c) any irregularity in the procedure of the Council not affecting the merits of the case. , 10

Functions of
Council.

6. (1) The Council shall,—

(a) make recommendations to the Government on,—

(i) the adequacy of the existing legal framework or statutory compliances, with a view to provide for a more efficient and conducive framework for ports in India;

(ii) measures to facilitate growth of the port sector and to promote competition and efficiency in the operation of ports; 15

(iii) port connectivity and assessing the requirement of other infrastructure through road, rail, inland waterways transport, pipeline and conveyor;

(iv) any other matter relating to ports, as the Council may decide; and 20

(v) any other matter as may be referred to it by the Central Government or the State Government;

(b) discharge the following functions, in consultation with the Central Government and the State Governments, namely:—

(i) to advise the Central Government on the formulation of the national perspective plan referred to in section 12; 25

(ii) issue guidelines in respect of the following, namely:—

(A) the data or information to be collected by ports and the manner of collection, storage, updation and submission of such data or information to the Council; 30

(B) to provide for the manner in which any information, records, data and research studies relating to ports, shall be disseminated, including the grant of public access thereto;

(C) for ensuring transparency of port tariff;

(c) perform such other functions including administrative and financial functions as may be entrusted to it by the Central Government. 35

(2) While discharging its functions, the Council shall exercise transparency and take into account the optimum management and utilisation of the available coastline, appropriate cost of logistics through multi-modality, national development priorities, sustainability and issues of national security. 40

(3) Where the Council considers it expedient so to do for the purpose of discharging its functions under sub-section (1), it may, by order in writing, call upon the Authority, port or any person, at any time to furnish in writing, such information as the Council may require.

7. (1) The Central Government may make available to the Council such officers and employees as it considers necessary for the efficient discharge of the functions of the Council under this Act. Employees of Council.
- (2) The salary and allowances payable to, and the other conditions of service of the employees of the Council shall be such as may be prescribed by the Central Government. Grants by Central Government.
8. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Council grants of such sums of money as are required by it to discharge its functions under this Act. Delegation of powers of Council.
9. The Council may, by general or special order in writing, delegate to any member or employee of the Council, subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act, except the power to make regulations or to issue guidelines, as it may deem necessary.
- CHAPTER III**
- PORT AND PORT LIMITS**
10. No port shall commence or carry on operations therein unless it is,— Port operations.
- (a) an existing port; or
- (b) a new port notified under sub-section (1) of section 11:
- Provided that the Government may, by notification, declare a port or part thereof non-operational in the following cases, namely:—
- (i) if such port or part thereof has been non-operational for a continuous period of ten years; or
- (ii) in the interest of national security; or
- (iii) for any other reason, as the Government may deem fit.
11. (1) The Government may notify a new port and alter the limits of any port: Notification of new port and alteration of port limits.
- Provided that any notification issued under this sub-section for alteration of port limits shall not have retrospective effect.
- (2) The Central Government in consultation with State Government shall prescribe the norms, form and manner for declaring a new port and for altering the port limits under sub-section (1).
12. (1) The Central Government may formulate a national perspective plan so as to meet the requirements of the maritime trade and to prioritise associated infrastructure development. Adherence to national perspective plan and guidelines issued by the Council.
- (2) The Central Government, State Governments and the Authority shall endeavor to adhere to the national perspective plan formulated by the Central Government and the guidelines issued by the Council.

CHAPTER IV

STATE MARITIME BOARDS

13. (1) Every State Maritime Board established or constituted by the State Government under the Acts specified in the Third Schedule, shall be deemed to be duly established or constituted for the purposes of this Act: Establishment of State Maritime Board.
- Provided that where the State Maritime Board has not been established or constituted, the State Government may, by notification, establish a State Maritime Board within six months from the date of commencement of this Act:

Provided further that where the functions of the State Maritime Board are discharged by a body of persons or a department of the State Government, that Government may notify such body of persons or department, as the State Maritime Board for the purposes of this Act.

(2) The State Maritime Board shall be a distinct legal entity, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued. 5

(3) The head office of the State Maritime Board shall be at such place as the State Government may, by notification, specify in this behalf. 10

Transfer of
assets and
liabilities, etc.

14. (1) On and from the date of establishment or the date of notification of the State Maritime Board under sub-section (1) of section 13, the State Government shall transfer to the State Maritime Board, and vest, amongst other things,—

(a) all port land, property, assets, funds, interest in property and all rights to levy rates vested in the State Government; 15

(b) all rates, fees, rents and other sums of money due to the State Government; and

(c) every employee serving under the State Government before such date solely or mainly for or in connection with affairs of the port.

(2) All debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done with or for the State Government till the date of establishment or the date of notification of the State Maritime Board under sub-section (1) of section 13, shall be deemed to have been incurred, entered into or done by, with or for the State Maritime Board, and all suits or other legal proceedings instituted by or against the State Government till the date of establishment or the date of notification of the State Maritime Board, be continued or instituted by or against the State Maritime Board. 20 25

Functions of
State Maritime
Board.

15. (1) Every State Maritime Board shall be responsible for the effective administration, control and management of ports other than major ports within the territory of the respective State and for the said purpose, shall perform the following functions, namely:— 30

(a) initiating plans for development of ports;

(b) promoting the use, development and improvement of ports;

(c) executing such works within or outside the limits of ports and providing such appliances to ports, as the Board may deem expedient or necessary; 35

(d) exercising licensing functions in respect of infrastructure and services of ports;

(e) exercising supervision and control over all port works, including port works contracted out to third parties;

(f) regulating and controlling navigation within the limits and the approaches to the ports; 40

(g) fixing of port tariff;

(h) developing new ports, subject to obtaining security clearance as per the guidelines issued by the Central Government;

(i) protecting ecological balance and safeguarding social and environmental issues; 45

(j) advising or issuing directions in relation to matters referred to the Board by the State Government;

(k) providing or ensuring the provision of such other services and facilities which may be considered necessary for the efficient operation of ports; 50

(l) ensuring compliance with the provisions of this Act and the rules made thereunder;

(*m*) carrying out all other functions that are or may be notified by the State Government.

(2) The State Maritime Board shall ensure transparency in the exercise of its powers and discharging of its functions.

5 (3) The State Maritime Board may, for the purposes of discharging its functions under sub-section (*I*), issue such directions from time to time, in writing, to any port or port officer, as it may consider necessary, and such port or port officer shall comply with such directions.

CHAPTER V

10 ADJUDICATION OF DISPUTES

16. (*I*) Every State Government shall, by notification, constitute a Dispute Resolution Committee consisting of not less than three members, for the purposes of adjudicating any dispute arising between ports other than major ports, concessionaires, port users and port service providers within the State, unless the parties have agreed to arbitration or any other dispute resolution mechanism forming part of the concession agreement, licence, permit or authorisation.

Resolution of disputes.

(2) An application for adjudication of any dispute referred to in sub-section (*I*) shall be made to the State Maritime Board in such form and manner as may be prescribed by the State Government and the State Maritime Board shall refer the application to the Dispute Resolution Committee.

(3) The Dispute Resolution Committee shall, after giving the parties an opportunity of being heard, pass an order in writing within a period of six months from the date of receipt of the application by it:

25 Provided that where the Dispute Resolution Committee is unable to dispose of such dispute within the stipulated period of six months, it may extend the period of disposal upto three months at a time, with reasons to be recorded in writing, but such period including extended period, shall not exceed twelve months in any case.

(4) The Dispute Resolution Committee shall, for the purposes of discharging its function under sub-section (*I*), have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

5 of 1908.

(*a*) the discovery and production of books of account and other documents;

35 (*b*) summoning and enforcing the attendance of persons and examining them on oath;

(*c*) issuing commissions for the examination of witnesses or documents; and

(*d*) any other matter which may be prescribed by the State Government.

(5) Any party aggrieved by an order of the Dispute Resolution Committee under sub-section (*3*), may prefer an appeal to the High Court of the appropriate jurisdiction, within sixty days from the date on which a copy of the order is received by the party.

17. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Dispute Resolution Committee is empowered by or under this Act to determine.

Civil court not to have jurisdiction.

CHAPTER VI

45 PORT OFFICERS

18. (*I*) The Government shall appoint such officers or body of persons to be the conservator for every port, or for two or more ports.

(2) Every port shall appoint a harbour master or such other officers of the port as may be prescribed by the appropriate Government.

50 (3) The terms and condition of service of the officers appointed under sub-sections (*I*) and (*2*) shall be such as may be prescribed by the appropriate Government.

Appointment of conservator, harbour master and other port officers.

(4) The conservator shall be subject to the control of the Government and the Authority.

(5) All officers operating in a port shall be subject to the supervision and control of the conservator.

(6) The conservator may, with the approval of the Government, delegate such of its powers to such persons, as may be prescribed by the appropriate Government. 5

Powers of conservator to issue directions.

19. (1) Subject to the provisions of this Act, the conservator may, with respect to any vessel within the port, issue such directions as may be necessary for carrying out the provisions of this Act or the rules made thereunder.

(2) Without prejudice to the generality of the foregoing power, the conservator may issue directions relating to all or any of the following matters, namely:— 10

(a) the berthing, mooring or anchoring including the method of anchoring, of a vessel;

(b) the removal of the vessel from any place within the port to any other place and the time within which such removal is to be effected; 15

(c) the regulation, restriction or prohibition of movement of vessels in the port and the approaches to the port;

(d) requiring the master of any vessel to place at his disposal, such number of crew as may be deemed fit, for the purpose of preventing or extinguishing fire or for any other matter under this Act; 20

(e) prohibiting any vessel from entering or leaving the port, where such vessel fails to comply with the provisions of this Act or any other law for the time being in force or the rules, regulations or directions issued thereunder;

(f) cutting, or causing to be cut, any warp or rope endangering the safety of any vessel in the port. 25

(3) If any person refuses or neglects to obey any direction of the conservator under this section, the conservator may cause or cause to be done, all necessary acts for execution of the directions and may hire and employ suitable persons for this purpose, and all expenses incurred in this behalf shall be recoverable from the person for such refusal or neglect. 30

Removal of obstructions within port limits.

20. (1) The conservator may remove, or cause to be removed, either on his own or through external agency or through a port officer, any obstruction in any part of a port, which in his opinion obstructs the operation of a port or part thereof or any other work on any part of the shore or bank within the port limits.

(2) The owner of any such obstruction shall be liable to pay the reasonable expenses of the removal thereof. 35

(3) If the owner of any such obstruction fails to pay the reasonable expenses incurred in the removal thereof, the conservator may sell the vessels, wreck, material or any other thing forming the obstruction in public auction and recover expenses incurred for such removal from the proceeds of the sale, and shall pay the surplus of such proceeds, or deliver the unsold parts of the obstruction, to the person entitled to receive the same and if no such person is available, the conservator shall cause the same to be kept and deposited in such manner as the Government directs. 40

(4) The conservator may, if necessary, from time to time, realise the expenses of keeping the obstruction, together with the expenses of sale, by a further sale of such part of the obstruction as may remain unsold. 45

(5) If the obstruction exists on account of any permit, grant, licence or other lawful instrument issued by the Government, then the conservator shall report the same to the Government, and, with the previous sanction of the Government, cause the same to be removed or altered in such manner, making reasonable compensation to the owner of such obstruction, to be determined on the basis of such factors, as may be prescribed by the appropriate Government. 50

Explanation.— For the purposes of this section, the term “obstruction” includes any structure or a vessel or wreck or part thereof, or any material such as cargo, bunker or pollutant or such other thing or any public nuisance, impeding or likely to impede the operation of the port.

5 **21.** The Government may, by notification, specify restrictions on certain activities within port limits which may cause any impediment to the navigation in a port.

Power to specify restrictions on activities within port limits.

22. (1) If any vessel hooks or gets foul of any of the buoys or moorings laid down by the conservator in a port, the master of such vessel or any other person shall not, except in case of emergency, lift the buoys or moorings for the purpose of unhooking or getting clear from the same without the assistance of the conservator.

Fouling of moorings.

 (2) The conservator, immediately on receiving notice of any emergency, under sub-section (1), shall assist and superintend the clearing of such vessel and the master of such vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same.

15 **23.** (1) The conservator, or any person appointed under this Act to receive fees or charges related to any vessel, may, when necessary for the performance of duties under this Act, board any vessel or enter any building or place within the port limits, either alone or accompanied by any other person or body of persons.

Power to board vessels and enter buildings.

 (2) No master of a vessel or any person in possession or occupation of the building or place shall without lawful excuse refuse the conservator or any person or body of persons to board or enter such vessel, building or place.

24. (1) The Government may appoint an empanelled medical practitioner as the health officer to carry out the functions of the health officer at any port.

Appointment and powers of health officer and prevention of contagious diseases.

 (2) The health officer shall possess such qualification, experience and be subject to such other terms and conditions of service as may be prescribed by the appropriate Government.

 (3) The health officer shall, subject to the control of the Government, have the following powers, within the port limits, namely:—

30 (a) to inspect the provisions, water, sanitation and accommodation within vessels;

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

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

 (d) to summon and question any person for any purpose, to require responses from the person questioned, and to make and sign a declaration affirming the truth of the statements made by such person.

40 (4) Whenever any infectious or contagious disease has broken out or is reasonably suspected to break out at any port or part thereof, the appropriate Government may—

 (a) declare such port or part thereof as an infected zone, and require all persons coming out from an infected zone to be medically inspected or examined by a health officer; and

 (b) prescribe the measures to be taken at such infected zone.

45 (5) Whenever any infectious or contagious disease has broken out or is reasonably suspected to break out in vessels arriving at, or being in, any port,—

(a) the conservator shall take such action, and pass such directions to such persons for the prevention or containment of the spread of any infectious or contagious disease, as may be prescribed by the Central Government in consultation with the State Government;

(b) the master shall report the particulars of any such disease to the Government or the conservator in such manner as may be prescribed by the Central Government in consultation with the State Government. 5

(6) The health officer, along with such person or body of persons authorised by the Government, may board the vessel for medical inspection of vessels and of persons on board the vessels. 10

Indemnity of Government against act or default of port officers or pilot.

25. The Government shall not be liable for any act or default of any conservator, harbour master or other port officers or of any deputy or assistant of any of the authorities aforesaid or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any pilot or for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the vessel: 15

Provided that nothing in this section shall protect the Government from a suit in respect of any act done by or under the express order or sanction of the Government. 20

CHAPTER VII

SAFETY AND CONSERVATION OF PORTS

Damage to property of port.

26. (1) No person shall, without lawful excuse, remove, destroy or damage any property including any pier or wharf belonging to, or in the custody or possession of, the port, or hinder or prevent such property from being used or operated in the manner it is intended to be used or operated. 25

(2) Any person who does any act in violation of the provisions of sub-section (1), shall, in addition to any other penalty specified under column (4) of the Second Schedule, be liable to pay such expenses, as the conservator may determine to be just and reasonable, on the basis of such factors, as may be prescribed by the appropriate Government for any loss, destruction or damage suffered by the port, including the expenses of any inspection or survey carried out, having regard to the circumstances of the case. 30

Warping.

27. Every master of a vessel in any port shall, when directed by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until so directed by the conservator. 35

Master to take order to extinguish fire.

28. Every master of a vessel lying in any port shall take order to extinguish any fire on the vessel, and co-operate with the conservator or any person acting under the authority of the conservator, in extinguishing or attempting to extinguish any fire on the vessel. 40

Offences in connection with safety of vessels, etc.

29. (1) No person shall wilfully and without lawful excuse,—

(a) loosen or remove from its moorings or from its fastenings any vessel in the port without leave or authority from the master or owner of such vessel; or

(b) lift, injure, make a vessel fast to, loosen or set adrift any moorings, buoys, beacons or sea or landmarks; or 45

(c) discharge any firearm in the port; or

(d) do or omit to do any act on board any vessel in the port which has caused or likely to cause fire; or

(e) use a vessel in the port which is in such a state that by reason of the defective condition of its hull, equipment or machinery, or by reason of under-manning or otherwise, the life of any person or the safety of any other vessel navigating in the port is likely to be endangered.

5 (2) No master of a vessel shall cause or suffer any warp or hawser attached to his vessel to be left out in any port in such a manner as to endanger the safety of any other vessel navigating in the port.

10 (3) No person shall grave, bream or smoke any vessel in the port, or boil or heat any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within port limits, if such act is prohibited by the Government, or contrary to the orders or directions of the conservator.

30. No person, without the permission of the conservator shall, in any port, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.

15 **31.** No person shall, except with the permission of the conservator and under the supervision of such person as may be appointed by the conservator, in any port,—

(a) disturb the existing waterbed or geophysical structures or any artificial protection or constructions or shore of the port; or

(b) sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing; or

20 (c) do any other thing which is likely to cause damage to such bank or shore.

32. (1) No vessel shall enter, leave or be moved in any port without having a pilot, harbour master or any port officer on board, unless,—

(a) upon application to the proper officer the master was unable to procure a pilot, harbour master or port officer to go on board the vessel;

25 (b) an authority in writing has been obtained from the conservator or any officer authorised to give such authority:

Provided that the Government may, by notification, direct that in any port as may be specified therein, the provisions of this sub-section shall not apply to sailing vessels of any measurement not exceeding a measurement so specified therein.

30 (2) Notwithstanding anything in sub-section (1), the owner or master of a vessel, shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel.

35 **33.** A port officer shall, if required by an officer authorised by a general or special order of the Central Government, cooperate as directed by the officer, in carrying out manoeuvres related to the defense of the port in time of war, or for the security of the port against sub-conventional or non-traditional threats, or natural disasters, and, if necessary, temporarily make available the services of their staff, vessels, property, equipment or other resources:

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

45 *Explanation.*— For the purposes of this section, the expression “running expenses” shall include all expenses incurred in connection with the use of the vessels other than any charges for their hire or for the wages of the officers and crews of such vessels.

34. (1) The Authority may issue guidelines for the purposes of regulating the following matters and activities, namely:—

Unauthorised person not to search for lost stores.

Injuring banks or shores of port prohibited.

Moving of vessels without pilot or permission of harbour master or port officer.

Port officer to co-operate in manoeuvres for defence of port.

Authority and Director-General to regulate certain activities.

(a) the vessel movement and safety of navigation, including determining the schedules and procedural protocols for vessel entry, departure, and transit within port limits;

(b) assigning the berths, including designating specific berths, stations, and areas for vessel docking in the port; 5

(c) the anchor and equipment management, focusing on the correct stowage and positioning of cargo gear, anchors, and other external apparatus on vessels;

(d) the cargo and passenger operations, including regulating locations and methods for passenger embarkation and loading and unloading of cargo; 10

(e) standards for bunkering practices and equipment for vessel fueling operations;

(f) specifying the requirements for the clear passage to ensure designated safe passage areas are maintained near docking structures and within port limits;

(g) standards and procedure for mooring and anchoring of vessels and related equipment; 15

(h) specifying the access and usage protocols for Government-owned docking and storage facilities;

(i) standards and procedures for licensing various maritime transport vessels and the conditions for license renewal or revocation; 20

(j) specifying protocols for the consistent and safe use of visual and signal aids by vessels and ports;

(k) standards relating to occupational health, safety and security of dock workers, seafarers and port visitors; and

(l) the protocols to ensure seafarer and port workers' welfare-related resources and activities. 25

(2) The Director-General may also issue such guidelines on any of the matters and activities specified in sub-section (1), as may be deemed necessary, from time to time.

(3) Any guidelines issued by the Authority under sub-section (1), shall be in conformity with the guidelines issued by the Director-General under sub-section (2). 30

Explanation.— For the purposes of this section, “Director-General” means the Director-General appointed under the Merchant Shipping Act, 1958. 44 of 1958.

CHAPTER VIII

PREVENTION, CONTAINMENT OF POLLUTION AND RESPONSE

Definitions. 35 **35.** In this Chapter, unless the context otherwise requires,—

(a) “Ballast Water Management Convention” means the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, 2004;

(b) “cargo residues” means the remnants of any cargo material on board which remain on the deck or in holds or tanks following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash-water, but does not include cargo dust remaining on the deck after sweeping or dust of the external surfaces of the vessel; 40

(c) “MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships, 1973, including its Protocol of 1978; 45

(d) “reception facility” means any facility which is fixed, floating or mobile and capable of providing the service of receiving the waste from vessels;

(e) “waste from vessels” or “vessel-generated waste” means every waste, including cargo residues, which is generated during the service of a vessel or during loading, unloading and cleaning operations and which falls within the scope of Annexes I, II, IV, V and VI to the MARPOL Convention and the Ballast Water Management Convention.

36. Every port shall provide reception facilities adequate to meet the needs of vessels without causing undue delay to vessels, in compliance with the provisions relating to reception facilities specified in Annexes I, II, IV, V and VI of the MARPOL Convention or with the requirements of Article 5 of the Ballast Water Management Convention, as applicable, based on such conditions as may be prescribed by the Central Government in consultation with the State Government.

Reception facilities.

Explanation.— For the purposes of this section, the term “adequate” means capable of receiving the types and quantities of wastes from vessels normally using that port, taking into account the operational needs of the port users, its size and geographical location and the types of vessels calling at that port.

37. Where in respect of any port it appears to the Central Government, on the basis of the audit conducted under section 42 or otherwise, that the port has no reception facilities or if the port has such facilities, those facilities are not adequate within the meaning of section 36, the Central Government or an officer authorised by it may, by order in writing, direct the port to provide, or arrange for the provision of, such reception facilities as may be specified in that order.

Direction to provide adequate reception facilities.

38. (1) Every port shall prepare a port waste reception and handling plan in such form and manner as may be prescribed by the Central Government in consultation with the State Government.

Port waste reception and handling plans.

(2) Upon approval of the port waste reception and handling plan by the Central Government, such plan shall be implemented by the port.

(3) Every port shall communicate such information about the port waste reception and handling plan to vessels in such manner as may be prescribed by the Central Government in consultation with the State Government.

39. The operator, agent or master of a vessel bound for India shall submit an advance waste notice to the port of call in such form and manner and within such time period as may be prescribed by the Central Government in consultation with the State Government.

Advance waste notice.

40. (1) Subject to such conditions as may be prescribed by the Central Government in consultation with the State Government, the master of a vessel calling at a port shall, before leaving that port, deliver all its vessel-generated waste carried on board to a reception facility.

Delivery of vessel-generated waste.

(2) Upon delivery, the port where the waste was delivered shall issue the waste delivery receipt to the master of the vessel in such form and manner as may be prescribed by the Central Government in consultation with the State Government.

41. (1) A port providing reception facilities or a person providing such facilities by arrangement with the port may levy such charges for the use of the facilities.

Charges for vessel-generated waste.

(2) The reception facility provided at the port shall be made available for use by any vessel subject to such conditions as may be imposed by the port and on payment of the charges referred to in sub-section (1).

42. (1) The Central Government shall audit every port at such intervals and in such manner as may be prescribed by the Central Government in consultation with the State Government.

Audit of ports.

(2) The audit under sub-section (1) shall be carried out for the purposes of checking the availability and adequacy of reception facilities in accordance with this Chapter and the rules made thereunder, and shall include audit of such pollution containment equipment as may be specified by the Central Government, from time to time. 5

Maintenance of information on portal.

43. The following information shall be uploaded electronically in such manner and by such persons as may be notified by the Central Government, namely:—

- (a) advance waste notice under section 39;
- (b) waste delivery receipt under sub-section (2) of section 40;
- (c) request by a vessel for availing reception facilities; and 10
- (d) such other matters as may be notified by the Central Government.

Measures for prevention or containment of pollution.

44. (1) Every port shall report the particulars of any incident that threatens or is likely to pose a threat of pollution to the coastal waters or related interests, to the Government, in such manner as may be prescribed by the Central Government in consultation with the State Government. 15

(2) Where the Central Government is satisfied that an incident which threatens or is likely to pose a threat of pollution to the coastal waters or related interests has taken place or is likely to take place, it may direct the port or State Government or the Authority or organisation, as may be applicable, to take such action for the prevention or containment or threat of such pollution in accordance with the applicable law. 20

Explanation.— For the purposes of this section, the expression “coastal waters” shall mean and include any part of the territorial waters of India, along with any part of the adjoining maritime zones of India or any marine area adjacent thereto over which India has, or, may hereafter have, exclusive jurisdiction in regard to control of marine pollution under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, or any other law for time being in force. 25 80 of 1976.

Directions for securing compliance.

45. The Government may issue directions to any port or port officer to comply with any of the provisions of this Chapter. 30

CHAPTER IX

LEVY OF FEES AND OTHER CHARGES

Levy of fees and other charges.

46. There shall be leviable such fees or other charges in each of the ports in respect of—

- (a) consideration payable to the port by owners or agents of vessels or shippers *in lieu* of services rendered by such port including but not limited to— 35
 - (i) providing usage of or access to all or any part of the port;
 - (ii) loading or unloading of cargo;
 - (iii) embarking or disembarking of passengers;
 - (iv) storage of materials; 40
 - (v) supplying provisions or equipment to vessels;
 - (vi) handling, storing and transporting goods on land adjoining ports and for the handling of passengers carried by the vessels;
 - (vii) embarking or disembarking of masters, crew and other personnel, if payable; 45
 - (viii) repairing of vessel;

(ix) providing aids to navigation within the port limits;

(x) carrying passengers or goods between vessels in the port or port approaches;

5 (xi) stevedoring, landing and shipping of passengers or goods from or to such vessels;

(xii) wharfage, storage or demurrage of goods on any such place;

(xiii) pilotage and berth hire;

(xiv) towage; and

(xv) waterfront royalty;

10 (b) consideration payable by or to the port for port works pertaining to the maintenance of ports;

(c) realisations from usage of land and property belonging to, or in the possession or occupation of, the Authority.

47. (1) (a) The port tariff for every major port shall be fixed by—

Port tariff.

15 (i) the Board of Major Port Authority or such person or body of persons authorised by it; or

(ii) the board of directors, in case a port is registered as a company under the Companies Act, 2013;

18 of 2013.

20 (b) the port tariff for every port other than major port shall be fixed by the respective State Maritime Boards or such concessionaire as may be authorised by the concerned State Maritime Board.

(2) The port tariff fixed under sub-section (1) shall be published electronically by the Authority or concessionaire or person or body of persons, responsible for fixing the port tariff.

25 (3) The port tariff fixed under sub-section (1) shall come into effect after expiry of a period of thirty days from the date of its publication.

(4) The Council may issue guidelines on any matter relating to transparency of port tariff including the components thereof.

30 (5) The Authority may, based on any recommendation by the Government, in special cases exempt or, remit the whole or any portion of the fees or other charges due or payable under this Act.

35 **48. (1)** The Government shall, by notification, authorise at any port, an officer or body of persons who may receive the fees or other charges payable under this Act and to expend the receipts thereof, subject to such conditions as may be specified in the notification.

Receipt of fees or other charges.

(2) The officer or body of persons authorised to receive fees or other charges, shall issue a receipt *in lieu* of such fees or other charges, in such form and manner as may be prescribed by the appropriate Government, containing the following particulars, namely:—

40 (a) name of the issuing office;

(b) the port or place at which the fees or other charges due or payable is paid; and

(c) the name, gross tonnage and other proper description of the vessel in respect of which the payment is made, as applicable.

Owner, agent or master to report arrival.

49. The owner, agent or master of every vessel liable to pay any other fees or other charges shall, on arrival of such vessel within the port limits, report her arrival to the conservator in such form, manner and within such time as may be prescribed by the Central Government in consultation with the State Government.

Detention and sale on refusal to pay fees or other charges.

50. (1) If the master of any vessel in respect of which any fees or other charges are payable under this Act refuses or fails to pay the same on demand, the officer or body of persons authorised under sub-section (1) of section 48 may detain or arrest the vessel or any part thereof, until the amount due is paid. 5

(2) In case any part of the fees or other charges, or of the costs of the detention or arrest or of the keeping of the vessel detained or arrested remains unpaid for fifteen days after any such detention or arrest, such officer or body of persons may cause the vessel detained or arrested to be sold, and with the proceeds of such sale, may recover the fees or other charges and the cost including the costs of sale remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand: 10

Provided that where such vessel is already arrested under the order of a court or other authority, the authority appointed to receive fees or other charges, may sell the vessel or part thereof only with the prior permission of such court or other authority and recover the fees or other charges due and the costs including costs of sale remaining unpaid, and disburse the surplus, if any, in accordance with the orders or directions of such court or other authority. 15 20

(3) Where the sale proceeds of the vessel is insufficient to satisfy the fees or other charges due and the cost including the costs of sale remains unpaid, the authority appointed to receive such fees or other charges due may, by order in writing direct the owner of the vessel to pay the unpaid balance, within one month of issuance of such order. 25

Grant of port-clearance.

51. No port-clearance shall be granted to any vessel until the owner or master or agent or port user has paid or secured to the satisfaction of the officer granting the clearance the amount of all fees or charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act.

Master not to evade payment of fees or other charges.

52. (1) No master of a vessel shall evade the payment of any fees or other charges required to be paid under this Act. 30

(2) In any proceeding before a Magistrate, any document issued by the officer empowered to grant port clearance under section 51 stating that the master has evaded such payment shall be sufficient proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure. 35

(3) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section. 40

CHAPTER X

PENALTIES AND PROCEDURES

Offences and penalties.

53. (1) Whoever contravenes any provision of this Act or fails to comply with any provision thereof, shall be liable to penalty under this Act and, if, in respect of any offence or contravention no punishment or penalty is specially provided, shall be liable to penalty which may extend to ten thousand rupees, and if the breach is a continuing one, with further penalty which may extend to one thousand rupees for every day, after the first day, during which the breach continues. 45

(2) The offences mentioned in column (2) of the First Schedule, shall be punishable to the extent of punishment mentioned in the corresponding column (4) of that Schedule against the offence specified in column (2) of that Schedule. 50

Explanation.— For the purposes of this sub-section, where any offence is attributable to a port under column (2) of the First Schedule, the fine specified for such offence under column (4) thereof, shall be payable by the Authority; or by the concessionaire where such port is operated by the conservator.

5 (3) Whoever contravenes any provision mentioned in column (2) of the Second Schedule, shall be liable to the extent of penalty mentioned in the corresponding column (4) of that Schedule against the contravention specified in column (2) of that Schedule.

10 **54.** (1) The authority for imposing the penalty under the Second Schedule shall be the conservator.

Authority for imposition of penalty and procedure therefor.

(2) For the purposes of imposition of penalty under this Chapter, where the conservator is a body of persons, the authority for imposition of penalty shall mean, one person appointed from amongst such body of persons, in such manner as may be prescribed by the appropriate Government.

15 (3) The conservator shall, before imposing any penalty specified under the Second Schedule, give the parties an opportunity of being heard.

(4) Every order of imposition of penalty under this section shall be in writing.

20 (5) Any contravention of the provisions of this Act for which penalty has been provided may be compounded for the first contravention by such officer as may be notified by the Central Government in this behalf.

55. No Court inferior to that of a Judicial Magistrate of the first class shall take cognizance of any offence specified under the First Schedule.

Cognizance of offences.

25 **56.** Any person who wilfully fails to comply with any order of the Dispute Resolution Committee against which no appeal has been preferred, shall be liable to a penalty which may extend to one lakh rupees, and in addition, penalty which may extend to one thousand rupees for every day during which such default continues.

Penalty for wilful failure to comply with orders of Dispute Resolution Committee.

57. No person shall,—

Penalty for failure to furnish information, etc.

30 (a) make any statement or furnish any document which the person knows or has reason to believe to be false in any material particular; or

(b) omit to state any material fact knowing it to be material; or

(c) wilfully alter, suppress or destroy any document which is required to be furnished.

35 **58.** Any fine imposed by the Magistrate under the First Schedule, or, penalty imposed by the conservator under the Second Schedule, may be recovered by distress and sale of the vessel or part thereof, as may be deemed necessary.

Recovery of fine or penalty.

59. (1) Any dispute as to the sum to be paid as expenses or damages under this Act shall be determined by a Magistrate upon an application made for that purpose by either of the disputing parties.

Recovery of expenses and damages.

40 (2) Any sum payable as expenses or damages under this Act which does not exceed twenty thousand rupees may be recovered by the conservator or the Magistrate, as if it were a penalty or fine.

45 **60.** Whenever any penalty, fine, expenses or damages is or are levied under this Act by distress and sale, the cost of distress and sale may be levied in addition to such penalty, fine, expenses or damages, in the manner specified in section 59.

Cost of distress.

Magistrate to determine amount to be levied in case of dispute.

61. If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under section 60, the person making the distress or arrest may detain the goods seized or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate who, upon an application made for that purpose, may determine the amount and award such costs to be paid by either of the parties to the other of them as the Magistrate may deem reasonable and payment of such costs if not paid on demand, shall be enforced as if they were a fine. 5

Place of trial and jurisdiction.

62. (1) Any person committing any offence under this Act may be tried for such offence in any place in which that person may be found, or before any Magistrate having jurisdiction over any district or place adjoining the port in which the offence takes place, or in any court in which that person may be tried under any other law for time being in force. 10

(2) The Magistrate referred to in sub-section (1) may exercise all the powers of a Magistrate under this Act in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits and in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction. 15 20

Offences by companies.

63. (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: 25

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. 30 35

Explanation.— For the purpose of this section, —

(a) “company” means anybody corporate and includes a co-operative society, a firm, a limited liability partnership registered under the Limited Liability Partnership Act, 2008 or other association of individuals; and 6 of 2009.

(b) “director”, in relation to a firm, means a partner in the firm. 40

CHAPTER XI

MISCELLANEOUS

Service of documents.

64. (1) Where, for the purposes of this Act any document is to be served on any person, that document may be served in any case by delivering a copy thereof personally to the person to be served or by leaving the same at his last place of residence, or by post. 45

(2) If the document is to be served—

(a) on the harbour master of a port, where there is one, by leaving the same for him at the port, with the person being or appearing to be in command of the port; 50

(b) on the master of a vessel, where there is one, by leaving the same for him on board that vessel, with the person being or appearing to be in command or charge of the vessel; and

5 (c) on the master of a vessel, or if there is no master and the vessel is in India, on the owner of the vessel, or, if such owner is not in India, on any agent of the owner residing in India, or, where no such agent is known or can be found, by affixing a copy thereof on the vessel or at a suitable place on the bridge.

10 **65.** (1) In any port where hoisting is mandated by the conservator, no vessel shall hoist, carry or wear, any flag, jack, pennant or colours, the use whereof is unlawful.

Hoisting
unlawful colours
in port.

(2) Every foreign vessel calling at a port in India shall hoist the flag of the flag State of the vessel and the flag of the Republic of India.

15 **66.** (1) Every port shall frame an emergency preparedness and response plan for the purposes of safety, security, disaster management and pollution incidents in accordance with applicable law.

Emergency
preparedness
and response
plan.

(2) The plan referred to in sub-section (1) shall be submitted to the Central Government for its approval in such manner as may be directed by the Central Government in consultation with the State Government.

20 (3) The Central Government may grant approval to the plan after taking into consideration such factors as may be notified by the Central Government in consultation with the State Government.

(4) The conservator may issue directions for the implementation of the approved plan and the Central Government may audit such implementation.

25 (5) The Central Government may, either *suo motu* or on the basis of an audit under sub-section (4), issue directions to any person in order to ensure compliance with the provisions of this section and put in place a national emergency response mechanism.

30 **67.** Every port shall report the particulars of any incident such as property damage, vessels sinking, vessel collisions or fire, in such manner as may be prescribed by the Central Government in consultation with the State Government.

Reporting of
incident.

68. Every port shall provide such shore based welfare services as may be prescribed by the Central Government in consultation with the State Government, for seafarers of vessels calling at the port.

Shore based
welfare services
for seafarers.

35 **69.** (1) The Central Government may, by notification, direct a port to adopt a mechanism for electronically integrating such port related data as may be notified by the Central Government in consultation with the State Government, with the port community system or any other centralised system.

Port community
system and
vessel traffic
service.

(2) Every port shall maintain vessel traffic service within the port limits in accordance with applicable law.

40 *Explanation.*— For the purposes of this section, the expressions,—

45 (a) “port community system” means a secure electronic system integrating the trade related information submitted and exchanged therein, serving as a centralised portal for ports and other relevant stakeholders in accordance with the Convention on Facilitation of International Maritime Traffic, 1965 or any other requirement as may be directed by the Central Government;

(b) “vessel traffic service” shall have the same meaning as assigned to it in the Marine Aids to Navigation Act, 2021.

Order for securing compliance.	<p>70. The Central Government may issue directions to such port, port facility, port officer, or person, to ensure compliance with any other laws for the time being in force and the provisions of the Merchant Shipping Act, 1958 relating to the safety and security of port facilities.</p>	44 of 1958.
Prior clearance.	<p>71. Any port undergoing a change in substantial ownership or effective control shall obtain a prior clearance from the Central Government or a person authorised by it, in such form and manner and within such time as may be notified by the Central Government in consultation with the State Government.</p>	5
Obligations of ports under international conventions.	<p>72. (1) Every port shall ensure that the obligations under the international conventions to which India is a party are discharged in accordance with such conventions.</p>	10
	<p>(2) The obligations to be discharged by the ports under the conventions referred to in sub-section (1) shall be such as may be prescribed by the Central Government.</p>	
Notification of mega port	<p>73. (1) The Central Government may, in consultation with the State Government, by notification, specify the criteria for classification of a port as mega port.</p>	15
	<p>(2) The Central Government may notify any major port, which satisfies the criteria notified under sub-section (1), as a mega port.</p>	
	<p>(3) The Central Government may, in consultation with the State Government, notify any port other than major port, which satisfies the criteria notified under sub-section (1), as a mega port.</p>	20
	<p>(4) Notwithstanding its classification as a mega port under this section, a port shall retain its status as either a major port or a port other than a major port, as applicable, and shall continue to be governed by the respective laws applicable to such port.</p>	
Chairperson, members, officers and employees of Council, etc., to be public servants.	<p>74. All members, officers and other employees of the Council shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.</p>	25
Application of certain laws.	<p>75. The provisions of this Act shall be in addition to and not in derogation of, the Major Port Authorities Act, 2021 and the Merchant Shipping Act, 1958, in so far as they relate to ports.</p>	30 1 of 2021. 44 of 1958.
Power of Central Government to make rules.	<p>76. (1) The Central Government may, by notification and subject to the condition of previous publication, make rules to carry out the provisions of this Act.</p>	
	<p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p>	35
	<p>(a) the salary and allowances and other conditions of service of the employees of the Council under sub-section (2) of section 7;</p>	
	<p>(b) other officers of the port to be appointed under sub-section (2) of section 18;</p>	
	<p>(c) the terms and conditions of service of the officers under sub-section (3) of section 18;</p>	40
	<p>(d) the powers to be delegated by the conservator and the persons to whom such powers may be delegated under sub-section (6) of section 18;</p>	
	<p>(e) the manner of removal or alteration of obstruction and factors for determining compensation under sub-section (5) of section 20;</p>	45
	<p>(f) the qualifications, experience and other terms and conditions of service of the health officer to be appointed under sub-section (2) of section 24;</p>	

(g) the measures to be taken at infected zone under clause (b) of sub-section (4) of section 24;

(h) the factors to be considered by the conservator in determining the expenses to be paid under sub-section (2) of section 26;

5 (i) the form and manner of receipt of fees or other charges under sub-section (2) of section 48;

(j) the manner of appointment of conservator from a body of persons under sub-section (2) of section 54;

10 (k) the obligations to be discharged by the ports under sub-section (2) of section 72.

77. (1) The State Government may, by notification in the State Gazette and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

Power of State Government to make rules.

15 (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner of making an application for adjudication of disputes referred to the State Maritime Board under sub-section (2) of section 16;

(b) other matters in respect of which the State Maritime Board shall exercise powers of civil court under clause (d) of sub-section (4) of section 16;

20 (c) other officers of the port to be appointed under sub-section (2) of section 18;

(d) the terms and conditions of service of officers under sub-section (3) of section 18;

25 (e) the powers to be delegated by the conservator and the persons to whom such powers may be delegated under sub-section (6) of section 18;

(f) the manner of removal or alteration of obstruction and factors for determining compensation under sub-section (5) of section 20;

30 (g) the qualification, experience and other terms and conditions of service of the health officer to be appointed under sub-section (2) of section 24;

(h) the measures to be taken at infected zone under clause (b) of sub-section (4) of section 24;

(i) the factors to be considered by the conservator in determining the expenses to be paid under sub-section (2) of section 26;

35 (j) the form and manner of receipt of fees or other charges under sub-section (2) of section 48;

(k) the manner of appointment of conservator from a body of persons under sub-section (2) of section 54.

40 **78. (1)** The Central Government in consultation with the State Governments may, by notification, and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

Power of Central Government to make rules in consultation with State Governments.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

45 (a) the form and the manner of notification of any part of the navigable rivers or channels leading to ports under sub-clause (iii) of clause (a) of sub-section (3) of section 1;

(b) the norms, form and manner of notifying a new port and altering port limits under sub-section (2) of section 11;

(c) the action to be taken by the conservator and the directions to be issued to the persons under clause (a) of sub-section (5) of section 24;

(d) the manner of reporting of disease by the master under clause (b) of sub-section (5) of section 24;

(e) the conditions subject to which port shall provide reception facilities under section 36;

(f) the form and manner of preparing port waste reception and handling plan under sub-section (1) of section 38;

(g) the information about the port waste reception and handling plan and manner of communicating such information under sub-section (3) of section 38;

(h) the form, manner and time for submitting an advance waste notice under section 39;

(i) the conditions for delivery of vessel-generated waste under sub-section (1) of section 40;

(j) the form and manner of issuance of waste delivery receipt under sub-section (2) of section 40;

(k) the intervals and manner of conducting audit of ports under sub-section (1) of section 42;

(l) the manner of reporting incidents under sub-section (1) of section 44;

(m) the form, manner and time for reporting arrival of vessel at port under section 49;

(n) the manner of reporting of incidents under section 67;

(o) the provision of shore based welfare services under section 68.

Power of Council to make regulations.

79. (1) The Council may, by notification and subject to the condition of previous publication, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the manner and conditions subject to which the Chairperson may invite persons to meetings of the Council under sub-section (3) of section 3;

(b) the manner of transaction of business at meetings of the Council under sub-section (4) of section 3;

(c) any such other matters which is to be, or may be, specified by regulations.

Power of Council to issue guidelines.

80. (1) The Council may, by notification, issue such guidelines consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such guidelines may provide for all or any of the following matters, namely:—

(a) the data or information to be collected and manner of collection, storage, updation and submission of such data or information to the Council under item (A) of sub-clause (ii) of clause (b) of sub-section (1) of section 6;

(b) the manner of dissemination of information, records, data and research studies relating to ports, under item (B) of sub-clause (ii) of clause (b) of sub-section (1) of section 6;

5 (c) the matters in relation to the transparency of port tariff and its components under sub-section (4) of section 47;

(d) such other matters as it may deem fit.

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

Laying of rules and regulations before Parliament and State Legislature.

(2) Every rule made by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two
20 Houses, or where such Legislature consists of one House, before that House.

82. No suit or other legal proceeding shall lie against the Central Government or the State Government or the Council or the Authority or the employees of the Government or the members or employees of the Council or the Authority, in respect of anything which is done or intended to be done or any action taken in good
25 faith under this Act or any rules or regulations made thereunder.

Protection of action taken in good faith.

83. (1) The Central Government may, by notification, amend column (4) of the Second Schedule, increasing the amount of penalty which shall not exceed more than twice the amount of penalty when the Act was first enacted.

Power to amend Second Schedule.

(2) Every notification issued under sub-section (1), shall be laid before each
30 House of Parliament as soon as may be after it is issued.

84. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

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

15 of 1908.

85. (1) The Indian Ports Act, 1908 is hereby repealed.

Repeal and savings.

40 (2) Notwithstanding such repeal,—

(a) any notification, rule, regulation, bye-law, order or exemption made, issued or granted under the Act so repealed shall have effect as if it had been made, issued or granted under the provisions of this Act, till new notification, rule, regulation, bye-law, order or exemption is made, issued or granted under this Act;

45 (b) any office established or created, officer or person appointed and any body constituted under the Act so repealed shall continue and shall be deemed to have been established, created, appointed or constituted under this Act;

(c) any document referring to the Act so repealed shall be construed as referring to this Act or to the provision of this Act;

(d) any fine or penalty levied under the Act so repealed may be recovered as if it had been levied under this Act;

(e) any offence committed under the Act so repealed may be prosecuted and punished as if it had been committed under this Act;

(f) any proceeding pending before any court under the Act so repealed 5
may be tried or disposed of under the corresponding provisions of this Act;

(g) any inspection, investigation or inquiry ordered to be done under the provisions of the Act so repealed shall continue to be proceeded with as if such inspection, investigation or inquiry is ordered to be done under the corresponding provisions of this Act. 10

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.

THE FIRST SCHEDULE
[See section 53(2)]
Punishment for certain offences

Serial No.	Offences.	Section to which offence is referred.	Punishment.
(1)	(2)	(3)	(4)
1.	If any port commences or carries on operations in contravention of section 10	10	Fine which may extend to one lakh rupees and in addition, a fine which may extend to ten thousand rupees for every day during which the offence continues after conviction.
2.	If any port other than major port or port officer fails to comply with directions of the State Maritime Board under sub-section (3) of section 15	15(3)	In case of contravention by port officer, fine which may extend to ten thousand rupees and in addition, fine not exceeding one thousand rupees for every day during which the offence continues after conviction. In case of contravention by port, fine which may extend to two lakh rupees and in addition, fine not exceeding twenty thousand rupees for every day during which the offence continues after conviction.
3.	If any master of a vessel fails to permit warps or hawsers to be made fast or let go of any warps or hawsers in contravention of section 27	27	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
4.	If master omits to take order to extinguish the fire or obstructs the conservator or any person in extinguishing or attempting to extinguish the fire, in contravention of section 28	28	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.

(1)	(2)	(3)	(4)
5.	If any person does or omits to do any act relating to safety of vessels in contravention of sub-section (1) of section 29	29(1)	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
6.	If the master of the vessel causes or suffer any warp or hawser attached to his vessel to be left out in any port in contravention of sub-section (2) of section 29	29(2)	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
7.	If any person commits any act in contravention of sub-section (3) of section 29	29(3)	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
8.	If any unauthorised person searches for lost stores in contravention of section 30	30	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
9.	If any person injures any bank or shore in contravention of section 31	31	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
10.	If any port fails to provide adequate reception facilities in contravention of section 36	36	Fine which may extend to two lakh rupees.
11.	If any port fails to comply with directions of the Central Government under section 37	37	Fine which may extend to one lakh rupees and in addition, fine which may extend to twenty thousand rupees for everyday during which the offence continues after conviction.
12.	If any port fails to prepare a port waste reception and handling plan in contravention of sub-section (1) of section 38	38 (1)	Fine which may extend to one lakh rupees.

(1)	(2)	(3)	(4)
13.	If any port fails to implement the approved port waste reception and handling plan in contravention of sub-section (2) of section 38	38(2)	Fine which may extend to one lakh rupees.
14.	If any port fails to communicate any information to vessels in contravention of sub-section (3) of section 38	38(3)	Fine which may extend to twenty thousand rupees.
15.	If any port fails to report the particulars of any incident in contravention of sub-section (1) of section 44	44(1)	Fine which may extend to one lakh rupees.
16.	If any port fails to comply with the directions issued by the Central Government under sub-section (2) of section 44	44(2)	Fine which may extend to one lakh rupees and in addition, fine which may extend to ten thousand rupees for every day during which the offence continues after conviction.
17.	If any port fails to prepare a safety, security, disaster management and pollution incident emergency preparedness and response plan in contravention of sub-section (1) of section 66	66(1)	Fine which may extend to two lakh rupees.
18.	If any port fails to comply with the directions issued by the conservator in contravention of sub-section (4) of section 66	66(4)	Fine which may extend to two lakh rupees.
19.	If any port fails to report particulars of any incident in contravention of section 67	67	Fine which may extend to one lakh rupees.
20.	If any port fails to provide shore based welfare services in contravention of section 68	68	Fine which may extend to twenty thousand rupees.

(1)	(2)	(3)	(4)
21.	If any port fails to comply with directions of the Central Government issued under sub-section (1) of section 69	69(1)	Fine which may extend to fifty thousand rupees.
22.	If any port fails to develop or maintain a vessel traffic service in contravention of sub-section (2) of section 69	69(2)	Fine which may extend to one lakh rupees.
23.	If any port fails to obtain prior clearance in contravention of section 71	71	Fine which may extend to fifty thousand rupees.

THE SECOND SCHEDULE
[See section 53(3)]
Penalty for certain contraventions

Serial No.	Contravention	Section	Penalties
(1)	(2)	(3)	(4)
1.	If any person refuses or neglects to obey any direction of the conservator issued under section 19	19	Penalty which may extend to fifty thousand rupees and in addition, penalty not exceeding five thousand rupees for every day during which the contravention continues after conviction.
2.	If any owner has without lawful excuse caused any obstruction or impediment under section 20	20	Penalty which may extend to two lakh rupees and in addition, penalty not exceeding twenty thousand rupees for every day during which the contravention continues after conviction.
3.	If any master of a vessel or any other person lifts the buoys or moorings without assistance of the conservator in contravention of sub-section (1) of section 22	22(1)	Penalty which may extend to one lakh rupees.
4.	If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow the conservator or any person to board or enter such vessel, building or place in contravention of section 23	23	Penalty which may extend to ten thousand rupees for the first offence and in addition, penalty not exceeding ten thousand rupees for every day during which the contravention continues.
5.	If any person without lawful excuse, removes, destroys or damages any property in contravention of sub-section (1) of section 26	26(1)	Penalty which may extend to one lakh rupees and in addition, expenses for any loss, destruction or damage suffered by the port, including expenses of any inspection or survey carried out.
6.	If any owner or master of a vessel enters, leaves or moves in any port in contravention of sub-section (1) of section 32.	32(1)	Penalty which may extend to two lakh rupees.

(1)	(2)	(3)	(4)
7.	If any operator, agent or master of a vessel fails to submit an advance waste notice in contravention of section 39.	39	Penalty which may extend to twenty thousand rupees.
8.	If any master of a vessel fails to deliver all its vessel-generated waste to a reception facility in contravention of sub-section (1) of section 40.	40(1)	Penalty which may extend to one lakh rupees.
9.	If the owner or master of any vessel fails to pay the charges payable or fails to comply with the conditions under section 41	41	Penalty which may extend to twenty thousand rupees and in addition, penalty which may extend to two thousand rupees for every day during which the contravention continues.
10.	If any person fails to upload information on the portal in contravention of section 43.	43	Penalty which may extend to ten thousand rupees.
11.	If the Authority or concessionaire or person or body of persons fails to publish the port tariff in contravention of sub-section (2) of section 47	47(2)	Penalty which may extend to fifty thousand rupees and in addition, penalty which may extend to five thousand rupees for every day during which the contravention continues.
12.	If any owner, agent or master of a vessel fails to report the arrival of a vessel in contravention of section 49	49	Penalty which may extend to twenty thousand rupees.
13.	If any master of a vessel fails to pay any fees or other charges in contravention of sub-section (1) of section 52	52(1)	Penalty which may extend to twice the amount of fees or other charges due, subject to a minimum of twenty thousand rupees.
14.	If any person fails to furnish or furnishes information in contravention of section 57	57	Penalty which may extend to two lakh rupees and in addition, penalty which may extend to two thousand rupees for every day during which such default continues.
15.	If the master of any vessel unlawfully hoists or fails to hoist any flag in contravention of section 65	65	Penalty which may extend to twenty thousand rupees.

THE THIRD SCHEDULE

[See section 13(1)]

State Maritime Boards constituted or established under State Acts

Serial No.	Name of State Maritime Board	Name of State Act	Date of establishment
(1)	(2)	(3)	(4)
1.	Gujarat Maritime Board	Gujarat Maritime Board Act, 1981 (Gujarat Act No. 30 of 1981)	The 3rd November, 1981
2.	Maharashtra Maritime Board	Maharashtra Maritime Board Act, 1996 (Maharashtra Act XV of 1997)	The 4th October, 1996
3.	Tamil Nadu Maritime Board	Tamil Nadu Maritime Board Act, 1995 (Tamil Nadu Act No. 4 of 1996)	The 18th March, 1997
4.	The West Bengal Maritime Board	West Bengal Maritime Board Act, 2000 (West Bengal Act XXX of 2000)	The 1st October, 2015
5.	Karnataka Maritime Board	Karnataka Maritime Board Act, 2015 (Karnataka Act 41 of 2017)	The 9th September, 2019
6.	Kerala Maritime Board	Kerala Maritime Board Act, 2017 (Kerala Act 16 of 2017)	The 2nd February, 2018
7.	Andhra Pradesh Maritime Board	Andhra Pradesh Maritime Board Act, 2018 (Andhra Pradesh Act No. 16 of 2019)	The 16th December, 2019
8.	Odisha State Maritime Board	Odisha State Maritime Board Act, 2022 (Odisha Act No. 01 of 2022)	The 28th March, 2022

STATEMENT OF OBJECTS AND REASONS

The Indian Ports Act, 1908 (the 1908 Act) was a pre-independence legislation, enacted to consolidate the laws on ports and port-charges. It consisted of provisions on the powers of the Central Government and the State Governments for extending or withdrawing the applicability of Act and altering port limits, appointment of port-officials and their powers and duties, safety and conservation of ports, levy of port-dues, fees and other charges, penalties and supplemental provisions.

2. India has witnessed expansion in the number of operational ports as well as the overall traffic being handled at ports. Since the enactment of the 1908 Act, there have been significant changes in both the commercial operations of ports and the international norms for prevention of pollution of ports. In order to facilitate the development of the port sector in a planned manner, it was felt necessary to reflect the present-day frameworks, incorporate India's international obligations, address emerging environmental concerns and aid the consultative development of the ports sector in the national interest.

3. The proposed legislation seeks to to effectively adopt international obligations, allowing adequate power to frame subordinate legislation, keeping our domestic priorities in mind. It further seeks to integrate development of ports so as to utilise India's coastline in a coherent and sustainable way. It also seeks to reinforce and empower the State Maritime Boards to effectively administer, control and manage ports other than major ports, within each coastal State and Union territory.

4. In view of the above, it has become imperative to repeal the Indian Ports Act, 1908 and to provide for a contemporaneous and dynamic legislation to meet the requirements of India as an emerging economy. The Indian Ports Bill, 2025, *inter alia*, seeks to provide for the following, namely:—

(i) to define the term “appropriate Government” or “Government” and clarify that in relation to major ports, means the Central Government; and in relation to ports other than major ports, means the State Government;

(ii) applies to all existing ports to which the provisions of the Indian Ports Act, 1908 applied; all new ports notified under the Bill; notified parts of navigable river or channel which leads to such new port; all vessels within port limits; and all aircrafts making use of any part of the port, while on water;

(iii) the establishment of a body to be notified as Maritime State Development Council by the Central Government, which would be responsible for making recommendations to the Government, *inter alia*, including, efficient and conducive framework for ports in India; measures for growth of the port sector and to promote competition and efficiency in the operation of ports; and discharge other functions;

(iv) to empower the Government to notify a new port or to alter the limits of any port;

(v) to empower the Central Government to formulate a national perspective plan for the purposes of maritime trade and to prioritise associated infrastructure development of ports;

(vi) to provide for statutory recognition to State Maritime Boards established or constituted by the State Government or body of persons or a department of the State Government executing such functions and empower the State Maritime Boards with supervisory, developmental and other functions for effective administration, control and management of ports other than major ports;

(vii) to provide for the creation of new adjudicatory mechanism which requires every State Government to constitute a Dispute Resolution Committee, by notification, for the purposes of adjudicating any dispute arising between ports other than major ports, concessionaires, port users and

port service providers within the State and bars the jurisdiction of civil courts from entertaining any matter which the Dispute Resolution Committee is empowered to determine under the Bill;

(viii) powers of conservators have been enlarged, for effective superintendence over ports as far as safety and conservation of ports are concerned;

(ix) to mandate provision of reception facilities in compliance with the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004 and the International Convention for the Prevention of Pollution from Ships, 1973, including its Protocol of 1978;

(x) to provide for preparation of port waste reception and handling plan by each port;

(xi) to empower Board of Major Port Authority or the board of directors, where a major port is a company registered under the Companies Act, 2013, to fix the port tariff for major ports and to empower the respective State Maritime Boards to fix the port tariff for every port other than major port;

(xii) to provide for preparation of emergency preparedness and response plan by each port for the purposes of safety, security, disaster management and pollution incidents;

(xiii) to make provisions for offences and to empower the Judicial Magistrate of first class to impose punishment against offences;

(xiv) to make provisions for penalties and procedure and to empower the conservator to impose a penalty against those contraventions;

(xv) to empower the Central Government to direct ports to adopt mechanism for electronically integrating port related data;

(xvi) requirement of prior clearance from the Central Government when a port is undergoing change in substantial ownership or effective control;

(xvii) classification of a major port or a port other than major port as a mega port by notification, when such port fulfils the criteria notified by the Central Government in consultation with the State Government;

(xviii) to clarify that the Bill is in addition, and not in derogation to existing legislations such as the Major Port Authorities Act, 2021 and the Merchant Shipping Act, 1958;

(xix) to empower the Central Government to make such provisions not inconsistent with the provisions of the Bill, as appear to it to be necessary or expedient, for removing the difficulty before the expiry of a period of three years from the date of commencement of the Bill;

(xx) to repeal the Indian Ports Act, 1908 and to provide for saving of certain actions taken thereunder.

5. The Notes on clauses explain in detail the various provisions contained in the Bill.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;

SARBANANDA SONOWAL.

The 18th March, 2025.

Notes on clauses

Clause 1.—This clause seeks to provide for short title, extent, commencement, and application of the Bill. It specifies the application of the Bill, *inter alia*, to all ports, parts of the navigable rivers and channels leading to such ports as may be notified by the Government, all vessels within port limits and all aircrafts making use of any port while on water. It also specifies the vessels to which the Bill shall not be applicable, which include any port or navigable rivers or channels or vessels or classes of vessels, any vessel or any aircraft making use of any part of the port belonging to or exclusively servicing, for military or non-commercial service of the Government, the Indian Navy, Indian Coast Guard, customs authorities, Central Armed Forces and police and other agencies as may be notified by the Central Government; any vessel belonging to or in service of the Central Government or State Government, or any foreign vessel of war.

Clause 2.—This clause defines the various expressions used in the Bill which, *inter alia*, include “appropriate Government” or “Government”, “concessionaire”, “existing port”, “mega port”, “mooring”, “new port”, “port”, “port limits”, “port tariff”, “port works”, “State”, “State Maritime Board”, “Schedule” “security” and “vessel”.

Clause 3.—This clause seeks to provide for the establishment of the Maritime State Development Council with the Union Minister of Ports, Shipping and Waterways, Government of India, as Chairperson and other members namely, the Minister in-charge of ports of each State; Minister-in-charge of the Union territory of Puducherry and Administrators of all coastal Union territories; the Secretary or equivalent rank to the Government of India in the Indian Navy dealing with coastal security nominated by the Central Government in the Ministry of Defence; the Secretary or equivalent rank to the Government of India in the Indian Coast Guard dealing with coastal security nominated by the Central Government in the Ministry of Defence and the Secretary to the Government of India in the Ministry of Ports, Shipping and Waterways as the Member Secretary. The office of the member of the Council is not deemed to be an office of profit.

Clause 4.—This clause empowers the Chairperson with the general superintendence and directions in the conduct of affairs of the Council.

Clause 5.—This clause seeks to provide that no act or proceeding of the Council shall be invalidated merely because of any vacancy in the Council, or any defect in the constitution of the Council, or any defect in the appointment of a member or any irregularity in the Council’s procedure provided such irregularity does not affect the merits of the case.

Clause 6.—This clause seeks to specify the functions of the Council which, *inter alia*, include making recommendations to the Government on the matters specified therein; issuing guidelines, in consultation with the Central Government and the State Governments on matters specified therein; and calling for information from any Authority or port or person, for the purpose of discharging its functions.

Clause 7.—This clause seeks to empower the Central Government to make officers and employees available for discharge of the functions of the Council. It further empowers the Central Government to prescribe salaries, allowances, and conditions of service of the employees of the Council.

Clause 8.—This clause seeks to empower the Central Government to make grants to the Council of such sums of money required by it to discharge its functions under this Bill.

Clause 9.—This clause seeks to empower the Council to delegate its powers and functions subject to any conditions by general or special order in writing to any member or employee of the Council, except the power to make regulations or to issue guidelines.

Clause 10.—This clause seeks to disallow any port from commencing or carrying on activities unless it is an existing port or a new port which is duly notified in accordance with clause 11.

Clause 11.—This clause seeks to empower the Central Government to notify a new port and to alter the limits of any port. It further provides that the notification which alters the limits of any port shall not have retrospective effect. The clause also empowers the Central Government in consultation with the State Government to prescribe the norms, form and manner for declaring a new port and for altering the port limits.

Clause 12.—This clause seeks to empower the Central Government to formulate a national perspective plan for the purpose of maritime trade and to prioritise associated infrastructure development. It provides that the Central Government, State Governments and the Authority shall endeavour to adhere to the national perspective plan formulated by the Central Government and guidelines issued by the Council.

Clause 13.—This clause provides that every State Maritime Board established or constituted by the State Government under any of the enactments specified in the Third Schedule shall be deemed to be duly established or constituted under this Bill. It provides where such State Maritime Board is not established or constituted, the State Governments are obligated to establish and notify State Maritime Board. The State Maritime Board shall be a distinct legal entity, having the power, subject to the provisions of the Bill to contract, acquire, hold and dispose of property, to sue or be sued. The State Government may specify by notification, the place where the head office of the State Maritime Board shall be situated.

Clause 14.—This clause provides for transfer of assets and liabilities by the State Government to the State Maritime Board. It provides that on and from the date of establishment or the date of notification of the State Maritime Board, the State Government shall transfer to the State Maritime Board and vest all port land, property, assets, funds, interest in the property and all rights to levy rates, fee and other sums of money vested or due in the State Government. It further provides that all debts, obligations, contracts, and legal proceedings of the State Government before the establishment or notification of the State Maritime Board shall be transferred to the State Maritime Board. The State Maritime Board will continue all suits or other legal proceedings initiated, on behalf or against the State Government.

Clause 15.—This clause specifies the various functions of the State Maritime Board with respect to all the ports other than major ports within the territory of the respective State, which, *inter alia*, include, initiating plans for development of ports; promoting the use, development and improvement of ports; developing new ports, subject to security clearance as per the guidelines issued by the Central Government. It further seeks to empower the State Maritime Board to issue directions to any port other than major port or to any officer of such port for discharging its functions under the Bill.

Clause 16.—This clause seeks to mandate every State Government to constitute by notification, a Dispute Resolution Committee consisting of not less than three members, to adjudicate disputes between ports other than major ports, concessionaires, port users and port service providers, unless the parties have agreed to arbitration or any other dispute resolution mechanism. The time limit for deciding any dispute is six months, which may be extended up to three more months at a time after recording reasons for doing so, but not exceeding twelve months. It further confers the Dispute Resolution Committee with the powers of a civil court. This clause also provides that any party aggrieved by an order of the Dispute Resolution Committee may prefer an appeal to the High Court of the appropriate jurisdiction, within sixty days from the date on which a copy of the order is received by the party.

Clause 17.—This clause seeks to bar the jurisdiction of any civil court to entertain any suit or proceeding in respect of any matter which the Dispute Resolution Committee is empowered by or under this Bill to determine.

Clause 18.—This clause seeks to provide for the appointment of conservator for every port or for two or more ports by the Government, and the conservator shall be subject to the control of the Government and the Authority. It further mandates every port to appoint a harbour master or such other officers of the port as may be prescribed by rules made by the Government. All officers operating in a port shall be subject to the supervision and control of the conservator. It also empowers the conservator, with the approval of the Government, to delegate such powers to such persons, as may be prescribed by rules made by the Government.

Clause 19.—This clause empowers the conservator to issue directions to any vessel within the port for carrying out the provisions of this Bill or the rules made thereunder, which, *inter alia*, include the berthing, mooring, anchoring of a vessel; removal of a vessel from any place within the port and the time period within which the same shall be done; regulate, restrict or prohibit the movement of vessels, direct the master of the vessel to have adequate crew members; prohibit any vessel from entering or leaving the port; or endangering the safety of any vessel in the port. It further empowers the conservator to take any action and hold such person liable for reimbursement of all expenses incurred in order to give effect to the directions in case person refuses or neglects to obey with any directions of the conservator.

Clause 20.—This clause empowers the conservator to remove directly or through another agency or port officer, any obstruction in the operation of a port or part thereof of the port or any other work. It further requires the owner of such obstruction to pay reasonable expenses incurred in such removal, however, if the owner evades such payment, public auction of the object causing obstruction may be conducted to recover the expenses and excess proceeds or part of the obstruction shall be returned to the owner or deposited in the manner the Government may direct. If the storage of the obstruction incurs expenses, the same may be recovered by a further sale of the remaining unsold obstruction. This clause also states that in case of an impediment sought to be removed by the conservator exists on account of permission from the Government, the conservator shall obtain prior sanction for removal from the Government. The owner of the obstruction in this case shall receive due compensation contingent on factors prescribed by rules made by the appropriate Government.

Clause 21.—This clause seeks to empower the Government to specify by notification, the restrictions on certain activities within port limits that may cause any impediment to the navigation in a port.

Clause 22.—This clause restricts the master of the vessel, except in the case of an emergency, from lifting any buoy or mooring in a port, laid down by the conservator, without the conservator's assistance where such vessel hooks or gets foul. It further provides that conservator, immediately on receiving notice of any such emergency under this clause, shall assist and superintend the clearing of such vessel. This clause also puts an obligation on the vessel master to pay for the reasonable expenses incurred in clearing the same.

Clause 23.—This clause empowers the conservator, either alone or with any other person or body of person to board any vessel or enter any building or place within port limits to board any vessel, or enter any building or place whenever is it necessary for performance of duties under the Bill. This clause prevents a master of a vessel or any person in possession or occupation of the building or place, from disallowing boarding such vessel or entering such building or place without lawful excuse.

Clause 24.—This clause empowers the Government to appoint an empanelled medical practitioner as a health officer to undertake the functions of a port health-officer at any port to, *inter alia*, inspect water, sanitation and accommodation facilities of a vessel, board any vessel and medically examine any person on the vessel as well as enforce production of any document to inquire into the health and medical conditions of any person on the vessel. This clause further empowers the Government to declare any port or part thereof an infected zone when any infectious or contagious disease has broken out, or is reasonably suspected to break out and prescribe measures to be taken. This clause also empowers the conservator to take actions and pass directions for prevention or containment of any disease in vessels arriving at or being in port. The master shall report the particulars of any such disease in such vessels to either the Government or the conservator. It also empowers the health officer along with such person or body of persons authorised by the Government, to board the vessel for medical inspection of either the vessel or any person on vessel.

Clause 25.—This clause provides indemnity to the Government from any act or default of any conservator, harbour master or any other port officers, their deputies or assistants of authorities in any port or any person acting under the control or direction of any authority or their assistant or any act or default of any pilot or for any damage caused to the vessel due to any defect in the moorings, hawsers or any other thing belonging to the Government. This clause further provides that the provision does not apply to any suit against the Government on any act done under any order or sanction of the Government.

Clause 26.—This clause bars any person, without lawful excuse, from removing, destroying or damaging any property including pier or wharf which belongs to, in custody or in the possession of the port or hinder or prevent the operation of any such property. This clause obligates any person who contravenes the provision to pay for any loss, destruction or damage suffered by the port which also includes the cost of inspection or survey, in addition to any other penalty as specified under the Second Schedule of the Bill.

Clause 27.—This clause obligates the master of any vessel to allow warps or hawsers to be fastened to the vessel for warping another vessel in the port, as and when required by the conservator and to not let go off such warp or hawser until directed by the conservator to do so.

Clause 28.—This clause seeks to impose an obligation on the master of the vessel to co-operate with and take orders from, the conservator or any person authorised by the conservator, to extinguish any fire on the vessel.

Clause 29.—This clause seeks to bar a person on a vessel from various actions that impact the safety of the vessel and its surroundings, including *inter alia*, willfully loosening or removing the moorings from a vessel without being authorised to do so, lifting, injuring or making a vessel fast to loosen or set adrift any moorings, buoys, beacons or sea or landmarks or discharges any firearm in the port or commits an action or abstains from one which causes or may cause fire onboard a vessel or uses a vessel in state of defective condition, which makes the life of any person or the safety of another vessel, likely to be endangered. This clause further states that the master of a vessel shall not leave a warp or hawser attached to his vessel, in the port, causing danger to the safety of another vessel in the port. It also prohibits commission of any act in relation to any combustible matter which is prohibited by the Government or contrary to the orders or directions of the conservator.

Clause 30.—This clause prohibits any person from creeping or sweeping for anchors, cables without the conservator's permission.

Clause 31.—This clause bars any person from disturbing the existing waterbed or geophysical structures or any kind of artificial protection or shore of the port without the conservator’s permission and under the supervision of such person as may be appointed by the conservator. It further bars any person from sinking or burying any mooring-post, anchor or any other thing or do anything which may damage any part of the bank or shore.

Clause 32.—This clause seeks to mandate that vessels shall not leave or move in any port without a pilot, harbour master or port officer on board the vessel, unless the vessel has the conservator’s written permission unless upon application to the proper officer, the master was unable to procure a pilot, harbour master or port officer to go on board the vessel. This clause empowers the Government to specify by notification that this clause will not apply to sailing vessels of any measurement not exceeding a measurement specified in the notification. This clause also provide that the owner or master of the vessel shall be answerable for any damage caused by the vessel or fault of navigation of the vessel.

Clause 33.—This clause directs every port officer in a port to co-operate with any officer authorised by a general or special order of the Central Government for carrying out any manoeuvres which is part of any scheme or preparations for the defence of the port during time of war, or for the security of the port from any sub-conventional or non-traditional threats, or natural disasters. This clause further puts an obligation on the Government to bear the running expenses of such vessels which are used during time of war.

Clause 34.—This clause provides for the Authority and Director General to regulate certain activities specified therein.

Clause 35.—This clause seeks to define certain expressions which are specific to Chapter VIII, such as “Ballast Water Management Convention”, “MARPOL Convention”, “reception facility”, “waste from vessels”, “cargo residues”.

Clause 36.—This clause seeks to mandate every port to provide reception facilities adequate to meet the needs of vessels normally using a port without causing undue delay to vessels, in order to comply with the requirements of relevant provisions in the MARPOL Convention and the Ballast Water Management Convention. Further, this clause explains the term “adequate” as capable of receiving the types and quantities of wastes from vessels normally using that port, taking into account the operational needs of the port users, its size and geographical location, the types of vessels calling there.

Clause 37.—This clause seeks to empower the Central Government to mandate any port, by way of a written order, which has no reception facility or whose facilities are not “adequate”, on the basis of an audit conducted or otherwise, to provide or arrange the reception facilities specified in the order.

Clause 38.—This clause requires every port to prepare a port waste reception and handling plan as prescribed by rules made by the Central Government in consultation with the State Government. The port waste reception and handling plan approved by the Central Government is required to be implemented by the port. This clause further mandates every port to communicate information about the plan to the vessels in the manner prescribed by rules.

Clause 39.—This clause seeks to obligate the operator, agent or master of a vessel bound for India to submit an advance waste notification to the port of call in the form and manner and within the time period prescribed by rules made by the Central Government in consultation with the State Government.

Clause 40.—This clause seeks to obligate the master of a vessel calling at a port, to deliver all its vessel generated waste to a reception facility, as per the conditions prescribed by rules. It requires the port where the waste is delivered to issue a waste delivery receipt to the master of the vessel in the form and manner prescribed by rules.

Clause 41.—This clause seeks to empower a port providing reception facilities or person providing such facilities, to levy reasonable charges for use of the reception facilities. On payment of all charges and subject to compliance with all conditions imposed, any reception facility provided at the port shall be made available for use by any vessel.

Clause 42.—This clause requires the Central Government to audit every port for the availability and adequacy of reception facilities and also audit such pollution containment equipment as may be specified by the Central Government, at such intervals, and in the manner prescribed by the Central Government in consultation with the State Government.

Clause 43.—This clause seeks to empower the Central Government to specify by notification the manner in which and the person by whom the information will be uploaded on the Portal. This includes advance waste notification as specified under clause 39; waste delivery receipts under sub-clause (2) of clause 40; request by a vessel for availing reception facilities and such other matters.

Clause 44.—This clause seeks to obligate every port to report to the Government, any incident that threatens or is likely to pose a threat of pollution to the coastal waters, in the manner prescribed by rules. It further empowers the Central Government to issue appropriate directions to any port or State Government or Authority or organisation, in case it is satisfied that an incident which threatens or is likely to pose a threat of pollution of the coastal waters has taken place or is likely to take place, to prevent or contain such pollution in accordance with applicable law. It also explains the meaning of coastal waters for the purposes of this clause.

Clause 45.—This clause seeks to empower the Government to issue appropriate directions to any port or port officer to ensure compliance with any of the provisions of Chapter VIII.

Clause 46.—This clause specifies fee and other charges which shall be leviable in ports.

Clause 47.—This clause seeks to authorise the State Maritime Board or an authorised concessionaire to fix the port tariff for every port other than major port. Further, the Board of Major Port Authority or such person or body of persons authorised by the Board of Major Port Authority or board of directors where port is registered as a company under the Companies Act, 2013 will fix the port tariff for every major port. The port tariff fixed shall be published electronically and shall come into effect after expiry of a period of thirty days from the date of its publication. This clause also allows the Council to issue guidelines on any matter related to transparency of port tariff including its components. It further empowers the Authority on the basis of recommendations by the Government to exempt or remit the whole or any portion of fee or other charges payable under the Bill.

Clause 48.—This clause empowers Government to authorise by way of notification, an officer or body of persons at the port, to receive the fees or other charges payable under the Bill and to expend the receipts as may be specified in the notification. It requires such officer or body of persons to issue receipts *in lieu* of such fee or other charges. These receipts shall contain the particulars as specified under this clause.

Clause 49.—This clause obligates the owner, agent or master of every vessel required to pay any fee or other charges, to report the vessel's arrival within port limits in such form, manner and within such period as may be prescribed by rules.

Clause 50.—This clause empowers the officer or body of persons authorised under sub-clause (1) of clause 48, to detain or arrest the vessel, if the master of any vessel refuses or neglects to pay fees and other charges on demand, until such amount is paid. It further empowers the officer or body of persons to sell off the detained or arrested vessel to recover the costs if the fees or other charges remain unpaid for fifteen days. In cases where a vessel is already arrested under the order of a court or other authority, prior permission of such court or the authority must be taken to make the sale and disburse the surplus according to guidelines. This clause also covers conditions in which the sale proceeds of the vessel are insufficient to satisfy the fee or other charges.

Clause 51.—This clause mandates that the port-clearance shall not be granted to any vessel until the amount of fees or other charges and fines, penalties and expenses have been paid by the owner or master or agent or port user, to the satisfaction of the officer granting the clearance.

Clause 52.—This clause mandates that no vessel master shall evade the payment of fees or other charges, liable to be paid under the Bill. It further states that in any proceeding before a Magistrate any document issued stating that the master has evaded such payments, shall be sufficient *prima facie* proof of the evasion, unless the master can prove that such a departure happened due to the stress of weather, or there was a lawful and reasonable ground for such departure. Any Magistrate having jurisdiction under this Bill, in any port to which the vessel may proceed, or on which she may be found shall have jurisdiction in any proceeding under this clause.

Clause 53.—This clause states that any person who contravenes any provision or fails to comply with any provision of the Bill shall be liable to penalty. The First Schedule pertains to offences for which fines or imprisonment is specified and the Second Schedule pertains to contraventions for which penalties have been specified. This clause seeks to specify that any contravention or failure to comply with the provisions of the Bill, rules or regulations under the Bill which do not have a separate penalty, shall be punishable with a fine up to ten thousand rupees, and if the breach is a continuing one, with further fine which may extend to one thousand rupees for every day, after the first day, during which the breach continues.

Clause 54.—This clause specifies that the authority for imposing the penalty for contravention specified in the table under the Second Schedule will be the conservator. It further empowers the Central Government to notify an officer to compound first contravention of any provision under the Bill.

Clause 55.—This Clause specifies that no court inferior to that of a Judicial Magistrate of the first class shall try any offence specified in the First Schedule under the Bill.

Clause 56.—This clause seeks to specify the penalty for wilful failure to comply with any order of the Dispute Resolution Committee. Where no appeal has been preferred against such order of the Dispute Resolution Committee, penalty extending up to one lakh rupees with an additional penalty of one thousand rupees each day for continuing default shall be imposed.

Clause 57.—This clause provides that no person shall make any statement or furnish any document which the person knows or has reason to believe to be false in any material particular or omit to state any material fact knowing it to be material, or wilfully alter, suppress or destroy any document which is required to be furnished.

Clause 58.—This clause states that any fine imposed by the Magistrate or penalty imposed by the conservator, may be recovered by distress and sale of vessel or part of vessel, as may be deemed necessary.

Clause 59.—This clause states that if any dispute as to the sum to be paid as expenses or damages under this Bill arises, it shall be determined by the Magistrate, upon application made to him for that purpose by either of the disrupting parties. Further, any sum payable as expenses or damages under the Bill that do not exceed twenty thousand rupees, may be recovered by the conservator or Magistrate as if it were a penalty or fine.

Clause 60.—This clause seeks to provide that the cost of distress or sale may be levied in addition to any penalty, fine, expenses or damages.

Clause 61.—This clause seeks to provide that in case of any dispute about the amount leviable by any distress or arrest under the Bill and costs payable for distress, the person making the distress or arrest may detain the goods and proceeds of the sale until the Magistrate determines the amount to be levied. Such amount shall be determined by the Magistrate pursuant to an application made to him in that regard to be paid as costs, which if not paid on demand shall be enforced as a fine.

Clause 62.—This clause seeks to provide that any person committing any offence under the Bill or the corresponding rules may be tried at a place in which he may be found, or by any Magistrate having jurisdiction over the district or place adjoining the port where the offence has taken place, or in any court where the person might be tried under any other law for the time being in force. All powers of a Magistrate under the Bill shall be exercised by such Magistrate in such manner as if the offence had been committed under his jurisdiction even if the same was committed outside the limits of his jurisdiction.

Clause 63.—This clause seeks to provide that in case the person committing an offence under the Bill is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of its business, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. If such person proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence, such person need not to be subject to punishment. However, if it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect, such person shall be punished accordingly. This clause also explains the meaning of “company” and “director” for this clause.

Clause 64.—This clause seeks to provide the manner of service of documents on any person, such as, personal delivery, leaving the same at his last place of residence, or by post. If such delivery is to be made to the harbour master of a port, it may be left at the port or with a person in command at the port; in case of a master of a vessel, such document may be left on board with person in command of the vessel and if no master or owner or agent is there, it may be affixed on the vessel or at a suitable place on the bridge.

Clause 65.—This clause prohibits vessels from hoisting, carrying or wearing any flag, jack, pennant or colours at any port, the use of which is unlawful. It further imposes an obligation on foreign vessels to hoist the flag of Republic of India and the flag of the country of the vessel while calling at a port in India.

Clause 66.—This clause mandates every port to prepare emergency preparedness and response plan. It further empowers the Central Government to approve such a plan as well as to audit the port to ensure compliance with this clause. This clause also empowers the conservator to issue directions for the implementation of the approved plan. It also empowers the Central Government to issue directions to any person in order to ensure compliance with this clause and put in place a national emergency response mechanism.

Clause 67.—This clause imposes an obligation on every port to report the particulars of any incident such as property damage, sinking of vessels, collision of vessels, fire, in such manner as may be prescribed by rules.

Clause 68.—This clause obligates every port to provide shore-based welfare services for seafarers of vessels calling at the port, as may be prescribed by rules.

Clause 69.—This clause empowers the Central Government to direct a port to adopt a mechanism for electronically integrating such port related data with the port community system. It further obligates every port to maintain an effective vessel traffic service within port limits in accordance with applicable law. This clause also explains the meaning of port community system and vessel traffic system.

Clause 70.—This clause empowers the Central Government to issue directions to port, port facilities, port officer or any person, to ensure compliance with provisions of the Merchant Shipping Act, 1958.

Clause 71.—This clause seeks to require any port undergoing a change in substantial ownership or effective control, to obtain prior clearance from the Central Government or a person authorised by the Central Government, in such form and manner and within such time as may be notified.

Clause 72.—This clause mandates that obligations under the international conventions to which India is a party are discharged in accordance with such conventions, as may be prescribed by rules made by the Central Government.

Clause 73.—This clause seeks to empower the Central Government, in consultation with the State Government, to specify by notification the criteria for classification of one or more port as a mega port. It further empowers the Central Government in the case of a major port, and in consultation with the State Government in the case of a port other than major port, to notify a port as a mega port. Irrespective of such classification as a mega port, such major port a port other than major port shall retain its status and continue to be governed by the respective laws applicable to them.

Clause 74.—This clause seeks to provide that all members, officers and other employees of the Maritime State Development Council when acting in pursuance of the provisions of the Bill shall be deemed to be public servants under clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

Clause 75.—This clause mandates that the provisions of the Bill shall be in addition to and not in derogation of the Major Port Authorities Act, 2021 and Merchant Shipping Act, 1958, in so far as it relates to ports.

Clause 76.—This clause enumerates the matters in respect of which the Central Government may make rules to carry out the purposes of the Bill.

Clause 77.—This clause enumerates the matters in respect of which the State Government may make rules to carry out the purposes of the Bill.

Clause 78.—This clause enumerates the matters in respect of which the Central Government in consultation with the State Government make rules to carry out the purpose of the Bill.

Clause 79.—This clause seeks to enumerates the matters in respect of which the Council may make regulations governing its administrative functioning of ports.

Clause 80.—This clause seeks to enumerates the matters in respect of which the Council may frame guidelines consistent with the Bill and the rules made thereunder to carry out the provisions of this Bill.

Clause 81.—This clause mandates that every rule and every regulation made under the Bill shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions. It further provides that every rule made by the State Government shall be laid, as soon as it is made, before the State Legislature.

Clause 82.—This clause seeks to protect the Government, the Council, the Authority or any member or any employee of the Council or the Authority from any suit or other legal proceedings for an action done in good faith under the Bill, or any rules or any regulations made under the Bill.

Clause 83.—This clause empowers the Central Government to notify and increase the amount of penalty specified in the Second Schedule, not exceeding, twice the amount that has been specified. It further provides that each notification shall be laid before each House of Parliament as soon as after it is issued.

Clause 84.—This clause seeks to empower the Central Government to make, by order published in the Official Gazette, provisions for removal of difficulties in giving effect to the provisions of the Bill and restrict the power to make such order within a period of three years from the commencement of the Bill and mandates every such order to be laid before each House of Parliament.

Clause 85.—This clause seeks to repeal the Indian Ports Act, 1908 and to provide for the saving of various actions undertaken under the said Act. It further states that provisions of section 6 of the General Clauses Act, 1897 shall be applicable to the repealed enactment.

FINANCIAL MEMORANDUM

The Bill seeks to repeal the Indian Ports Act, 1908 and to introduce the Indian Ports Bill, 2025.

2. Clause 3 of the Bill seeks to provide for the establishment of a Council, for the purposes of this Bill to be called the Maritime State Development Council. Clause 8 of the Bill provides that the Central Government may, after due appropriation made by Parliament, make grants as required by the Maritime State Development Council, to discharge its functions under this Bill.

3. The expenditure to be incurred towards the said body would be met from budgetary allocation after such allocation by the Department of Expenditure, as and when the body will be constituted. This expenditure is not quantifiable at this stage as the structure, posts, number of officers and other aspects are not final.

4. The Bill, if enacted, will not involve any other expenditure, either recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 76 of the Indian Ports Bill, 2025 seeks to empower the Central Government to make rules to carry out the provisions of the Bill, subject to the condition of previous publication. Sub-clause (2) of the said clause specifies the matters in respect of which such rules may be made. These matters include, (i) the salary and allowances and other conditions of service of the employees of the Council under sub-clause (2) of clause 7; (ii) other officers of the port to be appointed under sub-clause (2) of clause 18; (iii) the terms and conditions of service of the officers under sub-clause (3) of clause 18; (iv) the powers to be delegated by the conservator and the persons to whom such powers may be delegated under sub-clause (6) of clause 18; (v) the manner of removal or alteration of obstruction and factors for determining compensation under sub-clause (5) of clause 20; (vi) the qualifications, experience and other terms and conditions of service of the health officer to be appointed under sub-clause (2) of clause 24; (vii) the measures to be taken at infected zone under sub-clause (4) (b) of clause 24; (viii) the factors to be considered by the conservator in determining the expenses to be paid by under sub-clause (2) of clause 26; (ix) the form and manner of receipt of fees or other charges under sub-clause (2) of clause 48; (x) the manner of appointment of conservator from a body of persons under sub-clause (2) of clause 54; and (xi) the obligations to be discharged by the ports under sub-clause (2) of clause 72.

2. Clause 77 of the Bill seeks to empower the State Government to make rules to carry out the provisions of the Bill, subject to the condition of previous publication. Sub-clause (2) of the said clause specifies the matters in respect of which such rules may be made. These matters include, (i) the form and manner of making an application for adjudication of disputes referred to the State Maritime Board under sub-clause (2) of clause 16; (ii) other matters in respect of which the State Maritime Board shall exercise powers of civil court under sub-clause (4) (d) of clause 16; (iii) other officers of the port to be appointed under sub-clause (2) of clause 18; (iv) the terms and conditions of service of officers under sub-clause (3) of clause 18; (v) the powers to be delegated by the conservator and the persons to whom such powers may be delegated sub-clause (6) of clause 18; (vi) the manner of removal or alteration of obstruction and factors for determining compensation under sub-clause (5) of clause 20; (vii) the qualification, experience and other terms and conditions of service of the health officer to be appointed under sub-clause (2) of clause 24; (viii) the measures to be taken at infected zone under sub-clause (4) (b) of clause 24; (ix) the factors to be considered by the conservator in determining the expenses to be paid under sub-clause (2) of clause 26; (x) the form and manner of receipt of fees or other charges under sub-clause (2) of clause 48; and (xi) the manner of appointment of conservator from a body of persons under sub-clause (2) of clause 54.

3. Clause 78 of the Bill seeks to empower the Central Government in consultation with State Governments to make rules, to carry out the provisions of the Bill, subject to the condition of previous publication. Sub-clause (2) of the said clause specifies the matters in respect of which rules may be made. These matters include, (i) the form and manner of notification of any part of the navigable rivers or channels leading to ports under sub-clause (3) (a) (iii) of clause 1; (ii) the norms, form and manner of notifying a new port and altering port limits under sub-clause (2) of clause 11; (iii) the action to be taken by the conservator and the directions to be issued to the persons sub-clause (5) (a) of clause 24; (iv) the manner of reporting of disease by the master under sub-clause (5) (b) of clause 24; (v) the conditions subject to which port shall provide reception facilities under clause 36; (vi) the form and manner of preparing port waste reception and handling plan under sub-clause (1) of clause 38; (vii) the information about the port waste reception and handling plan and manner of communicating such information under sub-clause (3) of clause 38; (viii) the form, manner and time for submitting an advance waste notice under clause 39; (ix) the conditions for delivery of vessel-generated waste under

sub-clause (1) of clause 40; (x) the form and manner of issuance of waste delivery receipt under sub-clause (2) of clause 40; (xi) the intervals and manner of conducting audit of ports under sub-clause (1) of clause 42; (xii) the manner of reporting incidents under sub-clause (1) of clause 44; (xiii) the form, manner and time for reporting arrival of vessel at port under clause 49; (xiv) the manner of reporting of incidents under clause 67; and (xv) the provisions of shore-based welfare services under clause 68.

4. Clause 79 of the Bill seeks to empower the Maritime State Development Council to make regulations, to carry out the provisions of the Bill, subject to the condition of previous publication. Sub-clause (2) of the said clause specifies the matters in respect of which rules may be made. These matters include, (i) the manner and conditions subject to which the Chairperson may invite persons to meetings of the Council under sub-clause (3) of clause 3; (ii) the manner of transaction of business at meetings of the Council under sub-clause (4) of clause 3; and (iii) any such other matters which is to be, or may be, specified by regulations.

5. The matters in respect of which the aforementioned rules and regulations may be made are matters of procedure and administrative details, and as such, it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

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to consolidate the law relating to ports, promote integrated port development, facilitate ease of doing business and ensure the optimum utilisation of India's coastline; establish and empower State Maritime Boards for effective management of ports other than major ports; establish the Maritime State Development Council for fostering structured growth and development of the port sector; provide for the management of pollution, disaster, emergencies, security, safety, navigation, and data at ports; ensure compliance with India's obligations under international instruments to which it is a party; take measures for the conservation of ports; provide for adjudicatory mechanisms for the redressal of port-related disputes; and address matters connected therewith or incidental thereto.

(Shri Sarbananda Sonowal, Minister of Ports, Shipping and Waterways)