

No. 5/5/2017-PD-VII(330347)
Government of India
Ministry of Ports, Shipping and Waterways
(Sagarmala Cell)

3rd Floor, PTI Building,
Parliament Street,
New Delhi-110001.

Dated , the 18th August ,2022

Subject: Proposal for introduction of the Indian Ports Bill 2022-seeking comments

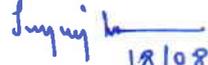
Sir / Madam

I am directed to forward herewith a copy of the draft Indian Ports Bill 2022 and request that comments thereon may kindly be furnished in the prescribed pro forma to email: sagar.mala@nic.in, h.verma@nic.in latest by **30.08.2022** positively

Link -----> Draft Indian Ports Bill 2022

Link-----> Pro forma for sending the comments

Yours faithfully,


18/08/2022

(Sanjay Kumar)

Under Secretary to the Government of India

Tel no.: 011-23714715

Email: sanjay.kumar38@nic.in

Encl: as above.

Format for seeking comments on draft Indian Ports Bill 2022

Name

Address

Organisation

Para-wise comments/ remarks on the draft:

S.No	Chapter and Para of the Bill	Existing Text in the draft	Comments or suggestions

Other Remarks (if any)

Email the format to sagar.mala@nic.in

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THE INDIAN PORTS BILL, 2022

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BILL

	<p><i>to consolidate and amend the law relating to ports, for the prevention and containment of pollution at ports, to ensure compliance with the country's obligation under the maritime treaties and international instruments to which India is a party; take measures for conservation of ports; to empower and establish State Maritime Boards for effective administration, control and management of non-major ports in India; provide for adjudicatory mechanisms for redressal of port related disputes and to establish a national council for fostering structured growth and development of the port sector, and ensure optimum utilization of the coastline of India, as may be necessary, and to provide for matters ancillary and incidental thereto, or connected therewith.</i></p> <p>BE it enacted by the Parliament in the Seventy-_____ Year of the Republic of India as follows: -</p>	
	<p>CHAPTER I</p> <p>PRELIMINARY</p>	
<p>Short title, extent, commencement and application.</p>	<p>1. (1) This Act may be called the Indian Ports Act, 2022.</p> <p>(2) It extends to the whole of India.</p> <p>(3) 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 coming into force of that provision.</p> <p>(4) Unless otherwise expressly provided, the provisions of this Act shall apply to, —</p> <p>(a) all ports including port limits;</p> <p>(b) such parts of the navigable rivers and channels leading to such ports as may be notified by the Government;</p> <p>(c) all vessels within port limits; and</p> <p>(d) all aircrafts making use of any part of the port, while on water, as they apply in relation to vessels.</p> <p>(5) Nothing in this Act shall apply to, —</p> <p>(a) any vessel or any aircraft making use of any part of the port belonging to or exclusively servicing, for military or non-commercial purposes, the Indian Navy, Indian Coast Guard, Customs Authorities, Central Paramilitary Forces, Coastal Police and other agencies as may be notified by the Central Government;</p> <p>(b) any vessel belonging to or in the service of the Central</p>	

	<p>Government or State Government;</p> <p>(c) any foreign vessel of war; or</p> <p>(d) any port or navigable rivers or channels or vessels or class thereof as may be notified by the Central Government.</p>	
<p>Definitions.</p>	<p>2. (1) In this Act, unless the context otherwise requires, —</p> <p>(a) “Appellate Tribunal” means the Appellate Tribunal referred to in section 23 of this Act;</p> <p>(b) “Authority” or “Port Authority”, unless the context otherwise requires, means the Board of Major Port Authority for each major port and the State Maritime Board for non-major ports within each State;</p> <p>(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 (1 of 2021), for each major port;</p> <p>(d) “Chairperson” means the Chairperson of the Council under section 4 of this Act;</p> <p>(e) “concessionaire” means any person who has been granted any right, license, permit or authorisation by whatever name called, by the Government or the Authority, for conducting all or any activity within a port.</p> <p>(f) “conservator” means a person or body of persons appointed for each port or two or more ports, by the Government under section 29 of this Act;</p> <p>(g) “Council” means the Maritime State Development Council established under section 3 of this Act;</p> <p>(h) “equipment” means equipment as defined in Section 3(11) of the Merchant Shipping Act, 1958 (44 of 1958);</p> <p>(i) “existing port” means every port to which the provisions of the Indian Ports Act, 1908 (15 of 1908) were applicable, by virtue of section 1 of the Indian Ports Act, 1908 (15 of 1908), as on the date immediately preceding the date of commencement of this Act;</p> <p>(j) “Fund” means the Maritime State Development Council Fund constituted under section 12 of this Act;</p> <p>(k) “Government” in respect of major ports means the Central Government and in respect of non-major ports means the State Government;</p> <p>(l) “jetty” includes any pier, wharf, berth, stage, stairs, landing place, floating barge, floating storage unit, transhipper or pontoon and any bridges or other works connected therewith.</p> <p>Explanation I. —For the purposes of this definition, the term “transhipper” means a floating craft or vessel, whether dumb or self-propelled, on which gears are provided for discharging cargo from a barge or wharf and loading it into a vessel.</p> <p>Explanation II. — For the purposes of this definition, the term “wharf” includes any wall or stage and any part of the landside or seaside that may be used for loading or unloading goods, or for the embarkation or disembarkation of passengers and any wall enclosing or adjoining the same;</p> <p>(m) “limits” or “port limits” means the defined boundaries of the area of a port notified as such by the Government;</p> <p>(n) “Magistrate” means a person exercising powers under the Code of Criminal Procedure, 1973 (Act No. 2 of 1974);</p>	

	<p>(o) “major port” means any port which the Central Government may by notification in the Official Gazette declare, or may under any law for the time being in force have declared, to be a major port;</p> <p>(p) “master”, when used in relation to any vessel or aircraft making use of any port, means, any person (except a pilot or harbour-master or conservator or deputy conservator of the port) having for the time being the command or charge of the vessel or the aircraft, as the case may be;</p> <p>(q) “guidelines” means the guidelines issued by the Council under this Act;</p> <p>(r) “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;</p> <p>(s) “new port” means any port other than an existing port as defined in clause (i);</p> <p>(t) “non-major port” means a port, other than a major port, declared as such by the State Government by notification in the Official Gazette;</p> <p>(u) “notification” means a notification published in the Official Gazette and the expression “notified” with its cognate expressions and grammatical variations shall be construed accordingly;</p> <p>(v) “obstruction” includes any structure or a vessel or wreck or part thereof, or any material such as any cargo, bunker or pollutant or such other thing or any public nuisance, impeding or likely to impede the operation of the port;</p> <p>(w) “owner”, —</p> <p style="padding-left: 20px;">(i) in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods; and</p> <p style="padding-left: 20px;">(ii) in relation to any vessel or any aircraft making use of any port, includes any registered owner, charterer, consignee or mortgagee in possession thereof;</p> <p>(x) “pilot” means any person for the time being authorised or prescribed by the Government to pilot vessels;</p> <p>(y) “port” means major or non-major port and includes any terminal, offshore terminal, shipyard, repair 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, warehousing, building or repair or anchoring of vessels, or any other place at which a vessel can call, or any part of a river or channel;</p> <p style="padding-left: 20px;">Explanation. — Any reference to ‘port’ in this Act, where the context so requires, shall mean the Authority, where the port is being operated by the Authority, and the concessionaire in all other cases;</p> <p>(z) “port community system” is a secure electronic system integrating the trade related information submitted and exchanged therein, serving as a centralized portal for ports and other relevant stakeholders.</p> <p>(aa) “port officials” include all officials appointed under Chapter VII of the Act;</p> <p>(bb) “port service provider” means a person who carries out all or any of the port works;</p>	
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	<p>(cc) “Port tariff” is a scale of rates consisting of, —</p> <ul style="list-style-type: none"> (i) consideration payable to the port in lieu of services rendered by such port to owners or agents of vessels, or shippers including but not limited to: <ul style="list-style-type: none"> (a) port dues which mean the consideration payable for providing usage of or access to all or any part of the port; (b) loading or unloading of cargo; (c) storage of materials; (d) supplying provisions or equipment to vessels; (e) handling, storing and transporting goods on land adjoining ports and for the handling of passengers carried by the vessels; (f) embarking or disembarking of masters, crew and other personnel, if payable; (g) vessel repair; (h) providing aids to navigation within the port limit; (i) carrying passengers or goods between vessels in the port or port approaches; (j) stevedoring, landing and shipping of passengers or goods from or to such vessels; and (k) wharfage, storage or demurrage of goods on any such place; (ii) consideration payable by or to the port for port works pertaining to the maintenance of ports, as defined under clause (ee) of this section; (iii) realisations from usage of land and property belonging to, or in the possession or occupation of, the Board of Major Port Authority in case of major ports and State Maritime Board in case of non-major ports <p>, and shall exclude administrative receipts and expenditures such as salaries, wages and allowances.</p> <p>(dd) “port user” means any person who avails the services of a port including port works;</p> <p>(ee) “port works” includes, —</p> <ul style="list-style-type: none"> (i) designing, constructing, extending, maintaining, removing or demolishing: <ul style="list-style-type: none"> (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 notified for the purposes of this definition; <p>(ff) “prescribed” means prescribed by the rules made under this Act;</p> <p>(gg) “regulations” means the regulations made by the Council under this Act;</p> <p>(hh) “repealed enactment” means the Indian Ports Act, 1908 (15 of 1908)</p>	
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	<p>(ii) “security” means maritime security and includes any measures to protect ports or vessels or any person or thing relating directly or indirectly to maritime navigation,-</p> <p>(i) Against terrorism, sabotage, stowaways, illegal migrants, asylum seekers, piracy, armed robbery, seizure or pilferage; and</p> <p>(ii) Against any other hostile act or influence, which threatens the security in the maritime transport sector, employed by the owners or operators or persons in charge of the vessels or management of port facilities, offshore installations and other marine organization or establishments, or undertaken by the Central Government.</p> <p>(jj) “State” or “States”, with reference to the mainland of India as well as the individual or composite group or groups of islands constituting part of the territory of India, means the States and Union Territories bordering the territorial waters of India as defined in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 (80 of 1976);</p> <p>(kk) “State Government” means the State Government and in relation to a Union Territory means the administrator thereof, appointed under Article 239 of the Constitution of India, having coastal location;</p> <p>(ll) “State Maritime Board” means the State Maritime Board constituted under section 19 of this Act;</p> <p>(mm) “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;</p> <p>(nn) “vessel traffic service” means a service implemented under this Act to improve the safety and efficiency of vessel traffic and to protect the environment;</p> <p>(oo) “wreck” shall have the same meaning as assigned to it under the Merchant Shipping Act, 1958 (44 of 1958).</p> <p>(2) Words and expressions used and not defined in this Act but defined in the Merchant Shipping Act, 1958 (44 of 1958) shall have the meanings respectively assigned to them in that Act.</p>	
	<p>CHAPTER II</p> <p>MARITIME STATE DEVELOPMENT COUNCIL</p>	
<p>Establishment of the Council.</p>	<p>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.</p> <p>(2) The Council referred to in sub-section (1) shall be a body corporate by the name aforesaid, 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.</p>	

	<p>(3) The head office of the Council shall be at such place as may be specified by regulations.</p> <p>(4) The Council may establish additional offices at other places in India.</p>	
Composition of the Council.	<p>4. The Council shall consist of the following members, —</p> <ul style="list-style-type: none"> (a) the Union Minister to the Government of India in the Ministry of Ports, Shipping and Waterways (Chairperson); (b) Ministers in-charge of ports of all States and Union Territory of Puducherry (members); (c) Administrators of all coastal Union Territories except Union Territory of Puducherry (members) (d) Secretary to the Government of India in the Ministry of Ports, Shipping and Waterways (member); (e) the Secretary or equivalent rank to the Government of India in the Indian Navy dealing with coastal security, as nominated by Union Ministry of Defence (member); (f) the Secretary or equivalent rank to the Government of India in the Coast Guard dealing with coastal security, as nominated by Union Ministry of Defence (member); (g) the Secretary to the Government of India in the Ministry of Home Affairs dealing with coastal security (member); (h) the Secretary to the Government of India in the Ministry of Environment, Forest and Climate Change dealing with maritime and marine environment protection (member) (i) Joint Secretary (Sagarmala) to Government of India in the Ministry of Ports, Shipping and Waterways (Member Secretary) 	
Remuneration of members.	<p>5. No member shall receive any remuneration for the purposes of rendering their role within the Council.</p>	
Powers of Chairperson.	<p>6. The Chairperson shall have the powers of general superintendence and passing directions in relation to the conduct of the affairs of the Council and shall, in addition to presiding over the meetings of the Council, exercise supervision and control over the acts of all employees of the Council in matters of executive administration and in matters concerning the accounts and records of such Council, and shall discharge such other powers and functions as may be assigned to the Chairperson by the Council.</p>	
Meetings.	<p>7. (1) The Council shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum and manner of voting at such meetings) as may be specified by regulations.</p> <p>(2) The Chairperson or, if for any reason he is unable to attend a meeting of the Council, any other member chosen by the members present from amongst themselves at the meeting, shall preside at the meeting.</p> <p>(3) All questions which come up at any meeting of the Council shall be decided by the members present and voting, in such manner as may be specified by regulations, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a second or casting vote.</p>	

	(4) The Council shall transact business at its meetings in such manner as may be specified by regulations.	
Vacancies etc., not to invalidate proceedings of Council.	<p>8. No act or proceeding of the Council shall be invalid merely by reason of, —</p> <ul style="list-style-type: none"> (a) any vacancy in, or any defect in the constitution of, the Council; or (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. 	
Employees of the Council.	<p>9. (1) The Council may appoint such employees as it considers necessary for the efficient discharge of its functions under this Act.</p> <p>(2) The salary and allowances payable to and the other conditions of service of the employees of the Council, appointed under sub-section (1), shall be such as may be specified by regulations.</p>	
Powers and functions of the Council.	<p>10. (1) The functions of the Council shall be to, —</p> <ul style="list-style-type: none"> (a) make recommendations to the Government on, — <ul style="list-style-type: none"> (i) the adequacy of the existing legal framework or statutory compliances, and any amendments to the same, with a view to provide for a more efficient and conducive framework for ports in India; (ii) measures to facilitate competition and promote efficiency in the operation of ports and to facilitate growth of the port sector; (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 (v) any other matter that may be referred to the Council by the Central Government or State Government. (b) discharge the following functions, in consultation with the Central Government and State Governments, namely, — <ul style="list-style-type: none"> (i) formulate a national plan as a recommendatory framework for realizing the full potential of major and non-major ports in India, and assess the progress of such plan and revise such plan from time to time; (ii) issue guidelines in respect of the data or information to be collected by ports and the Government and the manner of collection, storage and updation of such data or information; (iii) collect, collate, process or disseminate any information, records, data and research studies relating to ports, including the grant of public access thereto in accordance with such guidelines as may be issued by the Council; (iv) issue guidelines in respect of transparency of port tariff, in accordance with sub-section (3) of section 59; 	

	<p>(v) such other functions as may be provided in this Act;</p> <p>(c) perform such other functions including such administrative and financial functions as may be entrusted to it by the Central Government.</p> <p>(2) While discharging its functions, the Council shall exercise transparency and take into account the optimum management and utilization of the available coastline, national development priorities and issues of national security.</p> <p>(3) Where the Council considers it expedient to do so for the purpose of discharging its functions under sub-section (1), it may, by order in writing, call upon any Authority, port or person, at any time to furnish in writing, such information as the Council may require.</p>	
	<p>CHAPTER III</p> <p>FINANCE, ACCOUNTS AND AUDIT</p>	
Grants by Central Government.	11. 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 the Council to discharge its functions under this Act.	
Fund.	<p>12. (1) There shall be constituted a Fund to be called the Maritime State Development Council Fund and there shall be credited thereto, —</p> <p style="padding-left: 40px;">(a) all grants received by the Council under this Act; and</p> <p style="padding-left: 40px;">(b) all sums received by the Council from such other sources as may be notified by the Central Government.</p> <p>(2) The Fund shall be applied for meeting, —</p> <p style="padding-left: 40px;">(a) the administrative expenses including the salaries and allowances payable to or in respect of employees of the Council;</p> <p style="padding-left: 40px;">(b) expenses of the Council in discharge of its functions under section 10.</p>	
Accounts and audit.	<p>13. (1) The Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the State Governments and Comptroller and Auditor-General of India.</p> <p>(2) The accounts of the Council shall be audited by the Central Government and the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Council to the Comptroller and Auditor-General of India.</p> <p>(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Council shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has, in connection with the audit of the</p>	

	<p>Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Council.</p> <p>(4) The accounts of the Council as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Central Government shall cause the same to be laid before each House of Parliament.</p>	
Annual report.	<p>14. (1) The Council shall prepare once every year in such form and at such time as may be prescribed by the Central Government in consultation with the State Governments, an annual report giving a summary of its activities during the previous year, including information relating to the proceedings and policies during the previous year and copies of the report shall be forwarded to the Central Government.</p> <p>(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.</p>	
Power to make rules for this Chapter.	<p>15. The Central Government may, in consultation with the State Governments, make rules to provide for all or any of the following matters, namely, —</p> <p>(a) form of annual statement of accounts to be maintained by the Council under section 13(1);</p> <p>(b) form and time of submission of annual report by the Council under section 14(1).</p>	
	<p>CHAPTER IV</p> <p>PORTS AND PORT LIMITS</p>	
Commencement of port operations.	<p>16. No port shall commence or carry on operations in the port unless it is, —</p> <p>(a) an existing port; or</p> <p>(b) a new port which is duly notified in accordance with section 17, from the date of issuance of such notification.</p>	
Notification of new ports and alteration of port limits.	<p>17. (1) The Government may, by notification in the Official Gazette, notify, —</p> <p>(a) a new port;</p> <p>(b) any part of any navigable river or channel which leads to such new port; or</p> <p>(c) subject to the rights of private property, alter the limits of a port,</p> <p>in such form and manner as may be specified by guidelines.</p> <p>(2) A notification under clause (a) or clause (b) of sub-section (1) shall specify the limits to which it refers.</p> <p>(3) The altered limits of an existing port shall be applicable from the date on which the notification issued under clause (c) of sub-section (1) comes into effect.</p>	

<p>Power to make a port or part thereof non-operational.</p>	<p>18. The Government, shall take necessary action in order to make a port or part thereof non-operational, —</p> <p style="padding-left: 40px;">(a) if such port or part thereof has been non-operational for ten years from the date of issuance of the notification in respect of such port or from the date of its inclusion in the First Schedule of the Indian Ports Act, 1908 (15 of 1908), as the case may be; or</p> <p style="padding-left: 40px;">(b) if such port or part thereof is to be made non-operational in the interest of national security; or</p> <p style="padding-left: 40px;">(c) for any other reason, as the Government may deem fit.</p>	
	<p>CHAPTER V</p> <p>STATE MARITIME BOARDS</p>	
<p>Constitution of State Maritime Board.</p>	<p>19. (1) Every State Government shall constitute a State Maritime Board for all the non-major ports within the State, by way of notification in the Official Gazette, within six months from the date of commencement of this Act.</p> <p>Provided that if a State Maritime Board is already established by the State Government under any statute specified in First Schedule, it shall be deemed to be duly constituted for the purposes of this section.</p> <p>Provided further that if the functions of the State Maritime Board under this Act are to be discharged by an existing body of persons, or a department or committee of the State Government, such body of persons, or a department or committee of the State Government, may be notified by the State Government as the State Maritime Board for the purposes of this section.</p> <p>(2) The State Maritime Board shall be a distinct legal entity, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the name with which it is constituted, sue or be sued.</p> <p>(3) The State Government shall transfer, and vest, amongst other things, all port land, property, assets, funds, interest in property and all rights to levy rates vested in the State Government, all rates, fees, rents and other sums of money due to the State Government, and every employee serving under the State Government before such day solely or mainly for or in connection with affairs of the port, to the State Maritime Board, from the date of constitution of the State Maritime Board.</p> <p>(4) 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 constitution of the State Maritime Board, 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 constitution of the State Maritime Board, as the case maybe, be continued or instituted by or against the State Maritime</p>	

	<p>Board.</p> <p>(5) The head office of the State Maritime Board shall be at such place as the State Government may notify.</p> <p>(6) Notwithstanding anything contained in this section the provisions of the statutes governing State Maritime Boards enlisted in the First Schedule, shall continue to remain in force after commencement of this Act.</p>	
<p>Functions of the State Maritime Board.</p>	<p>20. (1) The functions of the State Maritime Board with respect to all the non-major ports within the territory of the respective State, shall include, but not be limited to, —</p> <ul style="list-style-type: none"> (a) initiating plans for development of non-major ports in the State in line with this Act; (b) promoting the use, development, and improvement of non-major ports in the State; (c) executing such works within or outside the limits of non-major ports and provide such appliances to non-major ports, as the State Maritime Board may deem expedient or necessary; (d) exercising licensing functions in respect of non-major port infrastructure and services; (e) exercising supervision and control over all port works, including those contracted out to third parties; (f) regulating and controlling navigation within the limits and the approaches to the non-major ports of the State; (g) framing and amending port tariff, where applicable, in accordance with section 58; (h) developing new non-major ports in the State, in accordance with section 17 of this Act and subject to obtaining the security clearance from the Central Government; (i) protecting ecological balance and safeguarding social and environmental issues; (j) ensuring compliance with the provisions of Chapter IX of this Act and the rules made thereunder, and any guidelines, directions, notifications or instructions issued by the Central Government, from time to time; (k) adjudicating disputes in accordance with section 22 of this Act; (l) advising or passing directions in relation to matters referred to the State Maritime Board by the State Government; (m) providing or ensuring the provision of such other services and facilities which are, in the opinion of the State Maritime Board, necessary for the efficient operation of non-major ports in the State; and (n) carrying out all functions that are or may be notified by the State Government and as may be required by any other law for the time being in force. <p>(2) The functions of the State Maritime Board contained under this Act, shall be in addition to and not in derogation of any other functions contained in any statutes enlisted in the First Schedule or, where no such statute exists, notifications, orders or terms of reference issued by the State Government for performance of functions of the State Maritime Board.</p>	

	<p>(3) The State Maritime Board shall ensure transparency while exercising its powers and discharging its functions.</p>	
<p>Power of State Maritime Board to issue directions.</p>	<p>21. The State Maritime Board may for the discharge of its functions under sub-section (1) of section 20, issue such directions from time to time, in writing, to any non-major port or port officials, as it may consider necessary, and such port or port official shall be bound to comply with such directions.</p>	
	<p>CHAPTER VI</p> <p>ADJUDICATION OF DISPUTES</p>	
<p>Powers regarding complaints and resolution of disputes by the State Maritime Board.</p>	<p>22. (1) Every State Maritime Board shall have the jurisdiction, with respect to all the non-major ports in the State, to receive and adjudicate any dispute inter-se the State Maritime Board, non-major ports, concessionaires, port officials, port users and port service providers, unless the parties have agreed to arbitration.</p> <p>(2) An application to the State Maritime Board for adjudication of any dispute referred to in sub-section (1), shall be made in such form and manner as may be prescribed by the State Government.</p> <p>(3) The State Maritime Board shall, after giving the parties to any dispute under sub-section (1), an opportunity to be heard, pass a reasoned order, in writing, within a period of six months from the date of receipt of the dispute.</p> <p>Provided that where any such dispute cannot be disposed of within the said period of six months, the State Maritime Board may extend the period for disposal upto three months at a time, with reasons recorded in writing, but the period for disposal cannot, with these extensions included, exceed twelve months.</p> <p>(4) The State Maritime Board shall have, for the purposes of discharging its function under sub-section (1), the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely, —</p> <ul style="list-style-type: none"> (a) the discovery and production of books of account and other documents, at such place and at such time as may be specified by the State Maritime Board; (b) summoning and enforcing the attendance of persons and examining them on oath; (c) issuing commissions for the examination of witnesses or documents; and (d) any other matter which may be prescribed by the State Government. <p>(5) Every proceeding before the State Maritime Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code (45 of 1860) and the State Maritime Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).</p> <p>(6) Any order passed by the State Maritime Board under sub-section</p>	

	<p>(3) and any direction issued by the State Maritime Board under section 21, may be reviewed by the State Government within sixty days from the date of issuance of such order or direction by the State Maritime Board.</p> <p>(7) Any order passed by the State Maritime Board shall be executable as a decree of civil court where:</p> <ul style="list-style-type: none"> (a) no review of such order has been conducted by the State Government before the expiry of the period allowed for review as specified in sub-section (6); or (b) no modification is made to such order pursuant to a review of such order by the State Government under sub-section (6); or (c) any modification is made to such order pursuant to a review of such order by the State Government under sub-section (6), with such modification(s). <p>Provided that where an appeal lies against an order of the State Maritime Board and no appeal is preferred then the order of the State Maritime Board shall be deemed to be a final decree under this section, on the expiry of the period allowed for preferring an appeal against such order before the Appellate Tribunal.</p> <p>Explanation: For the purposes of this sub-section, modification of means any change made by the State Government to the order issued by the State Maritime Board pursuant to its review in accordance with sub-section (6).</p> <p>(8) The provisions of this section shall be in addition to and not in derogation of any dispute resolution or related provisions contained within a concession agreement, license, permit or authorization or any contract entered into between the parties mentioned under sub-section (1).</p>	
<p>Establishment of Appellate Tribunal and settlement of disputes and appeals before the Appellate Tribunal.</p>	<p>23. (1) Subject to the provisions of this Act, the Adjudicatory Board constituted under section 54 of the Major Port Authorities Act, 2021 (1 of 2021) shall be the Appellate Tribunal for the purposes of this Act and the said Appellate Tribunal shall exercise the jurisdiction, powers and authority conferred on it by or under this Act.</p> <p>(2) The Appellate Tribunal shall hear and dispose of appeal against, —</p> <ul style="list-style-type: none"> (a) any direction or order of the State Maritime Board under this Act, which has not been modified by the State Government or the period allowed for review as specified in sub-section (6) of section 22 has expired; (b) any direction or order of the State Maritime Board under this Act, which has modified by the State Government pursuant to a review under sub-section (6) of section 22; (c) adjudicate any dispute, — <ul style="list-style-type: none"> (i) between two or more ports, where at least one port is not within the purview of the same State; or 	

	<p>(ii) between two or more State Maritime Boards; or (iii) between one or more major port and one or more non-major port.</p> <p>(3) Any State Maritime Board or port may make an application to the Appellate Tribunal for adjudication of any dispute referred to in clause (c) of sub-section (2), in such form, verified in such manner and be accompanied by such fee as may be prescribed by the Central Government, in consultation with State Governments.</p> <p>(4) Every application under sub-section (3) shall be made within a period of six months from the date on which the cause of action of the dispute arises.</p> <p>Provided that the Appellate Tribunal may entertain any application after the expiry of the said period of six months if it is satisfied that there was sufficient cause for not filing it within that period, within a further period of three months.</p> <p>(5) Any non-major port, concessionaires, port officials, port users, port service providers or any other person party to and aggrieved by any direction or order referred to in clause (a) or clause (b) of sub-section (2), may prefer an appeal to the Appellate Tribunal in such form, verified in such manner and be accompanied by such fee as may be prescribed by the Central Government, in consultation with State Governments.</p> <p>(6) Every appeal under sub-section (5) shall be preferred within a period of thirty days from the date of expiry of the period allowed for review as specified in sub-section (6) of section 22.</p> <p>Provided that the Appellate Tribunal may entertain any appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period, within a further period of thirty days.</p> <p>(7) On receipt of an application under sub-section (3) or an appeal under sub-section (5), the Appellate Tribunal may, after giving the parties to the dispute or the appeal an opportunity of being heard, pass such orders, directions or instructions thereon as it thinks fit, including to any Government or State Maritime Board for the performance of its statutory functions under this Act.</p> <p>(8) The Appellate Tribunal shall send a copy of every order issued by it to the parties to the dispute or the appeal, as the case may be.</p> <p>(9) The application under sub-section (3) or the appeal preferred under sub-section (5) shall be dealt with as expeditiously as possible and endeavour shall be made by the Appellate Tribunal to dispose of the application or appeal finally within three months from the date of receipt of application or appeal, as the case may be.</p> <p>Provided that where any such application or appeal could not be disposed of within the said period of three months, the Appellate Tribunal shall record its reasons in writing for not disposing of the application or appeal within that period and shall dispose the appeal within twelve months from the date of receipt of application or appeal, as the case may be.</p>	
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	<p>(10) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any direction or order referred to in clause (a) or clause (b) of sub-section (2), on its own motion or otherwise, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.</p>	
Procedure of the Appellate Tribunal.	<p>24. The provisions of sub-sections (2) to (4) of sections 58 of the Major Port Authorities Act, 2021 (1 of 2021) shall mutatis mutandis apply to the Appellate Tribunal in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Major Port Authorities Act, 2021 (1 of 2021).</p>	
Civil court not to have jurisdiction.	<p>25. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the State Maritime Board or Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of power conferred by or under this Act.</p> <p>Provided that the provisions of this section shall not apply to matters stated in section 22 that are referred to arbitration by the concerned parties within the framework of their respective contracts, concession agreements, licenses, permits or authorizations.</p>	
Orders passed by the Appellate Tribunal under this Act to be executable as a decree.	<p>26. (1) An order passed by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it under this Act, to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.</p>	
Appeal to Supreme Court.	<p>27. (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or in any other law, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on one or more of the grounds provided in section 100 of that Code.</p> <p>(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.</p> <p>(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against:</p> <p>Provided that the Supreme Court may entertain the appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.</p>	
Power to make rules for this Chapter.	<p>28. (1) The Central Government may, in consultation with the State Governments, make rules to provide for all or any of the following matters, namely, —</p> <p>(a) form, manner and fees for making an application to the Appellate Tribunal for adjudication of any dispute under</p>	

	<p style="text-align: center;">section 23(3);</p> <p style="text-align: center;">(b) form, manner and fees for preferring an appeal to the Appellate Tribunal under section 23(5).</p> <p>(2) The State Government may make rules to provide for all or any of the following matters, namely, —</p> <p style="padding-left: 20px;">(a) form and manner of making an application for adjudication of any dispute to the State Maritime Board under section 22(2);</p> <p style="padding-left: 20px;">(b) power of the State Maritime Board on any other matter under section 22(4)(d).</p>	
	<p>CHAPTER VII</p> <p>PORT OFFICIALS, THEIR POWERS AND FUNCTIONS</p>	
<p>Appointment of conservator, deputy conservator, harbour master and other port officials.</p>	<p>29. (1) The Government shall appoint such officers or body of persons to be the conservator for every port, or for two or more ports.</p> <p>(2) The deputy conservator, harbour master and other officials of the port shall be appointed by-</p> <p style="padding-left: 40px;">(a) in case of ports where a concessionaire is appointed, by such concessionaire; and</p> <p style="padding-left: 40px;">(b) in case of other ports, by the Government.</p> <p>(3) In a port where the conservator is not in place, the deputy conservator shall be deemed to be the conservator of that port.</p> <p>(4) The conservator may, with the approval of the Government, delegate such powers to such persons, including a deputy conservator, harbour-master or other officials of the Government, as may be prescribed by the Government and such persons to whom powers are delegated shall be subject to the supervision and control of the conservator.</p> <p>(5) The conservator shall be subject to the control of the Government or the Authority.</p>	
<p>Powers of conservator to issue directions.</p>	<p>30. (1) The conservator of a port, with respect to any vessel within the port, subject to the provision of this Act may issue directions for carrying into effect any provision of this Act or rules made thereunder.</p> <p>(2) The conservator of a port, with respect to any vessel within the port, may, subject to such conditions as the conservator may think fit, —</p> <p style="padding-left: 40px;">(a) direct where the vessel shall be berthed, moored or anchored and the method of anchoring;</p> <p style="padding-left: 40px;">(b) direct the removal of the vessel from any place within the port to any other place and the time within which such removal is to be effected;</p> <p style="padding-left: 40px;">(c) regulate, restrict or prohibit the movement of vessels in the port and the approaches to the port;</p> <p style="padding-left: 40px;">(d) direct the master of any vessel to place at his disposal such number of crew as may be deemed fit by the conservator</p>	

	<p>for the purpose of preventing or extinguishing fire or for any other matter under this Act;</p> <p>(e) prohibit any vessel from entering or leaving the port, where such a vessel fails to comply with the provisions of this Act or any other law for the time being in force or rules, regulations or directions issued thereunder.</p> <p>(3) If any person refuses or neglects to obey any direction of the conservator, issued under sub-sections (1) or (2), the conservator may cause or cause to be done, all the necessary acts for execution of the directions and may hire and employ suitable persons for this purpose, and all expenses incurred in this behalf shall be recoverable from the person for such refusal or neglect.</p>	
<p>Removal of obstructions within port limits.</p>	<p>31. (1) The conservator may remove, or may cause to be removed, either on his own, or through any external agency or through an officer authorised by the conservator in this regard, any obstruction or impediment being in any part of a port, which in his opinion obstructs or impedes the operation of a port or part thereof or any other work on any part of the shore or bank which has been declared to be within the port limits and is not private property.</p> <p>(2) The owner of any such obstruction or impediment shall be liable to pay the reasonable expenses of the removal thereof.</p> <p>(3) If the owner of any such obstruction or impediment neglects to pay the reasonable expenses incurred in the removal thereof, the conservator may sell 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.</p> <p>(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 so much of the obstruction as may remain unsold.</p> <p>(5) If the obstruction or impediment to navigation of any port that is deemed to be fit for removal by the conservator under sub-section (1) exists on account of any permit, grant, license or other lawful instrument issued by Government before such removal, the conservator shall report the obstruction and recommended removal to the Government, and shall, with the previous sanction of the Government, cause the same to be removed or altered, making reasonable compensation to the person that owns such obstruction in such manner and determined on such factors as may be prescribed.</p>	
<p>Power to specify restrictions on activities within limits.</p>	<p>32. The Government, by notification in the Official Gazette, specify restrictions on certain activities within limits that cause any impediment to the navigation of any port.</p>	
<p>Fouling of moorings.</p>	<p>33. (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</p>	

	<p>from the same without the assistance of the conservator, and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel.</p> <p>(2) The master of such vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same. .</p>	
Power to board vessels and enter buildings.	<p>34. The conservator, whenever he suspects that any offence against the provisions of this Act has been, or is about to be committed, or whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, and the person appointed under this Act to receive any port tariff, any other fees or charges, in respect of any vessel, may, whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.</p>	
Appointment and powers of health-officer.	<p>35. (1) The Government may appoint an officer or an empanelled medical practitioner as the health-officer to carry out the functions of the port health-officer at any port.</p> <p>(2) The health-officer under sub-section (1) should possess such qualifications and experience as prescribed by the Government.</p> <p>(3) A health-officer shall, subject to the control of the Government, have the following powers, within the limits of the port for which he is appointed, namely, —</p> <ul style="list-style-type: none"> (a) the powers of inspection of provisions, water and sanitation and accommodation within vessels; (b) power to enter on board any vessel and medically examine all or any of the seafarer or apprentices on board the vessel; (c) power to require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board the vessel; (d) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask; and (e) power to require any person so questioned to make and sign a declaration of the truth of the statements made by him. 	
Indemnity of Government against act or default of port officials or pilot.	<p>36. The Government shall not be responsible for any act or default of any conservator, port-officer or deputy conservator or harbour-master, of any port subject to this Act, or of any deputy or assistant of any of the authorities aforesaid, or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any pilot, or for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the vessel:</p> <p>Provided that nothing in this section shall protect the Government from a suit in respect of any act done by or under the express order or sanction of the Government.</p>	
Power to make	<p>37. The Government may make rules to provide for all or any of the</p>	

<p>rules for this Chapter.</p>	<p>following matters, namely, —</p> <ul style="list-style-type: none"> (a) the powers and persons to whom powers may be delegated by the conservator under section 29(4); (b) manner of making reasonable compensation and other factors based on which reasonable compensation shall be determined under section 31(5); (c) the qualifications and experience for the appointment of health-officers under section 35(2). 	
<p>CHAPTER VIII</p> <p>SAFETY AND CONSERVATION OF PORTS</p>		
<p>Damage to the property of port.</p>	<p>38. (1) No person shall, without lawful excuse, remove, destroy or damage any property including any jetty 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 which it is intended to be used or operated.</p> <p>(2) If any person contravenes sub-section (1), he shall, in addition to any other penalty specified in this Act, make the payment of the amount any loss, destruction or damage suffered by the port, including the expenses of any inspection or survey carried out.</p>	
<p>Warping.</p>	<p>39. Every master of a vessel in any port subject to this Act shall, when required to do so by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until required to do so.</p>	
<p>Master to take order to extinguish fire.</p>	<p>40. Every master of a vessel lying in any port, shall take order to extinguish any fire on the vessel, and shall 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.</p>	
<p>Offences in connection with safety of vessels etc.</p>	<p>41. (1) Any person who, —</p> <ul style="list-style-type: none"> (a) wilfully and without lawful excuse loosens or removes from its moorings or from its fastenings any vessel in the port without leave or authority from the master or owner of such vessel; or (b) wilfully and without lawful excuse lifts, injures, makes a vessel fast to, loosens or sets adrift any moorings, buoys, beacons or sea or landmarks; or (c) without any lawful excuse discharges any firearm in the port except for such purpose as is allowed under any law in force; or (d) does or omits to do any act on board any vessel in the port which has caused or may cause fire on board such vessel; or (e) uses a vessel to be used in the port when such vessel is in such a state that by reason of the defective condition of its hull, equipment or machinery, or by reason of under-manning or otherwise, the life of any person is likely to be endangered or the safety of any other vessel navigating in the port 	

	<p>shall be guilty of an offence under this section.</p> <p>(2) The master of a vessel who, causes or suffers any warp or hawser attached to his vessel to be left out in any port subject to this Act in such a manner as to endanger the safety of any other vessel navigating in the port, shall be guilty of an offence under this section.</p> <p>(3) Any person who graves, breams or smokes any vessel in the port, or boils or heats any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within the port, at any time or within any limits at or within which such act is prohibited by the Government, or contrary to the orders or directions of the conservator, such person and the master of the vessel shall be guilty of an offence under this section.</p>	
<p>Unauthorised person not to search for lost stores.</p>	<p>42. No person, without the permission of the conservator, shall, in any port subject to this Act, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.</p>	
<p>Removing stones or injuring shores of port prohibited.</p>	<p>43. No person without the permission of the conservator shall in any port, in any way, disturb the existing waterbed or geophysical structures or any artificial protection or constructions or shore of the port, and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing or do any other thing which is likely to damage or to be used so as to damage such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as the conservator may appoint to take part in or overlook the performance of such work.</p>	
<p>Moving of Vessels without pilot or permission of harbour master.</p>	<p>44. (1) No vessel shall enter, leave or be moved in any port without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board, and no mechanically propelled vessel and no other vessel shall enter, leave or be moved in any such port without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board, unless authority in writing so to do has been obtained from the conservator or some officer authorised by him to give such authority.</p> <p>Provided that the Government may, by notification in the Official Gazette, direct that in any port provided in such notification the provisions of this sub-section shall not apply to sailing vessels of any measurement not exceeding a measurement so provided. (2) Notwithstanding anything in sub-section (1), the owner or master of a vessel which is by that sub-section required to have a pilot, harbour-master or assistant of the harbour-master or port officer on board, shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel, in the same manner as he would have been if he had not been so required by that sub-section.</p> <p>(3) The owner or master of the vessel shall be liable for an offence</p>	

	<p>for contravention of sub-section (1) unless upon application to the proper officer the master was unable to procure a pilot, harbour-master or assistant of the port-officer or harbour-master to go on board the vessel.</p>	
<p>Authorities exercising jurisdiction to co-operate in manoeuvres for defence of port</p>	<p>45. Every port official exercising any powers or jurisdiction in, or relating to, any port to which this Act for the time being applies shall, if so required by an officer authorized by general or special order of the Central Government in this behalf, co-operate in such manner, as such officer may direct, in carrying out any manoeuvres in connection with any scheme or preparations for the defence of the said port in time of war or any natural disaster, and for this purpose shall, if so required, temporarily place at the disposal of such officer the services of any of its staff and the use of any of its vessels, property, equipment or other material:</p> <p>Provided that if any vessels are placed at the disposal of such officer in accordance with this section, the Central Government shall, in respect of the period during which they are so at his disposal, bear the running expenses of such vessels, and be responsible for any damage thereto.</p> <p>Explanation. -The expression ‘running expenses’ in this proviso includes all outlay incurred in connection with the use of the vessels other than any charges for their hire, or for the wages of the officers and crews of such vessels:</p> <p>Provided further that any officer making a requisition under this section shall exercise his powers in such a way as to cause as little disturbance to the ordinary business of the port as is compatible with the exigencies of the efficient carrying out of the manoeuvres:</p> <p>Provided also that no suit or other legal proceeding shall lie against any authority for any default occurring by reason only of compliance with a requisition under this section.</p>	
	<p>CHAPTER IX</p> <p>PREVENTION, CONTAINMENT OF POLLUTION AND RESPONSE</p>	
<p>Definitions.</p>	<p>46. In this chapter, unless the context otherwise requires, —</p> <p>(a) “Ballast Water Management Convention” means the International Convention for the Control and Management of Ships’ Ballast Water and Sediments 2004, as may be amended;</p> <p>(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, excluding cargo dust remaining on the deck after sweeping or dust of the external surfaces of the vessel;</p> <p>(c) “MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships, 1973, including its Protocol of 1978, as amended from time to time in the manner specified therein;</p> <p>(d) “Portal” shall mean such centralized electronic port</p>	

	<p>reception facility portal, as may be specified by the Central Government;</p> <p>(e) “reception facility” means any facility which is fixed, floating or mobile and capable of providing the service of receiving the waste from vessels;</p> <p>(f) “waste from vessels” or “vessel-generated waste” means all 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 MARPOL Convention and the Ballast Water Management Convention.</p>	
Requirement to provide adequate reception facilities.	<p>47. Every port shall 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 on reception facilities 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 State Governments.</p> <p>Explanation- For the purposes of this section, “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, the types of vessels calling at that port.</p>	
Direction to provide adequate reception facilities.	<p>48. Where in respect of any port it appears to the Central Government, on the basis of the audit conducted under section 53 or otherwise, that, —</p> <p>(a) the port has no reception facilities; or</p> <p>(b) if the port has such facilities, those facilities are not adequate within the meaning in section 47,</p> <p>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 such order.</p>	
Port waste reception and handling plans.	<p>49. (1) Every port, in consultation with such persons as may be prescribed by the Central Government, in consultation with State Governments, shall prepare a port waste reception and handling plan, in compliance with such requirements as may be prescribed by the Central Government, in consultation with State Governments, and submit such plan to the Central Government for approval.</p> <p>(2) The port waste reception and handling plan approved by the Central Government, in such manner as may be prescribed by the Central Government, in consultation with State Governments, shall be implemented by the port.</p> <p>(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 State Governments.</p>	
Advance waste notification.	<p>50. The operator, agent or master of a vessel bound for India shall submit an advance waste notification to the port of call in such form and manner as may be prescribed by the Central Government, in</p>	

	<p>consultation with State Governments,—</p> <p>(a) at least 24 hours prior to arrival, if the port of call is known;</p> <p>(b) as soon as the port of call is known, if this information is available less than 24 hours prior to arrival; or</p> <p>(c) at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours.</p>	
Delivery of vessel-generated waste.	<p>51. (1) Subject to such conditions as may be prescribed by the Central Government, in consultation with State Governments, 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 in accordance with the relevant discharge norms laid down in the MARPOL Convention.</p> <p>(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 State Governments.</p>	
Charges for vessel-generated waste.	<p>52. (1) A port providing reception facilities or a person providing such facilities by arrangement with the port, may, —</p> <p>(a) impose such conditions in respect of the use of such facilities, in consonance with MARPOL Convention and Ballast Water Management Convention;</p> <p>(b) levy such reasonable charges for the use of the facilities.</p> <p>(2) Any reception facility provided at the port shall be made available for use by any vessel on payment of all charges and subject to compliance with all conditions imposed under sub-section (1).</p>	
Audit of ports.	<p>53. (1) The Central Government shall audit every port at such intervals as may be prescribed by the Central Government, in consultation with State Governments, for the availability and adequacy of reception facilities in accordance with this Chapter and the rules made thereunder, and shall also audit such pollution containment equipment as may be specified by the Central Government, from time to time.</p> <p>(2) The Central Government, in consultation with State Governments, shall prescribe the manner of conduct of the audit under sub-section (1).</p>	
Maintenance of information on the Portal.	<p>54. The following information shall be uploaded on the Portal in such manner and by such persons as may be notified by the Central Government, —</p> <p>(a) Advance waste notification under section 50;</p> <p>(b) Waste delivery receipt under section 51(2);</p> <p>(c) Request by a vessel for availing reception facilities;</p> <p>(d) Such other matters as may be notified by the Central Government.</p>	
Power to take measures for prevention or containment of pollution.	<p>55. (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 of India or coastline or related interests, to the Government, in such manner as may be prescribed by the Central Government, in consultation with State Governments.</p> <p>(2) Where the Government is satisfied that an incident which</p>	

	threatens or is likely to pose a threat of pollution to the coastal waters of India or coastline or related interests, has taken place or is likely to take place, it may direct the port to take such action for the prevention or containment of such pollution or threat of such pollution of the coastal waters or coastline of India.	
Order for securing compliance.	56. Where any port or port official fails to comply, or fails to comply in part with the provisions of this Chapter, the Government may issue directions to ensure such compliance.	
Power to make rules for this chapter.	57. The Central Government may, in consultation with the State Governments, make rules to provide for all or any of the following matters, namely, — <ul style="list-style-type: none"> (a) conditions on maintenance of adequate reception facilities under section 47; (b) such persons who shall be consulted by the port for preparation of the port waste reception and handling plan under section 49(1); (c) requirements of every port waste reception and handling plan under section 49(1); (d) manner of approval of the port waste reception and handling plan under section 49(2); (e) manner and particulars of information about the port waste reception and handling plan to be communicated by the port to the Central Government under section 49(3); (f) form and manner of submission of an advance notification under section 50; (g) conditions subject to which 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 under section 51(1); (h) form and manner of issuance of a waste delivery receipt under section 51(2); (i) intervals at which ports shall be audited under section 53; (j) manner of conduct of the audit under section 53; (k) manner in which ports shall report the particulars of any incident under section 55. 	
	CHAPTER X PORT TARIFF	
Port tariff	58. (1) For every non-major port, the State Maritime Board or such concessionaire authorized by the State Maritime Board, as the case may be, in this regard, shall frame or amend the port tariff. (2) For every major port, the Board of Major Port Authority or such persons or body of persons as specified in the Major Port Authorities Act, 2021 (1 of 2021), shall frame or amend the port tariff. (3) Every port tariff framed or amended under sub-section (1) or (2) shall be published electronically by the Authority or concessionaire or person or body of persons framing or amending the port tariff, as the case may be.	

	(4) The port tariff and any amendment made to such part tariff, shall come into effect prospectively only after expiry of thirty days from the date of first publication of the port tariff or any amendment made to such port tariff under sub-section (3).	
Transparency of port tariff	<p>59. (1) For every non-major port, the State Maritime Board or such concessionaire authorized by the State Maritime Board, as the case may be, shall intimate, in writing, the amended port tariff to the Government, from time to time.</p> <p>(2) For every major port, the Board of Major Port Authority or such persons or body of persons as specified in the Major Port Authorities Act, 2021 (1 of 2021), as the case may be, shall intimate, in writing, the amended port tariff to the Government, from time to time.</p> <p>(3) The Council may, in consultation with the Central Government and State Governments, issue guidelines in relation to any of the following, —</p> <ul style="list-style-type: none"> (a) components of port tariff, including but not limited to the heads of port tariff specified in sections 2(cc) and 2(ee); (b) any other matter in relation to the transparency of port tariff, such as requirement to specify all components of port tariff on the receipts issued under section 61. <p>(4) The Board of Major Port Authority in case of major ports, and the State Maritime Board in case of non-major ports, may, based on any recommendation by the Government, in special cases, remit the whole or any portion of the port tariff due or payable.</p>	
Appointment of officer to receive and spend port tariff.	60. The Government shall appoint some officer or body of persons at every port at which any port tariff, or any other fees or charges are authorised to be taken by or under this Act to receive the same and, subject to the control of the Government, to expend the receipts on any of the objects authorised by this Act.	
Receipt for port tariff.	<p>61. The person to whom any port tariff, any other fees or charges, authorized to be taken by or under this Act, are paid, shall issue to the person paying the same a receipt, in such form and mode as may be prescribed by the Government, containing the following particulars, —</p> <ul style="list-style-type: none"> (a) name of his office; (b) the port or place at which the port tariff 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. 	
Owner, agent or master to report arrival.	62. The owner, agent or master of every vessel liable to make payment of any port tariff, any other fees or charges, shall provide report on its arrival within the limits of any port, within twenty-four hours of its arrival, in such manner and along with such information as may be prescribed by the Central Government, in consultation with State Governments.	
Detention and sale on refusal to pay port tariff.	63. (1) If the master of any vessel in respect of which any port tariff, any other fees or charges are payable under this Act, refuses or neglects to pay the same on demand, the authority appointed to receive such port tariff, any other fees or charges, may detain or arrest the vessel or any part thereof, and detain the same until the amount due is paid;	

	<p>and in case any part of the port tariff, any other fees or 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, may cause the vessel detained or arrested to be sold, and with the proceeds of such sale may satisfy the port tariff, any other fees or charges and the cost including the costs of sale remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand:</p> <p>Provided that where such vessel is already arrested under the order of a Court or other authority, the authority appointed to receive port tariff, any other fees or charges, may sell the vessel or part thereof only with the prior permission of such court or other authority and satisfy the port tariff 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.</p> <p>(2) Where the sale proceeds of the vessel is insufficient to satisfy the port tariff, any other fees or charges due and the cost including the costs of sale remaining unpaid, the owner of the vessel shall be liable to pay the unpaid balance to the authority appointed to receive such port tariff due by order, made in writing, within one month of issuance of such order.</p>	
<p>No port-clearance to be granted until port tariff dues are paid.</p>	<p>64. The officer of the Government whose duty is to grant a port-clearance for any vessel shall not grant such clearance until her owner or master or agent, has paid or secured to the satisfaction of such officer the amount of all port tariff, any other fees or charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act.</p>	
<p>Penalty for evading payment of port tariff due.</p>	<p>65. (1) If the master of a vessel evades the payment of any such sum as is mentioned in section 64, he shall be liable for an offence under this Act.</p> <p>(2) In any proceeding before a Magistrate on a prosecution under sub-section (1) any such certificate under section 63 stating that the master has evaded such payment, shall be sufficient <i>prima facie</i> proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.</p> <p>(3) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.</p>	
<p>Power to make rules for this Chapter.</p>	<p>66. (1) The Central Government may, in consultation with the State Governments, make rules to provide for all or any of the following matters, namely, —</p> <p style="padding-left: 40px;">(a) manner and information to be submitted upon arrival under section 62.</p> <p>(2) The Government may make rules to provide for all or any of the following matters, namely, —</p> <p style="padding-left: 40px;">(a) form and mode in which the receipt of port tariff may be given under section 61.</p>	

	CHAPTER XI	
PENALTIES AND PROCEDURES		
Penalty under this Act.	<p>67. (1) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence committed under this Act.</p> <p>(2) The offences mentioned in column (II) of the Table below shall be punishable to the extent mentioned in column (IV) of the Table with reference to such offence respectively.</p> <p>(3) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, or any rule or direction or order or notification or regulations made there under, which it was his duty to comply with, and in respect of which no penalty is specifically provided in sub-section (2), shall be punishable with fine, which may extend 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.</p> <p>(4) The conservator may, where applicable, after affording the parties an opportunity of being heard, by order in writing, impose penalties as provided in column (IV) of the Table.</p> <p>Explanation- For the purposes of this Chapter, the “conservator”, where it is a body of persons appointed as such, shall mean, one person appointed, in such manner as may be prescribed by the Government, from amongst such body of persons.</p> <p>(5) Any person aggrieved by the order of the conservator under sub-section (4), may, within a period of thirty days from the date of receipt of such order, prefer an appeal before the Magistrate.</p>	

Serial No. (Column I)	Offences (Column II)	Section of this Act to which offence has referred (Column III)	Penalties (including repeat offence or continuing offence, where specified) (Column IV)	By whom the offence triable and penalties imposed (Conservator or Magistrate/Court) (Column V)
1.	If any port commences operations in contravention of Section 16	16	Fine of one lakh rupees.	Magistrate/Court
2.	If any non-major port or port official fails to comply with directions of the State Maritime Board under Section 21	21	Fine which may extend to ten thousand rupees, and one thousand rupees per day for the continuing offence in case of port official; and a fine which may extend to two lakh rupees, and twenty thousand rupees	Magistrate/Court

			per day for the continuing offence in case of a port.	
3.	If any person refuses or neglects to obey any direction of the conservator under Section 30(1) or 30(2)	30(1), 30(2) 30(3)	Fine which may extend to fifty thousand rupees for the first offence, and five thousand rupees per day for every day or part thereof during which the offence continues; and in addition, all expenses incurred by the conservator.	Conservator
4.	If any owner has without lawful excuse caused any such obstruction or impediment under Section 31(1)	31(1) 31(2)	Fine which may extend to two lakh rupees for the first offence, and in addition a fine not exceeding twenty thousand rupees for every day during which the offence continues. In addition, The owner of any such obstruction or impediment shall be liable to pay the reasonable expenses of the removal thereof.	Conservator
5.	If any master of a vessel or any other person contravenes Section 33(1)	33(1)	Fine which may extend to one lakh rupees; and in addition, reasonable expenses incurred in clearing the vessel.	Conservator
6.	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 adherence to Section 34	34	Fine which may extend to ten thousand, rupees for the first offence, and ten thousand for every day during which the offence continues.	Conservator
7.	If any person acts in contravention of Section 38(1)	38(1)	Fine which may extend to one lakh rupees.	Conservator
8.	If any master of a vessel acts in contravention of Section 39	39	Fine which may extend to one lakh rupees or imprisonment for a term which may extend to 6 months, or both.	Magistrate/Court

9.	If master omits to take order to extinguish the fire or obstructs the conservator or any person acting under the authority of the conservator in extinguishing or attempting to extinguish the fire, in contravention of section 40	40	Fine which may extend to one lakh rupees or imprisonment for a term which may extend to 6 months, or both.	Magistrate/Court
10.	If any person commits an offence under Section 41 (1) (a) or (b) or (c) or (d) or (e)	41 (1) (a), (b), (c), (d) and (e)	Fine which may extend to one lakh rupees or imprisonment for a term which may extend to 6 months, or both.	Magistrate/Court
11.	If the master of the vessel commits an offence under Section 41(2)	41(2)	Fine which may extend to one lakh rupees or imprisonment for a term which may extend to 6 months, or both.	Magistrate/Court
12.	If any person commits an offence under Section 41(3), then such person and the master of the vessel shall be guilty of an offence.	41(3)	Fine which may extend to one lakh rupees or imprisonment for a term which may extend to 6 months, or both.	Magistrate/Court
13.	If any person acts in contravention of Section 42	42	Fine which may extend to one lakh rupees or imprisonment for a term which may extend to 6 months, or both.	Magistrate/Court
14.	If any person acts in contravention of Section 43	43	Fine which may extend to one lakh rupees or imprisonment for a term which may extend to 6 months, or both.	Magistrate/Court
15.	If any owner or master of a vessel acts in contravention of Section 44(1)	44(1)	Fine which may extend to two lakh rupees.	Conservator
16.	If any port fails to provide adequate reception facilities under Section 47	47	Fine to port which may extend to two lakh rupees.	Magistrate/Court
17.	If any port fails to comply with directions of the Central Government under Section 48	48	Fine to port which may extend to one lakh rupees; and in addition, a fine which may extend to twenty thousand rupees for everyday during which the offence continues	Magistrate/Court
18.	If any port fails to prepare a port waste reception and handling plan in accordance with Section 49(1)	49(1)	Fine to port which may extend to two lakh rupees.	Magistrate/Court

19.	If any port fails to implement the approved port waste reception and handling plan under Section 49(2)	49(2)	Fine to port which may extend to two lakh rupees.	Magistrate/Court
20.	If any port fails to communicate any information to vessels under Section 49(3)	49(3)	Fine to port which may extend to twenty thousand rupees.	Magistrate/Court
21.	If any operator, agent or master of a vessel fails to submit an advance waste notification in accordance with Section 50	50	Fine which may extend to twenty thousand rupees.	Conservator
22.	If any master of a vessel fails to deliver all its vessel-generated waste to a reception facility under Section 51(1)	51(1)	Fine which may extend to one lakh rupees.	Conservator
23.	If any vessel fails to pay the charges payable or fails to comply with conditions as notified under Section 52	52	Fine which may extend to twenty thousand rupees and two thousand for every day during which the offence continues.	Conservator
24.	If any person fails to upload information onto to the portal as may be specified by the Central Government under Section 54.	54	Fine which may extend to ten thousand rupees.	Conservator
25.	If any port acts in contravention of Section 55(1)	55(1)	Fine which may extend to one lakh rupees.	Magistrate/Court
26.	If any port fails to comply with the directions issued by the Government under Section 55(2)	55(2)	Fine which may extend to one lakh rupees; and in addition, a fine which may extend to ten thousand rupees for everyday during which the offence continues	Magistrate/Court
27.	If any port fails to comply with the directions issued by the Government under Section 56	56	Fine which may extend to one lakh rupees; and ten thousand rupees for everyday during which the offence continues.	Magistrate/Court
28.	If any Authority or concessionaire or person or body of persons framing the port tariff, fails to publish such port tariff in accordance with Section 58(3) or fails to intimate the Government under Section 59(1)	58(3), 59(1)	Fine which may extend to one lakh rupees; and ten thousand rupees for everyday during which the offence continues.	Magistrate/Court
29.	If any owner, agent or master of a vessel fails to report the arrival of a vessel	62	Fine which may extend to twenty thousand rupees.	Conservator

	under Section 62			
30.	If any master of a vessel commits an offence under Section 65(1)	65(1)	Fine which may extend to fifty thousand rupees besides the payment which is due.	Conservator
31.	If the master of any vessel contravenes Section 82(1) or (2)	82(1), 82(2)	Fine which may extend to twenty thousand rupees.	Conservator
32.	If any port fails to prepare a safety, security and pollution incident emergency preparedness and response plan in accordance with Section 85(1) or fails to implement the approved plan in accordance with Section 85(4)	85(1), 85(4)	Fine which may extend to two lakh rupees.	Magistrate/Court
33.	If any port contravenes Section 86	86	Fine which may extend to twenty thousand rupees.	Magistrate/Court
34.	If any port fails to comply with directions of the Central Government under Section 87(1)	87(1)	As may be prescribed in the direction	Magistrate/Court
35.	If any port fails to develop or maintain a vessel traffic service under Section 87(2)	87(2)	Fine which may extend to one lakh rupees.	Magistrate/Court
36.	If any port, port facility, port official, port facility security officer or any other person fails to adhere to directions issued by the Government under Section 88	88	Fine to conservator or authorized person of such port facility which may extend to ten thousand rupees; and in addition, a fine which may extend to one thousand rupees for everyday during which the offence continues	Magistrate/Court
37.	If any port acts in contravention of Section 89	89	Fine to conservator or authorized person of such port which may extend to two lakh rupees.	Magistrate/Court

Penalty for wilful failure to comply with orders of Appellate Tribunal.	68. If any person wilfully fails to comply with the order, directions or instructions of the Appellate Tribunal, he shall be punishable with fine which may extend to five lakh rupees, and in the case of continuing contravention with additional fine which may extend to five thousand rupees for every day during which such default continues.	
Penalty for wilful failure to comply with directions or orders of the State Maritime	69. If any person wilfully fails to comply with the direction or order of the State Maritime Board which has been reviewed by the State Government within the period allowed for review as specified in sub-section (6) of section 22 or on the expiry of such period, and where no appeal has been preferred against the order, he shall be punishable with fine which may extend to two lakh rupees, and in the case of continuing	

Board.	contravention with additional fine which may extend to two thousand rupees for every day during which such default continues.	
Protection of acts done in good faith.	70. No suit or other legal proceeding shall lie against the Council or any member or employee thereof or against any port official, except where any offence results from the wilful misconduct or gross negligence of the port official, in respect of anything which is done or intended to be done in good faith under this Act or any rules or regulations made there under.	
Penalty for failure to furnish information etc.	71. Any person who furnishes, or is required to furnish under this Act, any particulars, documents or any information, and, — <ul style="list-style-type: none"> (a) makes any statement or furnishes any document which he knows or has reason to believe to be false in any material particular; or (b) omits to state any material fact knowing it to be material; or (c) wilfully alters, suppresses or destroys any document which is required to be furnished as aforesaid, <p>such person shall be punishable with fine which may extend to one lakh rupees as may be determined by the Magistrate.</p>	
Offences how triable, and penalties how recovered.	72. All offences against this Act shall be triable by a conservator or Magistrate, as the case may be, and such conservator or Magistrate, may, cause the amount of any fine imposed upon the owner or master of any vessel, for any offence committed on board of the vessel or in the management thereof or otherwise in relation thereto, whereof the owner or master is convicted, to be levied by distress and sale of the vessel, or so much thereof as is necessary.	
Costs of conviction	73. (1) In case of any conviction under this Act, the convicting conservator or Magistrate, as the case may be, may order the offender to pay the costs in addition to any fines or expenses provided in the Table to which he may be liable. (2) Such costs may be assessed by the conservator or Magistrate, as the case may be, and may be recovered in the same manner as any fine under this Act.	
Ascertainment and recovery of expenses and damages payable under this Act.	74. (1) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a conservator or Magistrate, as the case may be, upon application made to him for that purpose by either of the disputing parties. <p>Provided that where the expenses or damages are determined by the Conservator, in accordance with this Act, any dispute on such expenses or damages shall be determined by the Magistrate.</p> <p>(2) Whenever any person is liable to pay any sum, not exceeding one thousand rupees, as expenses or damages under this Act, conservator or Magistrate, as the case may be, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.</p>	
Cost of distress.	75. Whenever any fine, expenses or damages is or are levied under this Act, by distress and sale, the cost of the distress and sale may be levied in addition to such fine, expenses or damages, and in the same manner.	

<p>Magistrate to determine the amount to be levied in case of dispute.</p>	<p>76. If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under the preceding section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable and payment of such costs, if not paid on demand, shall be enforced as if they were a fine.</p>	
<p>Place of trial and jurisdiction.</p>	<p>77. Any person committing any offence under this Act or any rules made thereunder, may be tried for such offence before any place in which he may be found, or by any Magistrate having jurisdiction over any district or place adjoining the port in which the offence takes place, or in any Court in which he might be tried in any other law for time being in force²) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.</p>	
<p>Revision of fines.</p>	<p>78. The fines as provided in this Act shall be evaluated by the Central Government in consultation with State Governments, every two years, and may be increased by such amount not exceeding ten per cent in value of the existing fines, as may be notified by the Central Government.</p> <p>Provided that the fines for different offences can be increased by different amounts, as the Central Government may deem fit.</p>	
<p>Offences by companies.</p>	<p>79. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation. —For the purpose of this section, —</p> <p>(a) “company” means any body corporate and includes a co-operative society, a firm, a limited liability partnership registered under the Limited Liability Partnership Act, 2008 or</p>	

	<p>other association of individuals; and</p> <p>(b) “director”, in relation to a firm, means a partner in the firm.</p>	
Power to make rules for this chapter.	<p>80. The Government may make rules to provide for all or any of the following matters, namely, —</p> <p>(a) manner of appointment of conservator from amongst a body of persons under the explanation to section 67(4);</p>	
	<p>CHAPTER XII</p> <p>MISCELLANEOUS</p>	
Service of documents.	<p>81. Where, for the purpose of this Act, any document is to be served on any person, that document may be served, —</p> <p>(a) 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 abode, or by post; and</p> <p>(b) if the document is to be served on the harbor master of a port, where there is one, or a person belonging to a port, by leaving the same for him at the port, with the person being or appearing to be in command of the port;</p> <p>(c) if the document is to be served on the master of a vessel, where there is one, or a person belonging to a vessel, 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</p> <p>(d) if the document is to be served on the master of a vessel where there is no master and the vessel is in India, on the owner of the vessel, or, if such owner is not in India, in some agent of the owner residing in India, or, where no such agent is known or can be found, by affixing a copy thereof to the master of the vessel or at a suitable place on the bridge.</p>	
Hoisting unlawful colours in port	<p>82. (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.</p> <p>(2) Subject to sub-section (1), every foreign vessel calling at a port in India shall hoist the flag of the flag state of the vessel and the flag of Republic of India.</p>	
Development works.	<p>83. The Central Government and every State Government shall endeavour to adhere to the national plan and guidelines issued by the Council, as it may deem fit, in all developmental works of major ports or non-major ports within the State, as the case may be.</p> <p>Explanation: For the purposes of this section, “developmental works” includes works carried out within existing ports, development of new ports and alteration of existing port limits.</p>	
Nuclear vessels	<p>84. Every port shall comply with the requirements provided under the Merchant Shipping Act, 1958 (44 of 1958) and under such other laws for the time being in force applicable in India, in respect of nuclear vessels calling at the port.</p>	
Emergency	<p>85. (1) Every port shall prepare a safety, security and pollution incident</p>	

<p>preparedness or response plan.</p>	<p>emergency preparedness and response plan.</p> <p>(2) A plan referred to in sub-section (1) shall be submitted to the Central Government or a person authorised by Central Government for the purpose of this section, in such manner as may be prescribed by the Central Government, in consultation with State Governments, for approval.</p> <p>(3) The Central Government or a person authorised by Central Government for the purpose of this Section, may audit the port for the purpose of compliance with sub-section (1).</p> <p>(4) The conservator may issue directions for the implementation of the approved plan.</p>	
<p>Shore based welfare services for seafarers</p>	<p>86. Every port shall provide such shore-based welfare services for seafarers of vessels calling at the port, as may be prescribed by the Central Government, in consultation with State Governments.</p>	
<p>Port community system and vessel traffic service.</p>	<p>87. (1) The Central Government may, by notification in the Official Gazette, direct a port to adopt a mechanism for electronically integrating such port related data as may be prescribed by the Central Government, in consultation with State Governments, with port community system or any other centralized system.</p> <p>(2) All ports shall develop and maintain an effective vessel traffic service within the port limits in accordance with such standardized vessel traffic service as may be prescribed by the Central Government, in consultation with State Governments.</p>	
<p>Order for securing compliance.</p>	<p>88. Where any port, port facility, port official, port facility security officer or any other person fails to comply with the provisions of Part IXB of Merchant Shipping Act, 1958(44 of 1958) and rules made thereunder the Central Government may issue directions to such port, port facility, port official, port facility security officer or person, to ensure such compliance.</p>	
<p>Requirement for obtaining security clearance.</p>	<p>89. Any port undergoing a change in substantial ownership or effective control shall be required to obtain a prior security clearance from the Central Government in such form and manner as may be prescribed by the Central Government, in consultation with State Governments.</p>	
<p>Obligations of ports under International Conventions.</p>	<p>90. All ports shall ensure that the obligations under the international conventions to which India is a party, are discharged in accordance with such Conventions.</p>	
<p>Publication of orders of Government</p>	<p>91. Every declaration, order and rule of a Government, made in pursuance of this Act, shall be published in the Official Gazette and be made accessible to the public.</p>	
<p>Chairperson, members, officers and employees of Council to be public servants.</p>	<p>92. All members, officers and other employees of the Council and all employees of the Appellate Tribunal 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 section 21 of the Indian Penal Code (45 of 1860).</p>	
<p>Delegation of powers of the</p>	<p>93. The Council may, by general or special order in writing, delegate to any member or employee of the Council subject to such conditions, if</p>	

Council.	any, as may be specified in the order, such of its powers and functions under this Act, except the power to make regulations and guidelines under section 98, as it may deem necessary.	
Delegation of powers and functions by the Central Government.	94. The Central Government may, by notification, and subject to such conditions as may be specified therein, delegate any of its powers or functions, other than the power to prescribe rules, to such persons as may be specified in the notification.	
Transitional Provisions.	95. Any concession agreement entered into, for the design, finance, construction, ownership, operation, maintenance, marketing or management of any port, prior to the date of commencement of this Act, under or pursuant to the Indian Ports Act, 1908 (15 of 1908) shall continue to be in force, as if the Indian Ports Act, 1908 (15 of 1908) were in force with respect to such agreements, unless and until is superseded by anything done or any action taken under this Act or the rules or regulations made thereunder.	
Application of certain laws.	96. The provisions of this Act are in addition to and not in derogation of the Major Port Authorities Act, 2021 (1 of 2021), Merchant Shipping Act, 1958 (44 of 1958), the laws governing State Maritime Boards as enlisted in First Schedule and any other law for the time being in force.	
Inconsistency in laws.	97. (1) Nothing contained in this Act or any rule or regulation made thereunder or any instrument having effect by virtue of this Act, rule or regulation shall have effect in so far as it is inconsistent with any other provisions of the Merchant Shipping Act, 1958 (44 of 1958) or any rule or regulation made thereunder and any law pertaining to customs. (2) Save as otherwise provided in sub-section (1), the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force dealing with ports or inland waterways.	
Power to make rules.	98. (1) The Central Government, in consultation with State Governments may, make rules generally to carry out the provisions of this Act or for any other matter which is required to be or may be prescribed. Provided that the Government may make rules to provide for the matters specified in sub-section (3) of this section, section 37, sub-section (2) of section 66 and section 80. Provided further that the State Government may make rules to provide for the matters specified in sub-section (2) of section 28. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the prevention of danger arising to the public health by the introduction and the spread of any infectious or contagious disease from vessels arriving at, or being in, any such port, and for the prevention of the conveyance of infection or contagion by means of any vessel sailing from any such port, and in particular and without prejudice to the generality of this provision, for, — (a) the signals to be hoisted and the places of anchorage to be taken up by such vessels having any case, or suspected case, of any infectious or contagious disease on board, or arriving at such port from a port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when	

	<p>the vessel left such port, any infectious or contagious disease;</p> <ul style="list-style-type: none"> (b) the medical inspection of such vessels and of persons on board such vessels; (c) the questions to be answered and the information to be supplied by masters and other persons on board such vessels; (d) the detention of such vessels and of persons on board such vessels; (e) the duties to be performed in cases of any such disease by masters, pilots and other persons on board such vessels; (f) the removal to hospital or other place approved by the health-officer and the detention therein of any person from any such vessel who is suffering or suspected to be suffering from any such disease; (g) the cleansing, ventilation and disinfection of such vessels or any part thereof and of any articles therein likely to retain infection or contagion, and the destruction of rats or other vermin in such vessels; (h) the disposal of the dead on such vessels. <p>(3) Notwithstanding anything contained in sub-section (1), the Government may, make such rules, consistent with this Act, as it thinks necessary for the effective management of the vessels in the port, including berth allocation, anchorage management, piloting, fuelling and effective berthing any of the following purposes, namely, —</p> <ul style="list-style-type: none"> (a) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which, vessels generally or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act; (b) for regulating the berths, stations and anchorages to be occupied by vessels in any such port; (c) for striking the yards and top masts, and for rigging-in the booms and yards, of vessels in any such port, and for swinging or taking-in davits, boats and other things projecting from such vessels; (d) for the removal or proper hanging or placing of anchors, spars and other things being in or attached to vessels in any such port; (e) for regulating vessels whilst taking-in or discharging passengers, ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged; (f) for regulating the manner in which oil or water mixed with oil shall be discharged in any such port and for the disposal of the same; (g) for regulating the bunkering of vessels with liquid fuel in any such port and the description of barges, pipe lines or tank vehicles to be employed in such bunkering; (h) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the jetties, landing-places, (pays, docks, moorings and other works in or adjoining to the same, and for marking out the spaces so to be kept free; (i) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port; (j) for regulating the moving and warping of all vessels within any such port and the use of warps therein; (k) for regulating the use of the mooring buoys, chains and other 	
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	<p>moorings in any such port;</p> <p>(l) for fixing the rates to be paid in a port other than a major port for the use of such moorings when belonging to the Government, or of any boat, hawser or other thing belonging to the Government;</p> <p>(m) for regulating the use of jetties, landing places, quays, warehouses and sheds when belonging to the Government;</p> <p>(n) for fixing the rates to be paid for the use of jetties, landing places, quays, warehouses and sheds of any port, other than a major port, when belonging to the Government;</p> <p>(o) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other boats plying, whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without any such port, and for licensing and regulating the crews of any such vessels; and for determining the quantity of cargo or number of passengers or of the crew to be carried by any such vessels and the conditions under which such vessels shall be compelled to ply for hire, and further for the conditions under which any licence may be revoked;</p> <p>(p) for providing for the fees payable in respect of the services specified in clause (k) for any port, other than a major port;</p> <p>(q) for regulating the use of fires and lights within any such port;</p> <p>(r) for enforcing and regulating the use of signals or signal-lights by vessels by day or by night in any such port;</p> <p>(s) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port;</p> <p>(t) for regulating the employment of persons engaged in cleaning or painting vessels, or in working in the bilges, boilers or double bottoms of vessels in any such port;</p> <p>(u) for securing the protection from heat of the officers and crew of vessels in any such port by requiring the owner or master of any such vessel—</p> <p style="padding-left: 40px;">(i) to provide curtains and double awnings for screening from the sun's rays such portions of the deck as are occupied by, or are situated immediately above, the quarters of the officers and crew;</p> <p style="padding-left: 40px;">(ii) to erect windsails so far as the existing portholes or apertures in the deck admit of their being used for ventilating the quarters of the officers and crew;</p> <p style="padding-left: 40px;">(iii) when the deck is made of iron and not wood-sheathed, to cover with wooden planks or other suitable non-conducting material such portions of the deck as are situated immediately above the quarters of the officers and crew;</p> <p style="padding-left: 40px;">(iv) when the quarters used by the crew and the galley are separated by an iron bulk-head only, to furnish a temporary screen of some suitable fire retardant material between such quarters and the galley.</p> <p>(4) All rules made under this Act shall be published in Official Gazette and shall be subject to the condition of prior publication.</p> <p>(5) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.</p>	
Power of the	99. (1) The Council may, by notification, issue regulations and guidelines	

<p>Council to make regulations and guidelines.</p>	<p>consistent with this Act and the rules made thereunder to carry out the provisions of this Act.</p> <p>(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, —</p> <ul style="list-style-type: none"> (a) head office of the Council under section 3(3); (b) the times and places of meetings of the Council and the procedure to be followed at such meetings under, including quorum necessary for the transaction of business under section 7(1); (c) manner of voting under section 7(3); (d) manner of transaction of business at meetings under section 7(4); (e) salary and allowances payable to and the other conditions of service of the employees of the Council under section 9(2); <p>(3) 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, —</p> <ul style="list-style-type: none"> (a) the data or information to be collected, the manner of collection, storage and updation by ports and the Government under 10(1)(b)(ii); (b) manner of grant of public access to information, records under section 10(1)(b)(iii); (c) form and manner of issuance of notification under section 17; (d) components of port tariff under section 59(3)(a); and (e) any other matter in relation to the transparency of port tariff under section 59(3)(b); (f) such other matters as it may deem fit. 	
<p>Rules to be laid before Parliament.</p>	<p>100. Every rule 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 comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>	
<p>Power of Central Government to amend Schedule.</p>	<p>101. (1) Subject to the provisions of this section, if the Central Government is satisfied that is necessary or expedient so to do, it may, by notification in the Official Gazette, alter the First Schedule to this Act.</p> <p>(2) Any alteration notified under sub-section (2) shall have effect as if enacted in this Act and shall come into force on the date of the notification, unless the notification otherwise directs.</p> <p>(3) Every alteration made by the Central Government under sub-section (1) shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the</p>	

	<p>session or the successive sessions aforesaid, both Houses agree in making any modification in the alteration, or both Houses agree that the alteration should not be made, the alteration shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done in pursuance of that alteration.</p>	
<p>Power to remove difficulties.</p>	<p>102. (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:</p> <p>Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.</p>	
<p>Repeal and savings.</p>	<p>103. (1) The Indian Ports Act, 1908 is hereby repealed.</p> <p>(2) Notwithstanding such repeal anything done or any action taken or purported to have been done or taken under the enactment so repealed, including any rule, notification, including notification issued by the State Government, appointment, order, notice or direction issued or exemption granted thereunder shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall be in force until it is repealed under the corresponding provision of this Act or by any notification to that effect is issued by the Government or superseded by anything done or by any action taken under this Act.</p> <p>(3) Subject to sub-section (2), any concession agreement made under or in pursuance of the repealed enactment shall, if in force on the date of commencement of this Act, continue to be in force, and shall have effect as if made under or in pursuance of this Act.</p> <p>(4) Without prejudice to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897 shall apply to the repeal of such enactments.</p>	

FIRST SCHEDULE

(See Sections 18, 19, 108 and 113)

Existing State Maritime Boards Constituted under Statutes

S.No.	Enactment	Name of State Maritime Board	Constituted under Section	Date of establishment of State Maritime Board
1.	Gujarat Maritime Board Act, 1981 (Gujarat Act No. 30 of 1981)	Gujarat Maritime Board	Section 3 of Gujarat Maritime Board Act, 1981	3.11.1981
2.	Maharashtra Maritime Board Act, 1996 (Maharashtra Act XV of 1997)	Maharashtra Maritime Board	Section 3 of the Maharashtra Maritime Board Act, 1996	4.10.1996
3.	Tamil Nadu Maritime Board Act, 1995 (Act No. 4 of 1996)	Tamil Nadu Maritime Board	Section 3 of the Tamil Nadu Maritime Board Act, 1995	18.3.1997
4.	The West Bengal Maritime Board Act, 2000	West Bengal Maritime Board	Section 3 of the West Bengal Maritime Board Act, 2000	1.10.2015
5.	Karnataka Maritime Board Act, 2015 (Karnataka Act 41 of 2017)	Karnataka Maritime Board	Section 3 of the Karnataka Maritime Board Act, 2015	9.9.2019
6.	Kerala Maritime Board Act, 2017 (Act 16 of 2017)	Kerala Maritime Board	Section 3 of the Kerala Maritime Board Act, 2017	2.2.2018
7.	Andhra Pradesh Maritime Board Act, 2018 (Act No. 16 of 2019)	Andhra Pradesh Maritime Board	Section 3 of the Andhra Pradesh Maritime Board Act, 2018	16.12.2019
8.	Odisha State Maritime Board Bill, 2021	Odisha State Maritime Board	-	-