THE INLAND VESSELS ACT, 1917

(Modified as on 3rd December, 2018)

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THE INLAND VESSELS ACT, 1917

ACT NO. 1 OF 1917[1]

[7*th February,* 1917.]

An Act to consolidate the enactments relating to [2][Inland Vessels].

WHEREAS it is expedient to consolidate the enactments relating to [3][inland vessels]; It ishereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title and extent.—(*1*) This Act may be called the [4][Inland Vessels] Act, 1917.

[5][(*2*)It extends to the whole of India except the State of Jammu and Kashmir:

[6]* * * * *

2. Definitions.—[7]**[***1***]** In this Act, unless there is anything repugnant in the subject or context.—

[8][(*a*)"inland vessel" or "inland mechanically propelled vessel" means a mechanically propelled vessel, which ordinarily plies on inland water, but does not include fishing vessel and a ship registered under the Merchant Shipping Act, 1958 (44 of 1958);

(*b*) "inland water" means—

(*i*) any canal, river, lake or other navigable water within a State,

(*ii*) any area of any tidal water deemed to be the inland to be smooth and partially by the Central Government under section 70,

(*iii*) waters declared by the Central Government to be smooth and partially smooth waters under clause (*41*) of section 3 of the Merchant Shipping Act, 1958 (44 of 1958);

(*c*) "mechanically propelled vessel" means every description of vessel propelled wholly or in part by electricity, steam or other mechanical power including dumb vessel towed by mechanically propelled vessel and vessel propelled by outboard motor;]

[9][(*d*)] "passenger" includes any person carried in a 10[mechanically propelled vessel] other than the master and crew and the owner, his family and servants;

[9][(*e*)] "prescribed" means prescribed by any rule under this Act;

1. This Act—
(*i*) has been amended in Bengal by Bengal Act 7 of 1940:
(*ii*) came into force on 1st June, 1917, *vide* Gazette of India, 1917, Pt. I, p. 988;
(*iii*) has been extended in its application to Goa, Daman and Diu by Reg. 12 of 1962, s. 3 and Sch. And to Pondicherry on 1-10-1963; vide Reg. 7 of 1963, s. 3 and Sch. I.

2. Subs. by Act 35 of 1977, s. 2. for "Inland Steam-vessels" (w.e.f. 1-5-1978).

3. Subs. by s. *3, ibid.,* for "Inland Steam-vessels" (w.e.f. 1-5 1978).

4. Subs. by s. 4, *ibid.,* for "Inland Steam-vessels" (w.e.f. 1-5-1978).

5. Subs. by Act 26 of 1951, s. 2, for sub-sections (*2*) and (*3*).

6. The proviso omitted by Act 35 of 2007, s. 2 (w.e.f. 21-2-2008).

7. Section 2 renumbered as sub-section (*1*) thereof by Act 35 of 1977, s. 6 (w.e.f. 1-5-1978).

8. Subs. by Act 35 of 2007, s. 3, for clauses (*a*), (*b*) and (*c*) (w.e.f. 21-2-2008).

9. Clauses (*3*) and (*4*) lettered as clauses (*d*) and (*e*) by Act 35 of 1977, s. 6 (w.e.f. 1-5-1978).

10. Subs. by s. 5, *ibid.,* for "steam-vessel"(w.e.f. 1-5-1978).

[1]* * * * *

[2][(*f*)]"survey" means the survey of a [3][mechanically propelled vessel] under this Act;

2[(*g*)]"surveyor" means a surveyor appointed under this Act; and

4[(*ga*) "tidal water" has the meaning assigned to it in clause (*49*) of section 3 of the Merchant Shipping Act, 1958 (44 of 1958);]

2[(*h*)]"voyage" includes the plying of a 3[mechanically propelled vessel] at or about any place,

5[(*2*) Any reference to the Inland Steam-vessels Act, 1917 (1 of 1917), in any law for the time being in force or in any instrument or other document shall beconstrued as a reference to the Inland Vessels Act, 1917].

CHAPTER II

SURVEYOF INLAND 3[MECHNICALLY PROPELLED VESSELS]

3. Inland mechanically propelled vessel not to proceed on voyage or to be used for service without certificate of survey.—(*1*) An inland 3[mechanically propelled vessel] shall not proceed on any voyage, or be used for any service unless she has a certificate of survey in force 6[in the zone intended for for operation and applicable to such voyage or service in such zone].

(*2*) Nothing in this section shall apply to any 3[mechanically propelled vessel] proceeding on a voyage during the interval between the time at which her certificate of survey expires and the time at which it is first practicable to have the certificate renewed:

7[*Explanation*.—For the purpose of this sub-section, "zone" means any such inland water area as the State Government may, depending on the maximum significant wave height criteria, by notification in the Official Gazette, specify for the purpose of this Act.]

4. Appointment of surveyors and places, of survey.—(*1*) The State Government may, by notification in the Official Gazette,—

(*a*) declare such places, within the territories under its administration, as it thinks fit, to be places of survey, and

(*b*) appoint so many persons to be surveyors at the said places as it thinks fit, for the purposes of this Act.

(*2*) Every surveyor shall, for the purposes of any survey made by him, be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

5. Powers of surveyors.—(*1*) For the purposes of a survey, the surveyor may, at any reasonable time, go on board any inland 3[mechanically propelled vessel], and may inspect the 3[mechanically propelled vessel] and every part thereof, including the hull, boilers, engines and other machinery, and all equipments and articles on board:

Provided that he shall not unnecessarily hinder the loading or unloading of the 3[mechanically propelled vessel], or unnecessarily detain or delay her from proceeding on any voyage.

(*2*)The owner, master and officers of the 3[mechanically propelled vessel] shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the 3[mechanically propelled vessel], and her machinery or any part thereof, and all equipments and articles on board, as he may require for the purposes of a survey.

1. Clause (*5*) omitted by Act 35 of 1977, s. 6 (w.e.f. 1-5-1978).
2. Clauses (*6*), (*7*) and (*8*) lettered as clauses (*f*), (*g*) and (*h*) by s. 6, *ibid.* (w.e.f. 1-5-1978).
3. Subs. by s. 5, *ibid.,* for "steam-vessels" (w.e.f. 1-5-1978).
4. Ins. by Act 35 of 2007, s. 3 (w.e.f. 21-2-2008).
5. Ins. by Act 35 of 1977, s. 6(w.e.f. 1-5-1978).
6. Subs. by Act 35 of 2007, s. 4, for "and applicable to such voyage or service" (w.e.f. 21-2-2008).
7. Ins. by s. 4, *ibid*. (w.e.f. 21-2-2008).

6. Fees in respect of surveys.—Before a survey is commenced, the owner or master of the 1[mechanically propelled vessel] to be surveyed shall pay to such officer as the State Government may, by notification in the Official Gazette, appoint in this behalf —

(*a*) a fee calculated on the tonnage of the 1[mechanically propelled vessel] according to the rates mentioned in Schedule I, or accordi tes; and

(*b*) when the survey is to be made in any place of survey other than Calcutta, Madras [2][or Bombay], such additional fee in respect of the expense (if any) of the journey of the surveyor to the place as the State Government may by such notification direct.

7. Declaration of surveyor.—When the survey of a [1][mechanically propelled vessel] is completed, if the surveyor making it is satisfied that—

(*a*) the hull, boilers, engines and other machinery of the [1][mechanically propelled vessel] arc sufficient for the voyage or service intended and in good condition, and

(*b*) the equipments of the [1][mechanically propelled vessel] and the certificates of the master and engineer are such and in such condition as arc required by any law for the time being in force and applicable to the [1][mechanically propelled vessel],

the surveyor shall forthwith give to the owner or master a declaration in the prescribed

form containing the particulars mentioned in clauses (*a*) and (*b*),and the following further particulars, namely:—

(*i*) the time (if less than one year) for which the hull, boilers, engines and other machinery and equipments of the [1][mechanically propelled vessel] will be sufficient;

(*ii*) the limit (if any) beyond which, as regards the hull, boilers, engines and other machinery or equipments, the [1][mechanically propelled vessel] is in the surveyor‟s judgment not fit to ply;

(*iii*) the number of passengers (if any) which the [1][mechanically propelled vessel] is, in the judgment of the surveyor, fit to carry, specifying, if necessary, the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins: the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances, as the case requires; [3]***

[4][(*iiia*)the nature and quantum of cargo which the mechanically propelled vessel is, in the judgment of the surveyor, fit to carry; and]

(*iv*) any other prescribed particulars.

8. Sending of declaration by owner or master to State Government.—(*1*) The owner or master of a [1][mechanically propelled vessel] to whom a declaration is given under section 7 shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the State Government may, by notification in the Official Gazette, appoint in this behalf.

(*2*) If any owner or master fails to send a declaration as required by sub-section (*1*), he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

1. Subs. by Act 35 of 1977, s. 5, for “steam-vessel” (w.e.f. 1-5-1978). 2.
Subs. by the A.O. 1937, for “Bombay or Rangoon”.

3. The word “and” omitted by Act 35 of 1977, s. 7 (w.e.f. 1-5-1978).
4. Ins. by s. 7 *ibid.* (w.e.f. 1-5-1978).

9. Power for State Government to grant or authorise the grant of certificates of survey.—(*1*)The State Government shall, if satisfied that all the provisions of this Act have been complied with in respect of a declaration sent under section 8, cause,—

(*a*) a certificate of survey, in duplicate, to be prepared, and

(*b*) notice thereof to be given by post or otherwise to the owner or master of the [1][mechanically propelled vessel] to which the certificate relates.

(*2*)On application made by the owner or master to such officer at the place of survey as the State Government may, by notification in the Official Gazette, appoint in this behalf, and on payment to such officer by the owner or master of the sum (if any) forfeited by him under section 8, sub-section (*2*)(the actual amount of which within the limit thereby fixed shall be determined by the State Government), the certificate, in duplicate, so prepared shall be granted to the owner or master by the State Government and issued to him through such officer.

(*3*) A certificate granted under this section shall be in the prescribed form, shall contain a statement to the effect that all the provisions of this Act with respect to the survey of the [1][mechanically propelled vessel] and the declaration of survey have been complied with, and shall set forth—

(*a*) the particulars concerning the [1][mechanically propelled vessel] mentioned in the declaration of survey as required by clauses (*i*), (*ii*) and (*iii)* of section 7, and

(*b*) any other prescribed particulars.

(*4*)The State Government may, by notification in the Official Gazette, delegate to any person all or any of the functions assigned to the State Government under this section:

Provided that no delegation shall be made under sub-section (*2*) so as to authorise the grant of a certificate of survey by the surveyor who made the declaration of survey under section 7.

[2][**9A. Temporary permit**.—The surveyor who conducted the survey may, without following the procedure laid down in section 9, grant a permit to be effective for a period which shall not in any case exceed forty-five days, to authorise the inland mechanically propelled vessel to proceed on voyage or use it service temporarily pending the issue of the certificate of survey.]

10. Certificate of survey to be affixed in conspicuous part of mechanically propelled vessel.—The owner or master of every [1][mechanically propelled vessel], for which a certificate of survey has been granted, shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed and kept, affixed so long as it remains in force and the [1][mechanically propelled vessel] is in use, on some conspicuous part of the [1][mechanically propelled vessel] where it may be easily read by all persons on board.

[3][**10A. Effect of certificates of survey.—**A certificate of survey shall have effect throughout the State in which it was granted:

Provided that such a certificate may be endorsed by the State Government of any other State, or with the general or special sanction of the State Government of that other State, by the authority granting it, so as to have effect in that other State or any part thereof, and, if so endorsed shall have effect accordingly.]

11. Term of certificates of survey.—A certificate of survey shall not be in force [3][in any State]—

(*a*) after the expiration of one year from the date thereof; or

(*b*) after the expiration of the period (if less than one year) for which the hull, boilers, engines or other machinery, or any of the equipments of the [1][mechanically propelled vessel] to which the certificate relates have been stated in the certificate to be sufficient; or

(*c*) after notice has been given [4][by the State Government of the State in which it was by granted], to the owner or master of such [1][mechanically propelled vessel], that such State Government has cancelled or suspended it.

1. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978). 2. Ins. by Act 35 of 2007, s. 5 (w.e.f. 21-2-2008).
3. Ins. by the A.O. 1937.
4. Subs., *ibid*., for "by any Local Government".

[2][A certificate of survey shall not be in force in any State by virtue of any endorsement in respect of that State, after notice has been given by the State Government of that State, to the owner or master of a [1][mechanically propelled vessel], that that Government has cancelled or suspended the endorsement.]

12. Renewal of certificates of survey.—After a certificate of survey has ceased to be in force, the same shall only be renewed after a fresh survey of the [1][mechanically propelled vessel] to which the certificate relates, has been held in accordance with the provisions of this Chapter, save so far as any relaxation thereof may be prescribed.

13. Power for State Government to suspend or cancel certificate of survey.—[3][A certificate of survey or any endorsement thereon made under section 10A may be suspended or cancelled by the Government of the State in which the certificate was granted or in respect of which the endorsement was made, as the case may be, if that Government has reason to believe]—

(*a*) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or other machinery or of any of the equipments of the „[mechanically propelled vessel] has been fraudulently or erroneously made; or

(*b*) that the certificate has otherwise been granted upon false or erroneous information; or

(*c*) that since the making of the declaration the hull, boilers, engines or other machinery, or any of the equipments of the [1][mechanically propelled vessel] have sustained any material injury, or have otherwise become insufficient.

14. Power for State Government to require delivery of expired or cancelled certificate.—The State Government may require any certificate of survey, which has expired or has been suspended or cancelled, to be delivered up to such officer as the State Government may, by notification in the Official Gazette, appoint in this behalf.

[2][Where an endorsement on any certificate of survey for any State has been suspended or cancelled, the State Government of that State may require the certificate of survey to be delivered up to such officer as that Government may by notification in the Official Gazette appoint in this behalf, in order that particulars of the suspension or cancellation of the endorsement may be noted on the certificate.]

15. Report of suspension or cancellation of certain certificates.—[3][If a State Government suspends or cancels endorsement made under section 10A on a certificate of survey, it] shall report the fact of suspension or cancellation, together with the reasons therefor to the State Government which (or whose delegate) granted the certificate.

16. Power for State Government to direct survey by two surveyors.—A survey shall ordinarily be made by one surveyor, but two surveyors may be employed if the State Government, by order in writing, so directs either generally in the case of all [4][mechanically propelled vessels] at any place of survey, or specially in the case of any particular [4][mechanically propelled vessels] or class of [4][mechanically propelled vessels] at any such place.

1. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978). 2. Ins. by the A.O. 1937.

3. Subs., *ibid.,* for certain words.

4. Subs. by Act 35 of 1977, s. 5, for "steam-vessels" (w.e.f. 1-5-1978).

17. Power for State Government to order a second survey.—(*1*) If the surveyor making a survey of [1][mechanically propelled vessel] refuses to give a declaration under section 7 with regard to the [1][mechanically propelled vessel], or gives a declaration with which the owner or master of the [1][mechanically propelled vessel] is dissatisfied the State Government may, on the application of the owner or master, and the payment by him of such fee, not exceeding twice the amount of the fee payable for the previous survey, as the State Government may require, direct two other surveyors to survey the [1][mechanically propelled vessel].

(*2*) The surveyors so directed shall forthwith survey the [1][mechanically propelled vessel], and may, after the survey, either refuse to give a declaration or give such declaration as, under the circumstances, seems to them proper.

(*3*) Any declaration given, or any refusal to give a declaration under sub-section (*2*), shall be final.

18. Division of duties when two surveyors employed.—When a survey is made by two surveyors under either section 16 or section 17, each of the surveyors shall perform the prescribed portion of the duties assigned to a surveyor under this Act or the rules made thereunder.

19. Power for State Government to make rules as to surveys.—(*1*) The StateGovernment may [2]*** make rules to regulate the making of surveys.

(*2*)In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the times and places at which, and the manner in which, surveys are to be made;

(*b*) the duties of the surveyor making a survey and, where two surveyors are employed, the respective duties of each such surveyor;

(*c*) the form in which declarations of survey and certificates of survey are to be framed, and the nature of the particulars to be stated therein under sections 7 and 9;

(*d*) the rates other than those mentioned in Schedule I according to which the fees payable in respect of surveys arc to be calculated in the case of all or any of the places of survey within the territories under its administration; and

(*e*) the cases in, and the extent to which, a survey may be dispensed with before the grant of a new certificate.

[3][CHAPTER IIA

REGISTRATION OF INLAND [4][MECHANICALLY PROPELLED VESSELS]]

19A. Inland mechanically propelled vessels not to proceed on voyage or be used for service without certificate of registration.—(*1*) An inland [1][mechanically propelled vessel] shall not proceed on any voyage or be used for any service, unless it has a certificate of registration in force in respect thereof and granted under this Act.

(*2*)Nothing in this section shall—

(*a*) apply to any [1][mechanically propelled vessel] built at any place other than a place of registry and making her first voyage to any such place for the purpose of registration; or

(*b*) be in derogation of the provisions contained in section 3.

1. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978).

2. The words "with the previous sanction of the G.G. in C." omitted by Act 38 of 1920, s. 2 and Sch. I. 3. Ins. by Act 26 of 1951, s. 3.

4. Subs. by Act 35 of 1977, s. 5, for "steam-vessels" (w.e.f. 1-5-1978).

19B. Place of registry and, registering authorities.—(*1*) The State Government may, by notification in the Official Gazette—

(*a*) declare such places within the territories under its administration as it thinks fit to be places of registry; and

(*b*) appoint registering authorities at the said places for the purposes of this Act.

(*2*) Every person appointed as a registering authority shall, for the purposes of any registration made by him, be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

19C. Book of registration.—At every place of registry, a book shall be kept by the registering authority in which all the particulars contained in the form of the certificate of registration shall be duly entered and such registering authority shall, immediately after registering any inland [1][mechanically propelled vessel] or within one month at the furthest, send to the State Government a true and exact copy, together with the number, of every certificate which shall be so granted by it.

19D. Application for registration.—An application for registration of an inland [1][mechanically propelled vessel] shall be made by the owner or master of the vessel in such form and shall contain such particulars as may be prescribed and shall be accompanied by a copy of the certificate of survey in force issued in respect of the vessel.

19E. Places of registration.—(*1*) Every application for registration shall be made to a registering authority within the local limits of whose jurisdiction the owner of the inland [1][mechanically propelled vessel] ordinarily resides or carries on business.

(*2*) Where the owner applying for a certificate of registration is a company [2][within the meaning of section 3 of the Companies Act, 1956 (1 of 1956)], the application may be made to a registering authority within the local limits of whose jurisdiction the principal office of the company is situate.

(*3*) Notwithstanding anything contained in this section, an inland [1][mechanically propelled vessel] may be registered by a registering authority in any State, although the owner does not ordinarily reside or carry on business in that State or, if a company, the principal place of business of the company is not situate in that State:

Provided that the Government of the State in which the owner ordinarily resides or carries on business, or in the case of a company the Government of the State where the principal place of business of the company is situate, has accorded its previous approval thereto.

19F. Grant of certificate of registration.—(*1*) If, in respect of any inland [1][mechanically propelled vessel], the registering authority, after making such inquiry as it thinks fit, is satisfied that the provisions of this Act or of any rules made thereunder have been complied with, it shall grant to the applicant therefor a certificate of registration comprising such particulars as may be prescribed on payment of the prescribed fee.

(*2*) A registering authority may refuse to register an inland [1][mechanically propelled vessel], if she is found to be mechanically defective, or if the applicant fails to furnish satisfactory evidence in support of any of the statements made in his application:

Provided that where the registering authority refuses to register any inland [1][mechanically propelled vessel], it shall furnish to the applicant a statement in writing containing the reasons for such refusal.

19G. [*Automatic registration of inland steam-vessels registered under the Merchant Shipping Acts.] Omitted by the Inland Steam-Vessels (Amendment) Act,* 1977 (35 *of* 1977), *s.* 9, (*w.e.f.* 1-5-1978).

1. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978). 2. Subs. by s. 8, *ibid.,* for certain words (w.e.f. 1-5-1978).

19H. Marking of inland mechanically propelled vessels.—Where an inland [1][mechanically propelled vessel] has been registered under this Chapter, the registering authority shall assign to the vessel, to be displayed thereon conspicuously in the prescribed manner, a distinguishing mark, hereinafter in this Act referred to as the registration mark.

19-I. Prohibition against transfer of certificate of registration.—(*1*) A certificate of registration granted in respect of any inland [1][mechanically propelled vessel] shall be used only for the lawful navigation of that vessel.

(*2*)A certificate of registration in respect of an inland [1][mechanically propelled vessel] issued by a registering authority in one State shall be valid for that State only, but where any such vessel plies in [2][inland waters of any other State], nothing in this section shall be deemed to require the owner or master of the vessel to obtain a fresh certificate of registration in relation to the State or States in which the vessel is not so registered:

[3]* * * *

[4][(*3*) When an inland mechanically propelled vessel registered in one State has been kept in another State for a period exceeding [5][thirty-six months], the owner or master of the vessel shall make an application under section 19K to The registering authority, within whose jurisdiction the vessel then is, for the transfer of registry from the registering authority of the place where the vessel is registered.]

19J. Registration of alterations.—(*1*) When an inland [1][mechanically propelled vessel] is so altered as not to correspond with the particulars relating to her or the description entered in the certificate of registration, then the owner of the vessel shall, within such period as may be prescribed, make a report of such alteration to the registering authority of the place where the vessel is registered.

(*2*) The report under sub-section (*1*) shall be made in such form and shall contain such particulars with respect to the alteration as may be prescribed and shall be accompanied by the certificate of registration in force in respect of the vessel at_ the time of the report.

(*3*) The registering authority, on receipt of the report under sub-section (*1*) and on payment of the prescribed fee, shall either cause the alteration to be registered or direct that the vessel be registered anew:

Provided that where the registering authority directs that the vessel be registered anew, it shall either grant a provisional certificate describing the vessel as altered or provisionally endorse the particulars of the alteration on the existing certificate.

(*3*) Any provisional certificate granted or endorsement made under the provisions of this section shall be valid for a period of one month from the date thereof, within which period the owner shall cause all necessary steps to be taken to have the vessel registered anew.

19K. Transfer of registry.—(*1*)The registry of an inland [1][mechanically propelled vessel] may be transferred from one place in a State to another place in another State on the application by the owner or master of the vessel to [6][the registering authority of the State in which the vessel is kept].

(*2*)On receipt of such application, the registering authority shall transmit notice thereof to [7][the registering. authority of the place where the vessel is registered].

1. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978).

2. Subs. by s. 10, *ibid.,* for "inland waters of more than one State" (w.e.f. 1-5-1978).

3. The proviso omitted by s. 10, *ibid.* (w.e.f. 1-5-1978).

4. Ins. by s. 10, *ibid.* (w.e.f. 1-5-1978).

5. Subs. by Act 35 of 2007, s. 6, for "twelve months" (w.e.f. 21-2-2008).

6. Subs. by Act 35 of 1977, s. 11, for "the registering authority of the place where the vessel is registered" (w.e.f. 1-5-1978).

7. Subs. by s. 11, *ibid*., for "the registering authority of the intended place of registry with a copy of all particulars relating to the vessel" (w.e.f. 1-5-1978).

[1][(*3*) The certificate of registration in respect of the vessel shall be delivered up to the registering authority of the intended place of registry along with the application.

(*4*)On receipt of the application under sub-section (*1*) and the prescribed fee, if any, the registering authority of the intended place of registry shall enter in its register book all the particulars relating to the vessel and grant a fresh certificate of registration in respect of the vessel and thenceforth such vessel shall be considered as registered at the new place of registry.

(*5*) A State Government may make rules under section 19R requiring the owner or master of an inland mechanically propelled vessel not registered within the State which is brought into or is, for the time being in the State, to furnish to a prescribed authority in the State such information with respect to the inland mechanically propelled vessel and its registration as may be prescribed.]

19L. Change of residence or place of business.—(*1*) If the owner of an inland [2][mechanically propelled vessel] ceases to reside or carry on business at the address recorded in the certificate of registration of the vessel, he shall, within thirty days of the change of address, intimate his new address to the registering authority by which the certif icate of registration was granted, or, if the new address is within the jurisdiction of another registering authority, to that registering authority, and shall at the same time forward the certificate of registration to the registering authority in order that the new address may be entered thereon.

(*2*)Where a registering authority other than the original registering authority makes any such entry, it shall communicate the new address to the original registering authority.

19M. Prohibition against transfer of ownership of registered vessel.—(*1*) An inland [2][mechanically propelled vessel] registered under this Act in one State shall not be transferred to a person resident in another State in India or in any country outside India, without the previous approval of the Government of the State in which the vessel is registered:

Provided that where an inland [2][mechanically propelled vessel] is [3][registered or deemed to be registered under the Merchant Shipping Act, 1958 (44 of 1958)], this sub -section shall have effect as if for the words “the Government of the State in which the vessel is registered” the words “the Central Government” had been substituted.

(*2*)Subject to the provisions of sub-section (*1*), the owner of an inland [2][mechanically propelled vessel] registered under this Act and the transferee thereof shall, within thirty days of the transfer of ownership of the said vessel to the transferee, jointly make a report of the transfer to the registering authority within the local limits of whose jurisdiction the transferee resides or carries on business and shall also forward the certificate of registration to that registering authority, together with the prescribed fee, in order that particulars of the transfer of ownership may be entered thereon.

19N. Suspension of certificates of registration.—(*1*) A registering authority may suspend, for such period and subject to such conditions as it thinks fit, the certificate of registration of an inland [2][mechanically propelled vessel], if it has reason to believe that after the granting of the certificate the vessel has become unfit to ply in inland waters.

(*2*) Where the registration of an inland [2][mechanically propelled vessel] is suspended under sub-section *(1)* for a period of not less than one month, the registering authority ordering the suspension shall, if it is not the original registering authority, inform that other authority of the fact of such suspension.

(*3*) The registering authority suspending the certificate may require the owner or master of the vessel to deliver up the certificate so suspended to itself or, if it is not the original registering authority, to that other authority.

1. Subs. by Act 35 of 1977, s. 11, for sub-sections (*3*) and (*4*) (w.e.f. 1-5-1978).

2. Subs. by s. 5, *ibid.,* for “steam-vessel” (w.e.f. 1-5-1978).

3. Subs. by s. 12, *ibid.,* for “also registered under the Merchant Shipping Act, 1894, as amended by any subsequent enactment” (w.e.f. 1-5-1978).

(*4*) A certificate of registration surrendered under this section shall be returned to the owner when the order suspending the certificate has been rescinded or has ceased to operate.

19-0. Cancellation of registration.—(*1*) If an inland [1][mechanically propelled vessel] has been destroyed or has been rendered permanently unfit for service, the owner of the vessel shall, with the least practicable delay, report the fact to the registering authority of the place where the vessel is registered and shall also forward to that authority, along with the report, the certificate of registration of the vessel and thereupon the registering authority shall have the certificate of registration cancelled.

(*2*)Any registering authority may at any time require that any inland [1][mechanically propelled vessel] within the local limits of its jurisdiction may be inspected by such authority as the State Government may, by general or special order, appoint in this behalf and, if as a result of such inspection, the registering authority is satisfied that the vessel is in such a condition that it is not fit to ply in any inland water, the registrering authority may, after giving the owner of the vessel an opportunity of being heard, cancel the registration of the vessel and require the owner thereof to surrender forthwith to the registering authority, the certificate of registration in respect of that vessel, if it has not already been so surrendered.

19P. Appeals.—(*1*) Any person aggrieved by an order—

(*a*) refusing to register any inland [1][mechanically propelled vessel] under section 19F; or

(*b*) suspending a certificate of registration under section 19N; or

(*c*) cancelling a certificate of registration under sub-section (*2*)of section 19-0,

may, within thirty days of the date on which lie receives notice of such order, appeal against it to the State Government.

(*2*)The State Government shall cause notice of every such appeal to be given to the registering authority concerned in such manner as may be prescribed, and after giving an opportunity to that authority and to the appellant to be heard shall pass such order thereon as it thinks fit.

19Q. Reciprocity.—Where the Central Government is satisfied that by the law or practice of any country outside India, inland [1][mechanically propelled vessels] having a certificate of registration in force under this Act—

(*a*) obtain by reason of such registration any special exemption in that country while plying in the inland waters thereof, or

(*b*) arc required as a condition of plying in the inland waters of that country to comply with any special requirement, whether by way of registration anew or payment of a fee or otherwise,

the Central Government may, by notification in the Official Gazette, for the purpose of reciprocity, direct that the same exemption or requirement, or an exemption or a requirement as similar thereto as may be, be granted to, or imposed upon, inland [1][mechanically propelled vessels] registered in that country while plying in the inland waters of the territories to which this Act extends.

[2] **[19QA. Mortgage of** mechanically propelled vessel or share.—The provisions of sections 47, 48, 49, 50, 51, 52 and 53 of the Merchant Shipping Act, 1958 (44 of 1958), shall *mutatis mutandis* apply, in relation to the mortgage of a mechanically propelled vessel as they apply in relation to ships, subject to the following modifications, namely: —

(*a*) in sections 47, 48, 49, 50, 51, 52 and 53, references to "ship", "registrar" and "register book", wherever they occur, shall, respectively, be construed as references to "mechanically propelled vessel", "registering authority" and "book of registration";

1. Subs. by Act 35 of 1977, s. 5,for "steam-vessel" (w.e.f. 1-5-1978). 2. Ins. by s. 13, *ibid*. (w.e.f. 1-5-1978).

(*b*) in section 47, in sub-section (*1*), for the words "the registrar of the ship"s port of registry shall record it in the register book", the words "the registering authority shall record it in the book of registration" shall be substituted.]

19R. Power to make rules.—(*1*)The State Government may make rules to carry outthe objects of this Chapter.

(*2*) In particular, and without preju foregoing power, such rules may—

(*a*) prescribe the powers, duties and functions of registering authorities and the local limits of their jurisdiction;

(*b*) prescribe the form of, and the particulars to be contained in, applications for, and certificates of, registration;

(*c*) provide for the form and manner in which books of registration shall be maintained under this Chapter;

(*d*) provide for the issue of duplicate certificates of registration to replace certificates lost, destroyed or mutilated;

(*e*) prescribe, subject to the approval of the Central Government, the fees to be charged for the registration of inland [1][mechanically propelled vessels] or for any other action to be taken by the registering authority under this Chapter, and provide for the exemption of any personor class of persons from payment of the whole or any part of any such fees;

(*d*) prescribe the period within which, and the manner in which, the owner of an inland [1][mechanically propelled vessel] shall make a report of any alteration in the vessel under section 19J;

[2][(*fa*) prescribe the authority and provide for furnishing to such authority the information with respect to the inland mechanically propelled vessel and its registration under sub-section (*5*)of section 19K;]

(*g*) prescribe the manner in which appeals to the State Government may be preferred under this Chapter and the fees payable in respect of any such appeal;

[1][(*ga*) provide for the form of instrument creating a mortgage of a mechanically propelled vessel or a share therein or transfer of any such mortgage;]

(*h*)provide for any other matter which is to be or may be prescribed under this Chapter.]

[3][**19S. Certaincertificates issued under Merchant Shipping Act to be valid under this Act.—** Every certificate of registry and every certificate of survey issued in respect of a mechanically propelled vessel under the Merchant Shipping Act, 1958 (44 of 1958), shall be valid and effective as a certificate of registration or certificate of survey, as the case may be, issued under this Act and the relevant provisions of this Act shall apply in relation to such vessel as they apply to an inland mechanically propelled vessel registered under this Act.]

CHAPTER III

MASTERS [INCLUDING SERANGS] AND ENGINEERS [INCLUDING ENGINE-DRIVERS] OR INLAND [1][MECI IANICALLY PROPELLED VESSELS]

20. Appointment of examiners.—TheState Government may appoint examiners for the purpose of examining the qualifications of persons desirous of obtaining certificates (hereinafter called certificates of competency), to the effect that they are competent to act as masters or serangs, or as engineers or engine-drivers, as the case may be, on board inland [1][mechanically propelled vessels].

1. Subs. by Act 35 of 1977, s. 5,for “steam-vessels” (w.e.f. 1-5-1978). 2. Ins. by s. 14, *ibid.* (w.e.f. 1-5-1978).
3. Ins. by s. 15, *ibid*. (w.e.f. 1-5-1978).

21. Grant of masters’, serangs’, engineers’, and engine-drivers’ certificates of competency.— (*1*)The State Government or such officer as it may, by notification in the Official Gazette, appoint in this behalf, shall grant to every person who is reported by the examiners to possess the prescribed qualifications, a certificate of competency to the effect that he is competent to act as a first-class master, second-class master or scrang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, on board an inland [1][mechanically propelled vessel]:

Provided nevertheless that, before granting a certificate of competency under th is Act, the authority empowered to grant such certificate may, if it considers the report of the examiners regarding any applicant for such certificate to be defective, or has reason to believe that such report has been unduly made, require a further examination or a cant.

(*2*)Every certificate granted under this section shall be in the prescribed form.

22. Grant of masters', serangs', engineers' and engine-drivers' certificates of service.—(*1*)The State Government may, [2][if it thinks fit], grant without examination to any person who has served as a master, or as an engineer, of [3][a vessel of the Coast Guard, Indian Navy or regular Army for a period as may be prescribed by the State Government in this behalf], a certificate (hereinafter called acertificate of service) to the effect that he is, by reason of his having so served, competent to act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, on board an inland [1][mechanically propelled vessel].

[4][*Explanation*—For the purposes of this section,

(*a*) the expression "Coast Guard" shall have the meaning assigned to it in clause (*d*) of section 2 of the Coast Guard Act, 1978 (30 of 1978);

(*b*) the expression "Indian Navy" shall have the meaning assigned to it in clause (*10*) of section 3 of the Navy Act, 1957 (62 of 1957);

(*c*) the expression "regular Army" shall have the meaning assigned to it in clause (*xxi*) of section 3 of the Army Act, 1950 (46 of 1950);]

(*2*)A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act after examination.

[5][**22A. Licences**.—(*1*) The State Government may also, [2][if it thinks fit], grant—

(*a*) to a person who is in possession of a second-class master"s certificate granted under section 21 or section 22, and has, by virtue of such certificate, acted as master of an inland [4][mechanically propelled vessel] having engines of forty or more nominal horse-power for a period of not less than five years, or

(*b*) to a person who is in possession of a first-class engine-driver"s certificate granted under section 21 or section 22, or an engine-driver"s [6][certificate granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)] and has, by virtue of such certificate, served as an engine-driver of an inland [1][mechanically propelled vessel] having engines of not less than seventy nominal horse-power for five years, for not less than two and a half years of which period he has been the engine-driver of such vessel within the meaning of section 26,

1. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978).
2. Subs. by the A.O. 1937, for "in its discretion".
3. Subs. by Act 35 of 2007, s. 7, for "an inland mechanically propelled vessel for a period of three years before the first day of November, 1956" (w.e.f. 21-2-2008).
4. Ins. by s. 7, *ibid*. (w.e.f. 21-2-2008).
5. Ins. by Act 6 of 1920, s. 2.
6. Subs. by Act 35 of 1977, s. 17, for "certificate granted under the Indian Merchant Shipping Act, 1859 (1 of 1859), or granted under, or continued in force by, the Merchant Shipping Act, 1894" (w.e.f. 1-5-1978).

a licence authorising such person to act as master or engineer, as the case may be, of any inland [1][mechanically propelled vessel] having engines of one hundred and seventy nominal horsepower or of such less nominal horse-power [2][as such Government] may deem fit.

(*2*)Any such licence shall remain in force only for such time as the person holding the same is in possession of and entitled to a master"s or an engine-driver"s certificate, as the case may be, of the nature referred to in sub-section (*1*):

Provided that the State Government may, [3][if it thinks fit], suspend, cancel or vary the conditions of any such licence.]

23. Certificates to be made in duplicate.—Every certificate of competency or service [4][and [4][and every licence] granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, [4][or licence] and the other shall be kept and recorded in the prescribed manner.

24. Copyof certificate or licence to he granted in certain cases.—Whenever a master or

serang, or an engineer or engine-driver, proves, to the satisfaction of the authority which granted his certificate, [5][or licence] that he has, without fault on his part, lost or been deprived of it, a copy of the certificate [5][or licence] to which, according to the record kept under section

23, he appears to be entitled shall be granted to him, and shall have the same effect as the original.

24. Certificates to be held by master and engineer of vessel of one hundred or more horse-power.—Aninland [1][mechanically propelled vessel] having engines of [6][one hundred] or more nominal nominal horse-power shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a first-class master‟s certificate granted under this Act, or a master‟s [7][certificate granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)] [8][or a master‟s licence granted under section 22A and applicable to such vessel and voyage], and

(*b*)as her engineer a person possessing an engineer‟s certificate granted under this Act, or granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)] [9][or an an engine-driver‟s licence granted under section 22A and applicable to such vessel and voyage].

26. Certificates to be held by master and engineer of vessel of between forty and one hundred horse-power.—An inland [1][mechanically propelled vessel] having engines of [10][forty] or more nominal horse-power, but of less than [6][one hundred] nominal horse-power, shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a second-class master‟s certificate granted under this Act, or any certificate referred to in clause (*a*) of section 25, and

(*b*) as her engineer a person possessing a first-class engine-driver‟s certificate granted under this Act, or an engine-driver‟s [7][certificate granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)] or any certificate referred to in clause (*b*) of section 25:

Provided that a [1][mechanically propelled vessel] shall be deemed to have complied with this section if she has as her master and engineer a person possessing both a certificate referred to in clause (*a*),and a certificate referred to in clause (*b*), of this section.

1. Subs. by Act 35 of 1977, s. 5, for “steam-vessel” (w.e.f. 1-5-1978).

2. Subs. by Act 11 of 1923, s. 2 and First Schedule, for “as to such Government”. 3. Subs. by the A. 0. 1937, for “in its discretion”.

4. Ins. by Act 6 of 1920. s. 2.

5. Ins. by s. 4, *ibid*.

6. Subs. by s. 4, *ibid*., for “eighty”.

7. Subs. by Act 35 of 1977, s. 19, for certain words (w.e.f. 1-5-1978).

8. Ins. by Act 6 of 1920, s. 5.

9. Added by s. 5, *ibid.*

10. Subs. by Act 6 of 1920, s. 7, for “thirty”.

27. Certificates to .be held by master and engineer of vessel of less than forty horse-power.—An inland [1][mechanically propelled vessel] having engines of less than [2][forty] nominal horse-power shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a scrang‟s certificate granted under this Act, or any certificate referred to in clause *(a)* of section 26, and

(*b*) as her engineer a person possessing a second-class engine-driver‟s certificate granted under this Act, or any certificate referred to in clause (*b*)of section 26:

Provided that a [1][mechanically propelled vessel] shall be deemed to have complied with this section if she has as her master and engineer a person possessing both a certificate referred to in clause (*a*),and a certificate referred to in clause (*b*), of this section.

28. Power for State Government to require Master or engineer to hold certificate granted under Act in addition to other certificate.—Notwithstanding anything in this Chapter, the State Government may, by general or special order, direct that a person possessing—

(*a*) a master"s [3][certificate granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958)], or

(*b*) an engineer"s or engine-driver"s [3][certificate granted or deemed to be granted under the Merchant Shipping Act, 1958 (44 of 1958), shall not act as master or engineer, as the case may be, of an inland [1][mechanically propelled vessel] unless he also possesses—

(*i*) in case (*a*),such a master"s or serang"s certificate granted under this Act as qualified him under this Chapter to act as master of the [1][mechanically propelled vessel], or

(*ii*) in case (*b*),such an engineer"s or engine-driver"s certificate granted under this Act as qualifies him under this Chapter to act as engineer of the [1][mechanically propelled vessel]:

Provided that, for the purposes of this section, the State Government may [4][if it thinks fit], grant to any person, without examination, a master"s or scrang"s or an engineer"s or engine-driver"s certificate of competency under this Act, and such certificate shall have the same effect as a certificate of competency granted under this Act after examination.

29. Power for State Government to make rules as to grant of certificates of competency.—(*1*) The State Government may make rules to regulate the granting of certificates of competency under this Chapter.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) the times and places of holding and the mode of conducting examination of persons desirous of obtaining certificates of competency;

(*b*) the qualifications to be required of persons desirous of obtaining such certificates;

(*c*) the examination fees to be paid by such persons; and

(*d*) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to, be kept and recorded under section 23.

30. Power for State Government to make rules as to grant of certificates of service.—The State Government may also make rules to regulate the granting of certificates of service under section 22, and may by such rules prescribe in particular—

1. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978). 2. Subs. by Act 6 of 1920, s. 7, for "thirty".

3. Subs. by Act 35 of 1977, s. 20, for certain words (w.e.f. 1-5-1978). 4. Subs. by the A.O. 1937, for "in its discretion".

[1][(*a*) the period of service in the Coast Guard, Indian Navy or regular Army which is required for a person to be granted a certificate without examination under section 22,]

[2][(*aa*)] the fees to be paid for such certificates, and

(*b*) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 23.

[3] [**30A. Power for State Government to make rules as to grant' of licences**.—The State Government may also make rules to regulate the granting of licences under section 22A, and may by such rules prescribe in particular—

(*a*) the fees (if any) to be paid for such licences, and

(*b*) the forms in which such licences are to be framed and the authority by whom and the manner in which copies are to be kept and recorded under section 23.]

[4][**31. Effect of certificates of competency or service and licences**.— A certificate of competency or service and licence granted under this Chapter shall have effect throughout India.]

CHAPTER IV

INVESTIGATIONS INTO CASUALTIES

32. Report of casualties to be made to nearest police-station.—Whenever—

(*a*) any inland [5][mechanically propelled vessel] has been wrecked, abandoned or materially damaged, or

(*b*) by reason of any casualty happening to, or on. board of, any inland [5][mechanically propelled vessel], loss of life has ensued,. or

(*c*) any inland [5][mechanically propelled vessel] alas caused loss or material damage to, any other vessel,

the master of the [5][mechanically propelled vessel] shall forthwith give notice of the wreck, abandonment, damage, casualty, or loss to the officer in charge of the nearest police -station.

33. Power for State Government to appoint Court of investigation.—(*1*) [6][Whenever the State Government is satisfied that it is necessary or expedient to have a formal investigation into the facts of any case reported under section 32 or otherwise brought to its notice, the State Government may]—

(*a*) appoint a special Court and direct the Court to make the investigation at such place as the State Government may fix in this behalf, or

(*b*) direct any principal Court of ordinary criminal jurisdiction or the Court of any District Magistrate to make the investigation.

(*2*) A special Court appointed under clause (*a*) of sub-section (*1*) shall consist of not less than two nor more than four persons, of whom one shall be a Magistrate, one shall be a person conversant with maritime affairs or with the navigation of inland [7][mechanically propelled vessels], and the other or others (if any) shall be conversant with either maritime or mercantile affairs, or with the navigation of inland [7][mechanically propelled vessels].

34. Power of Court of investigation to inquire into charges of incompetency or Misconduct.— (*1*)Any Courtmaking an investigation under section 33 may inquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, engineer or engine-driver, or any person holding a certificate granted

1. Ins. by Act 35 of 2007, s. 8 (w.e.f. 21-2-2008).

2. Clause (*a*) relettered as clause (*aa*) by s. 8, *ibid.* (w.e.f. 21-2-2008).

3. Ins. by Act 6 of 1920, s. 8.

4. Subs. by Act 35 of 2007, s. 8, for section 31 (w.e.f. 21-2-2008).

5. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978). 6. Subs.
by s. 21, *ibid.,* for certain words (w.e.f. 1-5-1978).

7. Subs. by Act 35 of 1977, s. 5, for "steam-vessels" (w.e.f. 1-5-1978).

under Chapter III, as well as into any charge of a wrongful act or default on his part causing any wreck, abandonment, damage, casualty, or loss referred to in section 32.

(*2*)In every case in which any such charge arises against any master, engineer or engine -driver, or any person holding a certificate granted under Chapter III in the course of an investigation, the Court shall, before the commencement of the inquiry into the charge, cause to be furnished to him a copy of the report or of any statement of the case upon which the investigation has been directed.

35. Power for State Government to direct investigation otherwise than under section 33.—(*1*)If the State Government has reason to believe that there are grounds for charging any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, with incompetency or misconduct, otherwise than in the course of an investigation under section 33,

it may send a statement of the case to the principal Court of ordinary criminal jurisdiction, or the Court of the District Magistrate, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct the Court to make an investigation into the charge.

(*2*) Before commencing an investigation under sub-section (*1*),the Court shall cause the person charged to be furnished with a copy of the statement of the case sent by the State Government.

36. Person charged to he heard.—For the purpose of an investigation under this Chapter into any charge against a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, the Court may summon him to appear, and shall give him full opportunity of making a defence, either in person or otherwise.

37. Assessors.—(*1*) When, in the opinion of the Court making an investigation under this Chapter, the investigation involves, or appears likely to involve, any question as to the cancelling or suspension of the certificate of a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, the Court shall appoint as its assessors, for the purposes of the investigation, two persons having experience in the merchant service or in the navigation of inland [1][mechanically propelled vessels].

(*2*) In every other investigation the Court may, if it thinks fit, appoint as its assessor, for the purposes of the investigation, any person conversant with maritime affairs or the navigation of inland [1][mechanically propelled vessels] and willing to act as assessor.

(*3*) Every person appointed as an assessor under this section shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings.

38. Powers of Court as to evidence and regulation of proceedings.— For the purpose of any investigation under this Chapter, the Court making the investigation shall, so far as relates to compelling the attendance and examination of witnesses, and production of documents and the regulation of the proceedings, have—

(*a*) if the Court is a special Court—the same powers as are exercisable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made; or

(*b*) if the Court is a principal Court of ordinary criminal jurisdiction or the Court of the District Magistrate—the same powers as arc exercisable respectively by either Court in the exercise of its criminal jurisdiction.

39. Power of Court to effect arrest of witnesses by entry and detention of vessels.—(*1*) If any Court making an investigation under this Chapter issues a warrant of arrest to compel the attendance of any person whose evidence is in its opinion necessary, it may, for the purpose of effecting the arrest, but subject to any general or special instructions issued by the State Government in this behalf, authorise any officer to enter any vessel.

1. Subs. by Act 35 of 1977, s. 5, for “steam-vessel” (w.e.f. 1-5-1978).

(*2*)An officer so authorized to enter any _vessel may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

(*3*) No person shall be detained under this section for more than forty-tight hours.

40. Power of Court to commit for trial and to bind over witnesses.—Whenever, in the course of an investigation under this Chapter, it appears to the Court making the investigation that any person has committed, within [1][the territories to which this Act extends], an offence punishable under any law in force in [1][such territories] the Court making the investigation may (subject to such rules consistent with this Act as the High Court may, from time to time, make in this behalf)—

(*a*) cause such person to be arrested;

(*b*) commit him or hold him to bail to take his trial before the proper Court;

(*c*) bind over any other person to. give evidence at such trial; and

(*d*) exercise, for the purposes of this section, all the powers of a Magistrate of the first class or of a Presidency Magistrate.

41. Depositions of absent witnesses.—(*1*) Whenever, in the course of a trial referred to in section 40, the evidence of any witness is required in relation to the subject-matter, any deposition previously made by him in relation, to the same subject-matter before any Court making an investigation under this Chapter shall, if authenticated by the signature of the Magistrate or presiding Judge of such Court, be admissible in evidence on proof—

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(*b*) that the deposition was made in the presence of the person accused, and that he had an opportunity of cross-examining the witness.

(*2*)A certificate signed by such Magistrate or presiding Judge that the deposition was made in the presence of the accused, and that he had an opportunity of cross-examining the witness shall, unless the contrary be proved, be sufficient evidence that it was so made and that the accused had such opportunity.

42. Report by Court to State Government.—The Court shall, in the case of every investigation under this Chapter, transmit to the State Government a full report of the conclusions at which it has arrived, together with the evidence recorded and the written opinion of any assessor.

43. Court to exercise its powers independently of the assessors.—Notwithstanding the appointment under section 37 of an assessor or assessors by a Court making an investigation under this Chapter, the exercise of all powers conferred on such Court by this Act shall rest with the Court alone.

44. Power for. State Government to direct investigations into causes of explosions on mechanically propelled vessels.—(*1*) Whenever any explosion occurs on board any inland [2][mechanically propelled vessel], the State Government may direct that an investigation into the cause of the explosion be made by such person or persons as it may appoint in this behalf.

(*2*) The person or persons so appointed may, for the purpose of the investigation, enter into and upon the [2][mechanically propelled vessel], with all necessary workmen and labourers, and remove any portion of the [2][mechanically propelled vessel] or of the machinery thereof, and shall report to the State Government what, in his or their opinion, was the cause of the explosion.

1. Subs. by the A.O. 1950, for "the Provinces".

2. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978).

(*3*) Every person making an investigation under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

[1][CHAPTER IVA

REMOVAL OF OBSTRUCTIONS AND SIMILAR HAZARDS IN NAVIGATION

44A. Raising of or removal of wreck impeding navigation, etc.—(*1*) If any mechanically propelled vessel or other vessel is wrecked, stranded or sunk in any inland water is or is likely to become obstruction, impediment or danger to the safe and convenient navigation or use of inland water or the landing place or embarkment or part thereof, any officer empowered by the State Government by notification in the Official Gazette in this behalf (hereafter in this Chapter referred to as competent officer) shall cause the vessel to be raised, removed, blown up or otherwise destroyed as the circumstances may warrant.

(*2*) If any property recovered by a competent officer acting under sub-section (*1*)is unclaimed or the person claiming it fails to pay reasonable expenses incurred by the competent officer under that sub-section and a further sum of twenty-five per cent. of the amount of such expenses, the competent officer may sell the property by public auction, if the property is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than two months after the recovery thereof.

(*3*) The expenses and further sum aforesaid shall be payable to the competent officer out of the sale proceeds of the property, and the balanc entitled to the property recovered, or,

if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to the person thereafter establishing his right thereto:

Provided that the person makes his claim within three years from the date of the sale.

(*4*) Where the sale proceeds of the property arc not sufficient to meet the expenses and further sum aforesaid, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the competent officer on demand, and if t he deficiency be not paid within one month of such demand, the competent officer may recover the deficiency from such owner as if it were an arrear of land revenue.

44B. Removal of obstruction in inland water.—(*1*)The competent officer may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of the inland water, which, in his opinion, obstructs or impedes the free navigation thereof or the lawful use of any landing place or embarkment or part thereof.

(*2*) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecti ng or likely to affect such free navigation or lawful use, he shall also be punishable with fine, which may extend to one hundred rupees.

(*3*) The competent officer or any magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

44C. Recovery of expenses of removal.—If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand or within fourteen days after such removal has been notified in the Official Gazette or in such other manner as the State Government may, by general or special order direct, the competent officer may cause such timber, raft or other thing or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surplus of such proceeds or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same and if no such person appears, shall cause the

1. Ins. by Act 35 of 1977, s. 22 (w.e.f. 1-5-1978).

same to be kept and deposited in such manner as the State Government directs, and may, if necessary, from time to time, realise the expenses of keeping the same, together with the expenses of sale, or further sale of so much of the thing or materials as may remain unsold.

44D. Removal of lawful obstruction.—(*1*)If any obstruction or impediment to the navigation of any inland water has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the competent officer shall report the same for the information of the State Government and shall, with the sanction of the State Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(*2*)Any dispute arising out of or concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.

44E. Fouling of Government moorings.—(*1*) If any mechanically propelled vessel hooks or gets fouled in any of the buoys or moorings laid down by or by the authority of the State Government in any part of inland water, the master of such vessel shall not, nor shall any other person, except in the case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the competent officer.

(*2*) The competent officer immediately on receiving information of such accident, shall assist and superintend the clearing of such vessel and the master of the vessel shall, on demand, pay such reasonable expenses as may be incurred in clearing the same.

(*3*) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine which may extend to one hundred rupees.]

CHAPTER V

SUSPENSION AND CANCELLATION OF CERTIFICATES GRANTED UNDER THE ACT

45. Power for State Government to suspend or cancel certificates in certain cases.—[1][Any certificate granted or any endorsement made under Chapter III may be suspended or cancelled by the Government of the State in which the certificate was granted or; as the case may be, in respect of which the endorsement was made, in the following cases, namely] —

(*a*) if, on any investigation made under this Act, the Court reports that the wreck or abandonment of, or loss or damage to, any vessel, or loss of life, has been caused by the wrongful act‟ or default of the holder of such certificate, or that the holder of such certificate is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct, or

(*b*) if the holder of such certificate is proved to have been convicted of any non-bailable offence, or

[2][(*bb*) if the holder of such certificate is proved to have deserted his vessel or has absented himself, without leave and without sufficient reason, from his vessel or from his duty; or]

(*c*) if, in the case of a person holding a certificate of competency or service as second-class master or scrang, or as engine-driver, such person is or has become, in the opinion of the State Government, unfit to act as a second-class master or serang or as an engine-driver, as the case may be:

Provided that a certificate [3][or endorsement] shall not be suspended or cancelled under clause (*a*),unless the State Government is satisfied that the holder of the certificate has, before the commencement of the investigation, been furnished with a copy of the report or statement of the case as required by section 34 or section 35, as the case may be.

1. Subs. by the A.O. 1937, for certain words.

2.Ins. by Act 35 of 1977, s. 23 (w.e.f. 1-5-1978).

3. Ins. by the A.O. 1937.

46. Obligation to deliver up suspended or cancelled certificate.—Every person whose certificate is suspended or cancelled under this Chapter shall deliver it up to such person as the State Government which suspended or cancelled it may direct.

47. Report to other State Government.—[1][If a State Government suspends or cancels an endorsement under this Chapter, it] shall report the proceedings, and the fact of suspension or cancellation to the State Government by which, or under authority from which, [1][the certificate] was granted.

48. Power for State Government to revoke suspension or cancellation, and to grant new certificate.—(*1*) Any State Government may, at any time, revoke any order of suspension or cancellation which it may have made under this Chapter, or grant, without examination, to any person whose certificate it has so cancelled, a new certificate.

(*2*)A certificate so granted shall have the same effect as a certificate of competency granted tinder this Act after examination.

CHAPTER VI

PROTECTION OF, AND CARRIAGE OF PASSENGERS IN, INLAND [2][MECHANICALLY PROPELLED VESSELS]

49. Power for State Government to declare dangerous goods.—The State Government may, by notification in the Official Gazette declare what shall, for the purposes of this Act, bedeemed to be dangerous goods.

50. Carriage of dangerous goods.—(*1*) No person shall—

(*a*) take with him on board an inland [3][mechanically propelled vessel] any dangerous goods without giving notice of their nature to the owner or master of the [3][mechanically propelled vessel], or

(*b*) deliver or tender for carriage on such [3][mechanically propelled vessel] any dangerous goods without giving such notice, and without distinctly marking their nature on the outside of the package containing the goods.

(*2*)if the owner or master of an inland [3][mechanically propelled vessel] suspects, or has reason to believe, that any luggage or parcel taken, delivered, or tendered for carriage on the [3][mechanically propelled vessel] contains dangerous goods, he may—

(*i*) refuse to carry it upon the [3][mechanically propelled vessel]; or

(*ii*) require it to be opened to ascertain the nature of its contents; or

(*iii*) if it has been received for carriage, stop its transit until he is satisfied as to the nature of its contents.

51. Power of owner or master of mechanically propelled vessel to throw overboard dangerous goods.—Where any dangerous goods have been taken or delivered on board any inland [3][mechanically propelled vessel] in contravention of section 50, the owner or master of the [3][Mechanically propelled vessel] may, if he thinks fit, cause the goods to be thrown overboard together with any package or receptacle in which they are contained, and neither the owner nor the master shall, in respect of his having so caused the goods to be thrown overboard, be subject to any liability, civil or criminal, in any Court.

52. Power for State Government to make rules for protection of inland mechanically propelled vessels from accidents.—(*1*) The State Government may make rules for the protection of inland [2][mechanically propelled vessels] against explosion, fire, collision and other accidents.

(*2*)In particular and without prejudice to the generality of the foregoing power, such rules may—

1. Subs. by A.O. 1937, for certain words.

2. Subs. by Act 35 of 1977, s. 5, for "steam-vessels" (w.e.f. 1-5-1978).

3.Subs. by s. 5, *ibid*., for "steam-vessel" (w.e.f. 1-5-1978).

(*a*) prescribe the conditions on and subject to which dangerous goods may be carried on board inland [1][mechanically propelled vessels];

(*b*) prescribe precautions to be taken to prevent explosions or fires on board inland [1][mechanically propelled vessels];

(*c*) prescribe the apparatus which is to be kept on board inland [1][mechanically propelled vessels], for the purpose of extinguishing fires;

(*d*) regulate the making of sound signals;

(*e*) regulate the carriage and exhibition of lights by inland [1][mechanically propelled vessels];

(*f*) regulate the carriage and exhibition of lights by other vessels on specified inland waters on which [1][mechanically propelled vessels] ply;

(*g*) prescribe the steering rules to be observed;

(*h*) regulate the towing of vessels astern or alongside;

(*i*) prescribe the speed at which inland [1][mechanically propelled vessels] may be navigated in specified areas;

(*j*) regulate the navigation of inland [1][mechanically propelled vessels] to prevent danger to other vessels, or to the bank, channels, navigation marks or any property, movable or immovable, in or abuting on navigable channels.

[2][(*k*) prescribe the requirements that the hull, equipment and machinery of inland mechanically propelled vessel shall comply with;

(*l*) prescribe the requirement of life saving appliances; and

(*m*) prescribe the apparatus required for communication and navigation.]

(*3*) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

53. Power for State Government to make rules as to carriage of passengers in inland mechanically propelled vessels.—(*1*) The State Government may make rules to regulate the carriage of passengers in inland [1][mechanically propelled vessels].

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the cases in which passengers may be refused admission to, or may be required to leave, inland [1][mechanically propelled vessels];

(*b*) provide for the payment of fares, and the exhibition of tickets or receipts (if any) showing the payment of their fares, by passengers in inland [1][mechanically propelled vessels]; and

(*c*) regulate generally the conduct of passengers in inland [1][mechanically propelled vessels].

(*3*)Any rule matte under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to twenty rupees.

(*4*)The master or any other officer of an inland [3][mechanically propelled vessel], and any person called by him to his assistance, may arrest any person who has committed a breach of any rule made under this section, if the name and address of such person arc unknown to the master or such other officer.

(*5*)The procedure prescribed by [4][section 43 of the Code of Criminal Procedure, 1973 (2 of 1974)], in the case of arrest by private persons shall apply to every arrest made under this section.

54. Power for State Government to make rules for protection of passengers.—(*1*) The State Government may also make rules for the protection of passengers in inland [1][mechanically propelled vessels], and may by such rules require—

1. Subs. by Act 35 of 1977, s. 5, for "steam-vessels" (w.e.f. 1-5-1978).

2. Ins. by Act 35 of 2007, s. 10 (w.e.f. 21-2-2008).

3. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978).

4. Subs. by s. 24, *ibid*., for "section 59 of the Code of Criminal Procedure, 1898" (w.e.f. 1-5-1978).

(*a*) the prices of passenger tickets to be printed or otherwise denoted on such tickets; and

(*b*) the supply, free of charge, of a sufficient quantity of fresh water for the use of such passengers.

(*2*)Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to fifty rupees.

[1][54A. Power of State Government to fix maximum and minimum rates for passenger fares and freight for goods.—(*1*) TheState Government may, by notification in the Official Gazette, after such inquiry as it may consider necessary, in respect of any s ystem of inland waterways, or of any stretch of inland waterway, or of the run between any two stations on an inland waterway,—

(*a*) fix the maximum or minimum rate [2][per kilometre] which may be charged for passenger fares for passengers of any class travelling on inland [3][mechanically propelled vessels];

(*b*) fix the maximum rate [2][per kilometre] which may be charged for freight on goods of any description carried in inland [3][mechanically propelled vessels];

(*c*) fix the minimum rate [2][per kilometre] which may be charged for freight on goods of any description carried in inland [3][mechanically propelled vessels]; and

(*d*) declare what shall be deemed to be the distance between any two stations on an inland waterway for the purpose of calculating passengers‟ fares or freight on goods where maximum or minimum rates have been fixed under this section.

(*2*)The State Government shall not fix any minimum rate under clause (*a*) or clause (*c*) of sub-section (*1*) in respect of any class of passengers or description of goods carried on any system of waterways, or stretch of waterway, or on the run between any two stations on an inland waterway, unless it is satisfied that the rates charged on any inland [4][mechanically propelled vessel] or group of such vessels in respect of such passengers or goods have been reduced to such an extent as to disclose an intention to force any other inland [4][mechanically propelled vessel] or group of such vessels to cease from carrying such passengers or goods.

5[(*3*) In case of any dispute relating to the fixation of the maximum or the minimum rate per kilometre which may be charged in respect of any class of passengers or of freight on goods of any description carried in inland mechanically propelled vessel between any stations lying in two States, any one of the States may report the matter to the Central Government who shall decide the same.]

54B. Power to make rules providing for the appointment of Advisory Committees.—The State Government may make rules providing for the appointment, constitution, procedure and functions of Committees to advise the owners, agents and charterers of inland 3[mechanically propelled vessels] on questions affecting the interests. of passengers and shippers of goods.

2[CHAPTER VIA

INSURANCE OR MECUANICALLY PROPELLED VESSELS AGAINST THIRD PARTY RISKS

6[54C. Application of section 134, Chapters X, XI and XII of the Motor Vehicles Act, 1988 in relation to the mechanically propelled vessels.—The provisions of section 134, Chapters X, XI and XII of the Motor Vehicles Act, 1988 shall, as far as may be apply, in relation to the mechanically propelled vessels as they apply in relation to motor vehicles, subject to the following modifications, namely:—

1. Ins. by Act 13 of 1930, s. 2.

2. Subs. byAct 35 of 1977, s. 25, for "per mile" (w.e.f. 1-5-1978). 3. Subs.
by s. 5, *ibid.*. for "steam-vessels" (w.e.f.1-5-1978).
4. Subs. by s. 5, *ibid.,* for "steam-vessel" (w.e.f. 1-5-1978).
5. Ins. by s. 26, *ibid.* (w.e.f. 1-5-1978).
6. Subs. by Act 35 of 2007, s. 11, for section 54C (w.e.f. 21-2-2008).

(*a*) in section 134 and throughout in Chapters X, XI and XII,—

(*i*) references to "motor" or "motor vehicle" or "vehicle" shall be construed as references to "mechanically propelled vessel";

(*ii*) references to "public place" shall be construed as references to "inland water";

(*iii*) references to "public service vehicle" shall be construed as references to "public service vessel";

(*iv*) references to "goods vehicle" shall be construed as references to "goods service vessel";

(*v*) references to "State Transport" shall be construed as references to "State Water Transport";

(*vi*) references to "driver" or "driver of a vehicle" shall be construed as references to "master of a vessel";

(*vii*) references to "driving licence" shall be construed as references to "a certificate granted under Chapter HI of the Inland Vessels Act, 1917(1 of 1917)";

(*viii*) references to "permit" shall be construed as references to "a certificate of registration granted under section 19F of the Inland Vessels Act, 1917(1 of 1917)",

and such other consequential amendments as the rules of grammar may require, shall also be made;

(*b*) in section 145,—

(*i*) after clause (*a*), the following clause shall be inserted, namely: —

„(*aa*) "goods service vessel" means any mechanically propelled vessel used or adapted to be used for carriage of cargo for hire or reward;";

(*ii*) after clause (*d*), the following clause :,hall be inserted, namely:—

„(*da*) "public service vessel" means any mechanically propelled vessel used or adapted to be used for the carriage of passengers for hire or reward;";

(*iii*) for clause (*e*), the following clause shall be substituted, namely:—

„(*e*) "property" includes goods carried in the inland vessel, bridges, landing facilities, navigation marks and infrastructure;";

(*iv*) after clause (*f*), the following clause shall be inserted, namely:—

„(*fa*) "route" means a line of travel which specifies the waterway which may be traversed by a mechanically propelled vessel between one terminal and another;";

(*c*) in section 149, in sub-section (*2*), in clause (*a*)—

(*i*) in sub-clause (*i*),—

(*A*) in item (*c*), for the words "transport vehicle", the words "public service vessel or goods service vessel" shall be substituted;

(*B*) item (*d*) shall be omitted;

(*ii*) in sub-clause (*ii*), for the words "not duly licensed", the words and figures "not holding a certificate granted under Chapter III of the Inland Vessels Act, 1917(1 of 1917)" shall be substituted;

(*d*) in section 158, —

(*i*) for the words "transport vehicle", wherever they occur, the words "public service vessel or goods service vessel" shall be substituted, and such other consequential amendments as the rules of grammar may require shall also be made;

(*ii*) in sub-section (*1*), for clause (*d*), the following clause shall be substituted, namely:—

"(*d*) the certificate of survey granted under section 9 of the Inland Vessels Act, 1917 (1 of 1917),";

(*e*) in section 161, in sub-section (*3*),—

(*i*) in clause (*a*), for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted;

(*ii*) in clause (*b*), for the words "twelve thousand and five hundred rupees", the words "twenty-five thousand rupees" shall be substituted;

(*f*) in section 165, in sub-section (*1*), for the words "Motor Accidents Claims Tribunals", the words "Inland Vessel Accidents Claims Tribunals" shall be substituted.".]

[1][CHAPTER VIAB

PREVENTION AND CONTROL OF POLLUTION AND PROTECTION OF INLAND WATER

54D. Definitions.—In this Chapter, unless the context otherwise requires,—

(*a*) "hazardous chemical" or "obnoxious substance" means any chemical or substance, as the case may be, which has been designated as such by rules made under this Chapter;

(*b*) "oil" means any persistent oil such as crude oil, heavy diesel oil, lubricating oil and white oil, whether carried on board a tanker as cargo or fuel;

(*c*) "oily mixture" means a mixture with any oil content.]

54E. Prohibition as to discharge of oil, oil mixture, etc., in the inland water.—No oil or oily mixture, hazardous chemical or obnoxious substance from a mechanically propelled vessel shall be discharged in inland water:

Provided that nothing in this section shall apply to the discharge of such oil or oily mixture, hazardous chemical or obnoxious substance from a mechanically propelled vessel for the purpose of securing the safety of a mechanically propelled vessel, preventing damage to a mechanically propelled vessel, cargo or saving of life at inland water.]

54F. Reception facilities at inland port, etc.—(*1*) The owner or operator of an inland port, at cargo or passenger terminal, as the case may be, shall provide reception facilities to discharge oil, oily mixture, hazardous chemical or obnoxious substance at such inland port, cargo or passenger terminal.

(*2*) The owner or operator of an inland port, at cargo or passenger terminal, as the case may be, providing reception facilities at any inland port, a cargo or passenger terminal may make charges for the use of the facilities at such rates and may impose such conditions in respect of use thereof as may be

approved by notification in the Official Gazette, by the State Government in respect of the inland port, cargo or passenger terminal.

(*3*) For the purposes of minimizing the pollution already caused, or for preventing the pollution threatened to be caused, the State Government may direct, by order in writing, the owner or operator of an inland port, at cargo or passenger terminal to provide or arrange for the provision of such pollution containment equipments and pollutant removing materials at such inland port, cargo and passenger terminal as may be specified in the order.]

1. Ins. by Act 35 of 2007, s. 12 (w.e.f. 21-2-2008).

54G. Power of entry inspection, etc.—(*1*) Any surveyor or any person authorised under this Act in this behalf may, at any reasonable time, enter and inspect any inland port, at cargo or passenger terminal for the purposes of—

(*a*) ensuring that the provisions of this Chapter are complied with;

(*b*) verifying whether such inland port, at cargo or passenger terminal is provided with the pollution containment equipment and pollutant removing materials in conformity with the order of the State Government or the rules made under this Chapter; and

(*c*) satisfying himself about the adequacy of the measures taken to prevent pollution.

(*2*) If the surveyor finds that the inland port, at cargo or passenger terminal is not provided with the aforesaid equipment and materials, he shall give notice to the owner or operator of such inland port, cargo or passenger terminal, as the case may be, a notice in writing pointing out the deficiency and also what in his opinion is requisite to remedy the said deficiency.

(*3*) No owner or operator of such inland port, at cargo or passenger terminal, as the case may be, served with the notice under sub-section (*2*), shall proceed with any work at such inland port, cargo or passenger terminal, as the case may be, until he obtains a certificate signed by the surveyor to the effect that the inland port, cargo or passenger terminal, as the case may be, is properly provided with the aforesaid equipment and materials in conformity with the rules made under this Chapter.

54H. Powers of Central Government to make rules for prevention and control of pollution.—(*1*) The Central Government may make rules for the purposes of this Chapter.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the designated hazardous chemical and obnoxious substance under clause (*a*) of section 54D;

(*b*) prescribe fitment of oily mixture treatment equipment on shore and on board in certain cases;

(*c*) prescribe details of reception facilities at inland port, cargo or passenger terminal;

(*d*) prescribe the forms and record books for inland port, cargo or passenger terminal and the manner in which such books shall be maintained, the nature of entries to be made therein, the time and circumstances in which such entries shall be made, the custody and disposal thereof and all other matters relating thereto;

(*e*) any other matter which is to be, or may be, prescribed.]

CHAPTER VII

PENALTIES AND LEGAL PROCEEDINGS

55. Penalty for making voyage without certificate of survey.—(*1*) If anyinland [1][mechanically propelled vessel] proceeds on a voyage in contravention of sections 3 [2][or section 19A], the owner and the master of the [1][mechanically propelled vessel] shall each be punishable with fine, Which may extend to one thousand rupees.

(*2*) If the master or any other officer on board an inland [1][mechanically propelled vessel] which proceeds on a voyage in contravention of section 3 [2][or section 19A] is a licensed pilot, he shall be liable to have his licence as a pilot suspended , by the State Government.

56. Penalty for neglect to affix certificate of survey in inland mechanically propelled. vessel.—If the certificate of survey is not kept affixed in an inland [1][mechanically propelled vessel] as required by section. 10, [3][or if the registration mark is not displayed as required by section 19H], the owner and the

1. Subs. by Act 35 of 1977, s. 5, for "steam-vesse1" (1-5-1978).
2. Ins. by Act 26 of 1951, s. 4.
3. Ins. by s. 5, *ibid.*

master of the [1][mechanically propelled vessel] shall each be punishable with fine which may extend to one hundred rupees.

[2] [**57. Penalty for neglect or refusal to deliver up or surrender certificates of survey or registration**.—If the owner or master of an inland 1[mechanically propelled vessel] without reasonable cause neglects or refuses—

(*a*) to deliver up a certificate of survey when required under section 14 so to do; or

(*b*) to ,deliver up a certificate of registration when required under section 19N so to do; or

(*c*) to surrender a certificate of registration as required by section 190;

he shall be punishable with fine, which may extend to one hundred rupees.]

58. Penalty for carrying excessive number of passengers on hoard.—If an inland 1[mechanically propelled vessel] has on board or in any part thereof a number of passengers which is greater than the number set forth in the certificate of survey as the number of passengers which the vessel or the part thereof is, in the judgement of the surveyor, fit to carry, the owner and the master shall each be punishable with fine which may extend to 3[one hundred rupees] for every passenger over and above that number.

[4][**58A. Penalty for carrying excessive quantity of cargo on board**.—If an inland mechanically propelled vessel has on board or in any part thereof cargo which is in excess of the cargo set forth in the certificate of survey as the quantity of cargo which the vessel or the part thereof is, in the judgment of the surveyor, fit to carry, the owner and the master shall, each, in addition to the penalty to which he may be liable under the provisions of section 58, be punishable with fine which may extend—

(*a*) in the case of first offence, to five hundred rupees;

(*b*) in the case of any second or subsequent offence, to one thousand rupees**.]**

59. Penalty for serving, or engaging a person to serve, as master or engineer, without certificate.—Ifany person—

(*a*) proceeds on any voyage in an inland [1][mechanically propelled vessel] as the master or engineer of such vessel without being at the time entitled to, and possessed of, a master‟s or serang‟s or an engineer‟s or engine-driver‟s certificate [5][or a master‟s or engine-driver‟s licence] as the case may be, as required under this Act, or

(*b*) employs as the master or engineer of an inland [1][mechanically propelled vessel] any person without ascertaining that he is at the time entitled to, and possessed of, such certificate [2][or licence],

he shall be punishable with fine which may extend to five hundred rupees.

60. Penalty for master failing to give notice of wreck or casualty.—Ifany master wilfully fails to give notice, as required by section 32, of any wreck, abandonment, damage, casualty, or loss, he shall be punishable with fine which may extend to five hundred rupees, and, in default of payment of such fine, with simple imprisonment for a term which may extend to three months.

61. Penalty for failing to deliver up suspended or cancelled certificate.—Ifany person, whose certificate is suspended or cancelled under this Act, fails to deliver up the certificate as

1. Subs. by Act 35 of 1977, s. 5, for "steam-vesse1" (1-5-1978).
2. Subs. by s. 6, *ibid.,* for section 57.
3. Subs. by Act 35 of 1977, s. 27, for "ten rupees" (w.e.f. 1-5-1978). 4. Ins. by s.
28, *ibid.* (w.e.f. 1-5-1978).
5. Ins. by Act 6 of 1920, s. 10.

required by section 46, he shall be punishable with fine, which may extend to five hundred rupees.

62. Penalty for taking or delivering or tendering for carriage dangerous goods on board inland mechanically propelled vessel without notice.—Ifany person, in contravention of section 50, takes with

him on board any inland [1][mechanically propelled vessel] any dangerous goods, or delivers or tenders any such goods for carriage on any inland [1][mechanically propelled vessel], he shall be punishable with fine which may extend to two hundred rupees, and the goods shall be forfeited to Government.

[2]**[62A. Punishment for offences relating to accident.—**Ifthe master or the driver or other person in charge of the inland mechanically propelled vessel fails to report an accident in which his vessel is involved as required under Chapter VIA, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, or, if having been previously convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

62B. Penalty for using uninsured mechanically propelled vessel.—If any person uses a mechanically propelled vessel or causes or allows a mechanically propelled vessel to be used without a policy of insurance complying with the requirements of Chapter VIA, he shall be punishable with fine which may extend to one thousand rupees.

62C. Penalty for neglect or refusal to give information as to insurance or to produce certificate of insurance.—If any person without reasonable cause neglects or refuses to give information as to insurance or to produce the certificate of insurance under the provisions contained in Chapter VIA, he shall be punishable with fine which may extend to one hundred rupees.]

[3]**[62D. Punishment for offences relating to pollution.—**Whoever contravenes any provision of Chapter VIAB or of any rule made thereunder, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.]

62E. Offences by companies.—(*1*) Where an offence under Chapter VIAB has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

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

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under Chapter VIAB has been committed by a company, and it is proved that the offence was 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.

Explanation—For the purposes of this section,

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.]

1. Subs. by Act 35 of 1977, s. 5, for "steam-vesse1" (1-5-1978).

2. Ins. by s. 29, *ibid.* (w.e.f. 1-5-1978).

3. Ins. by Act 35 of 2007, s. 13 (w.e.f. 21-2-2008).

63. **Penalty for misconduct or neglect endangering inland mechanically propelled vessel or life or limb.—** If any person employed or engaged in any capacity on board an inland [1][mechanically propelled vessel], „by wilful breach or by neglect of duty, or by reason of drunkenness—

(*a*) does any act tending immediately to wreck, destroy or materially damage the vessel, or to endanger the life or limb of any person on board, or belonging to the vessel, or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate wreck, destruction or material damage, or for preserving any such person from immediate danger to life or limb,

he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both.

[1][**63A. Desertion and absence without leave**.—If any person employed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be liable to be punished summarily as follows:—

(*a*) if he deserts from his mechanically „propelled vessel, he shall be guilty of the offence of desertion and be liable to forfeit all or any of the property he leaves on board of the vessel and of wages he has then earned and also to imprisonment which may extend to three months;

(*b*) ifhe neglects or refuses, without reasonable cause, to join him mechanically propelled vessel or to proceed on any voyage in his vessel or is absent without leave at any time within twenty-four hours of the vessel sailing from a port or ghat either at the commencement or during the progress of a voyage or is absent at any time without leave and without sufficient reason from his vessel or from his duty. he shall, if offence does not amount to desertion or is not treated as such by the master, be guilty of the offence of absence without leave and be liable to forfeit out of his wages a sum not exceeding two days‟ pay and in addition for every twenty-four hours of absence either a sum not exceeding six days‟ pay or any expenses properly incurred in hiring a substitute and also to imprisonment which may extend to two months.

63B. General offences against discipline.—If any person employed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be guilty of an offence against discipline and he shall be liable to be punished summarily as follows:—

(*a*) if he quits the mechanically propelled vessel without leave after her arrival at the port or ghat or port or ghat of delivery, he shall be liable to forfeit out of his wages a sum not exceeding one month‟s pay;

(*b*) if he is guilty of wilful disobedience to any lawful command or neglect of duty, he shall be liable to forfeit out of his wages a sum not exceeding two days‟ pay;

(*c*) if he is guilty of continued wilful disobedience to lawful command or continued wilful neglect of duty, he shall be liable to imprisonment which may extend to one month and also to forfeit over every twenty-four hours continuance of disobedience or neglect either a sum not exceeding six days‟ pay or any expenses properly incurred in hiring a substitute;

(*d*) if he assaults the master or any other officer of the vessel, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both;

(*e*) if he combines with any of the officers to disobey to lawful commands or to neglect duty or to impede the navigation of the vessel or retard the progress of the voyage, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both;

(*f*) if he wilfully damages his mechanically propelled vessel or commits criminal misappropriation or breach of trust in respect of or wilful damages to any of her stores or

3. Ins. by s. 30, *ibid.* (w.e.f. 1-5-1978).

cargo, he shall be liable to forfeit out of his wages a sum equal to the loss sustained and also imprisonment which may extend to three months.

63C. Entry of offence in official log-book.—If any offence within the meaning of this Act of desertion or absence without leave or against discipline is committed or if any act of misconduct is committed for which the offender‟s agreement imposes fine and it is intended to enforce the fine,—

(*a*) an entry of the offence or acts shall be made in the official log-book and signed by the master and one of the persons employed or engaged in any capacity on board of the mechanically propelled vessel;

(*b*) the offender shall be furnished with a copy of the entry and have the same read over distinctly and audibly to him and may thereupon make such reply thereto as he thinks fit;

(*c*) a statement of a copy of the entry having been so furnished and entry having been so read over and the reply, if any. made by the offender shall likewise be entered and signed in the manner aforesaid;

(*d*) in any subsequent legal proceedings the entries by this section required shall, if practicable, be produced or proved, and, in default of such production or proof, the court hearing the case may in its discretion refuse to receive evidence of the offence or act of misconduct.]

1[2[**63D**.] **General provision for punishment of offences not otherwise provided for**.—If any person contravenes any of the provisions of this Act for which no other penalty is provided in this Act, he shall be punishable with fine which may extend to two hundred rupees.]

64. Levy of fine by distress of inland mechanically propelled vessel.—Where the owner or master of an inland 3[mechanically propelled vessel] is convicted of an offence under this Act or any rule made thereunder committed on board, or in relation to, that 1[mechanically propelled vessel], and is sentenced to pay a fine, the Magistrate who passes the sentence may direct the amount of the fine to be levied by distress and sale of the 1[mechanically propelled vessel] and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

65. Jurisdiction of Magistrates.—Except in the case of an offence against any rule made under section 53, no Magistrate shall try an offence under this Act, or any rule made thereunder, unless he is a Presidency Magistrate, or a Magistrate whose powers are not less than those of a Magistrate of the first class.

66. Place of trial.—If any person commits an offence against this Act or any rule made thereunder, he shall be triable for the offence in any place in which he may be found or which the State Government, by notification in the Official Gazette, appoints in this behalf, or in any other place in which he might be tried under any other enactment for the time being in force.

CHAPTER VIII

SUPPLEMENTAL

67. Power for State Government to make general rules.—(*1*) The State Government may, make rules to carry out the purposes of this Act not otherwise specially provided for.

(*2*)Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

68. Power for State Government to modify application of Act to certain inland mechanically propelled vessels.—The State Government may, 4*** by notification in the Official Gazette, declare that all or any of the provisions of 5[Chapters II, IIA and III] shallnot

1. Ins. by Act 26 of 1951, s. 7.

2. Section 63A renumbered as section 63D thereof by Act 35 of 1977, s. 30 (w.e.f. 1-5-1978). 3. Subs. by Act 35 of 1977, s. 5, for "steam-vesse1" (1-5-1978).

4. The words "with the previous sanction of the G.G. in C." rep. by the A.O. 1937. 5. Subs. by Act 26 of 1951, s. 8, for "Chapters II and III".

apply in the case of any specified class of 1[mechanically propelled vessels], or shall apply to them with such modifications as may be specified in the notification,,

2[**69**. **Exemption to Government vessels from fees.—**The State Government may, by notification in the Official Gazette, exempt all or any mechanically propelled vessel belonging to or in the service of Government from payment of any fees payable by or under this Act.]

70. Power for Central Government to define tidal water.—The 3[Central Government**]** may, by notification in the Official Gazette, define how much of any tidal water shall be deemed to be an inland water for the purposes of this Act.

[4]* * * * *

71. Fees recoverable as fines.—All fees payable under this Act may be recovered as fines under this Act.

72. Certificated masters of inland mechanically propelled vessels to be deemed pilots under section 31 of Act 15 of 1908.—(*1*) Subject to the provisions of section 31, every master of an inland [5][mechanically propelled vessel] who possesses a master"s certificate granted under this Act and in force shall, in ports to which section 31 of the Indian Ports Act, 1908, has been extended, be deemed, for the purposes of that section, to be the pilot of the [5][mechanically propelled vessel] of which he is in charge.

[6]* * * * * *

[7]**[72A. Endorsement of certificates and licences granted in Bangladesh.—**Any certificate or licence granted by the [8][Government [9][of Bangladesh]] in accordance with the provisions ofanylaw law for the time being in force in [10][that country], corresponding to the provisions of Chapter II or Chapter III of this Act may, on payment of the fees prescribed for the grant of asimilar certificate or licence under this Act, be endorsed by—

(*a*) the Government of any State in India, or

(*b*)with the general or special sanction of the Government of such State, by any authority competent to grant a similar certificate or licence under this Act,

and upon any such certificate or licence being so endorsed, it shall have effect as if it had been granted under this Act.]

73. [*Application of Act to vessels propelled by electricity or other mechanical power.*] *Omitted by the Inland Steam-Vessels (Amendment) Act,* 1977 (35 *of* 1977), *s.* 33 *(w.e.f.* 1-5-1978).

74. Publication of rules.—(*1*) The power to make rules conferred [11][on the Central Government or a State Government] by this Act is subject to the condition of the rules being made after previous publication.

(*2*)All such rules shall, when made, be published in the Official Gazette, and shall thereupon have effect as if enacted in this Act.

[12][(*3*) Every rule made by the Central Government 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

1. Subs. by Act 35 of 1977, s. 5, for "steam-vessels" (w.e.f. 1-5-1978).

2. Subs. by s. 31, *ibid.,* for section 69 (w.e.f. 1-5-1978).

3. Subs. by Act 38 of 1950, s. 2, for "State Government".

4.The proviso omitted by Act 38 of 1950, s. 2.Earlier inserted by the A.O. 1937. 5. Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w,e.f. 1-5-1978).

6. Sub-section (*2*) omitted by the A.O. 1948.

7. Ins. by Act 58 of 1949, s. 2.

8. These words shall stand unmodified, *vide* the A.O. 1950.

9. Subs. by Act 35 of 1977, s. 32, for "of a province in Pakistan"(w.e.f 1-5-1978). 10. Subs. by s. 32, *ibid.,* for "that Dominion" (w.e.f. 21-2-2008).

11. Subs. by Act 35 of 1977, s. 34, for "on a State Government" (w.e.f. 1-5-1978). 12. Ins. by s. 34, *ibid.* (w.e.f 1-5-1978).

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 that4he 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.]

[1][(*4*) Every rule made by the State Government under this Act shall be laid, as soon as may may be after it is made, before the State Legislature.]

[2][**75. Repeal** and saving.—(*1*) If immediately before the day on which this Act comes into force in [3][the territories which, immediately before the 1st November, 1956, were comprised in a Part B State], there is in force in [4][those territories] any law which corresponds to this Act, such corresponding law shall, on that day, stand repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by such corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, and any penalty incurred or pr oceeding commenced under such corresponding law shall be deemed to be a penalty incurred or proceeding commenced under this Act, as if this Act were in force on the day on which such thing was done, action taken, penalty incurred, or proceeding commenced.]

1. Ins. by Act 4 of 2005, s. 2 and the Schedule (w.e.f. 11-1-2005).

2. Ins. by Act 26 of 1951, s. 9. The original s. 75 was rep. by Act 12 of 1927, s. 2 and Sch. 3. Subs. by the A.O. (No. 3) 1956, for "a Part B State".

4. Subs., *ibid.,* for "that State".

SCHEDULE I

RATES OF FEES

[*See* sections *6(a)* and 19(*d*)]

| | | |

SCHEDULE 11.—[*Enactments repealed.*] *Rep. by the Repealing Act,* 1927 (12 *of* 1927), *s.* 2 *and Sch.*

1.Subs. by Act 35 of 1977, s. 5, for "steam-vessel" (w.e.f. 1-5-1978).