

	THE INLAND VESSELS BILL, 2017	
	A Bill	
	<i>to promote economical and safe transportation and trade through inland waters, to bring uniformity in application of law relating to inland waterways and navigation within the country, to provide for safety of navigation, protection of life and cargo, and prevention of pollution that may be caused by the use or navigation of inland vessels, to ensure transparency and accountability of administration of inland water transportation, to strengthen procedures governing the inland vessels, their construction, survey, registration, manning, navigation and such other matters connected therewith or incidental thereto.</i>	
	BE it enacted by Parliament in the Sixty- eight th Year of the Republic of India as follows:—	
	CHAPTER I PRELIMINARY	
	<p>1. (1) This Act may be called the Inland Vessels Act, 2017.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:</p> <p>Provided that, different dates may be appointed for bringing into force different provisions of this Act, in different States or Union territories, as it may deem fit by the Central Government.</p>	Short title and commencement.

	<p>2. (1) It extends to the whole of India.</p> <p>(2) Unless otherwise expressly provided in this Act, the provisions of Chapters I, II, IX, XV and XVI shall apply to all inland vessels plying within inland waters of India, and —</p> <p>(a) Chapters III, IV, V, VII, VIII, X, XI, XII and XIII shall apply to all mechanically propelled vessels registered under this Act;</p> <p>(b) Chapters VII, VIII, IX, X, XI and XII shall apply to vessels registered under such laws in force in India other than this Act, or registered in such laws in force in any country other than India; but endorsed or recognised under this Act for the purpose of plying within inland waterways.</p> <p>(c) Chapters VI, VII, VIII, IX, X, XI, XII and XIII shall apply to all vessels identified as special category vessels plying or using inland waterways as an essential and inevitable mode of transportation.</p> <p>(d) Chapter XIV shall apply to all non-mechanically propelled inland vessels.</p> <p>(3) Notwithstanding anything contained in sub-section (2), the Central Government or the State Government, as the case may be; may extend the application of any Chapter or provision to any class or category of inland vessel; or to any Chapter or region of inland waters; by notification in the Official Gazette.</p>	<p>Application and scope.</p> <p>To be re-check</p>
<p>57 of 1972.</p>	<p>3. In this Act, unless the context otherwise requires,—</p> <p>(1) “authorised insurer” means an insurer carrying on general insurance business in India under the General Insurance Business (Nationalisation) Act, 1972, and any Government insurance firm authorised to practice general insurance business under that Act;</p> <p>(2) “cargo terminal” means a place designated for the loading or unloading or any other allied processes of such loading or unloading of cargo in a port, jetty, wharf or any such place on any inland vessel;</p> <p>(3) “cargo vessel” means any mechanically propelled inland vessel which is not a passenger vessel;</p>	<p>Definitions.</p>

	<p>(4) “casualty” includes any vessel which—</p> <ul style="list-style-type: none">(i) is lost, abandoned, materially damaged;(ii) causes loss of material or damage to any other vessel;(iii) causes any loss of life or personal injury; <p>(iv) causes pollution as a result of or in connection with its operation;</p> <p>(5) “central data base” means the centralised record maintained for recording the data and details of vessel, vessel registration, crew, manning, certificates issued, reception facilities and such other data to be recorded in such form and content as may be prescribed;</p> <p>(6) “certificate of insurance” means a certificate issued by an authorised insurer in pursuance of the insurance premium paid by the insured, and includes a cover note complying with such requirements as may be prescribed;</p> <p>(7) “competent authority” means the person appointed by Central Government under sub-section (1) of section 4;</p> <p>(8) “court” means any civil, revenue or High Court having jurisdiction over the matters of liabilities and offences as provided in this Act including investigation and inquiry into claims arising out of causalities and accidents within its jurisdiction;</p> <p>(9) “cover note” includes any note of undertaking issued by the insurer who promises to cover the liability and to indemnify the losses incurred by the insured as provided upon loss suffered or liability incurred by the insured as provided in the contract of insurance;</p> <p>(10) “crewmen” means all personnel employed for operation or serving on an inland vessel other than master or passengers as a part of performing the functions of manning;</p> <p>(11) “dangerous goods or dangerous cargo” means any cargo or goods which due to its nature, form or content as a whole or in part are declared as dangerous or potentially dangerous while carried in on any class or category of inland vessels in inland waters under this Act or any other law for the time being in force;</p> <p>(12) “fishing vessel” means vessel fitted with mechanical mode of propulsion, which is exclusively engaged in fishing for profit, within inland waters;</p> <p>(13) “hazardous chemical or obnoxious substance” means any</p>	
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<p>44 of 1958. 13 of 1972. 44 of 1958.</p>	<p>chemical or substance, as the case may be, which has been designated as pollutants under this Act;</p> <p>(14) “Hull Identification Number” means the number or such other marks which is provided or assigned to any vessel, by the construction yard or such other persons authorised under this Act, to refer, distinguish and identify one vessel from another;</p> <p>(15) “inland vessel” includes all vessels plying in the inland waters, but does not include,—</p> <ul style="list-style-type: none"> (i) fishing vessels registered under the Merchant Shipping Act, 1958 and the Marine Products Export Development Authority Act, 1972; (ii) vessels registered under the Merchant Shipping Act, 1958; (iii) vessels that are specified as not to be inland vessels by notification by the competent authority ; <p>(16) “inland waters”, for the purpose of inland navigation, include any,—</p> <ul style="list-style-type: none"> (i) canal, river, lake or other navigable water inward of baseline as may be declared by notification in the Official Gazette by the Central Government; (ii) tidal water limit, as may be declared by notification in the Official Gazette by the Central Government or, as the case may be, in the State Gazette by the State Government; (iii) other waters as may be declared by notification in the Official Gazette by the Central Government; <p>(17) “<i>lien</i>” is a legal right or interest that a creditor has in the inland vessel or any property thereof, retained until a debt or duty is secured or the performance of some other obligation is satisfied;</p> <p>(18) “limitation of liability” means the rate or extent of liability within which the owner or such other persons entitled under this Act, may limit the liability or be permitted to limit or cap the liability arising out of claims, in accordance with the procedure laid down and rates prescribed under this Act or any rules made thereunder;</p> <p>(19) “load water line” means water line which is marked on an inland vessel to denote the safe carrying or loading capacity of such vessel;</p> <p>(20) “marking of vessel” includes visual signs, signals, sketches or symbols on inland vessels which are affixed with an intention for the</p>
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82 of 1985.	<p>identification and marking of such inland vessel;</p> <p>(21) “Master” includes any person including serang or such other person, who is in command or in charge of any inland vessel, and does not include a pilot or harbour master;</p> <p>(22) “material fact or material particular”, means a fact or any particular of such a nature, which determines the judgment of a prudent insurer, in assessing the extent of his liability, premium to be charged, conditions to be specified and such other terms to be entered and incorporated in a policy of insurance governing the relationship with the insured;</p> <p>(23) “mechanically propelled inland vessel” means—</p> <p>(i) any inland vessel in the inland waters including floating surfaces, dumb vessels, barges, rigs; or</p> <p>(ii) floating units or non-mechanically propelled inland vessel, which are propelled by means other than by sole employment of human labour and includes towed or pushed with the assistance of another mechanically propelled vessel or by wind power and used for carriage, storage, transportation and accommodation of passengers and cargo in or through inland waters;</p> <p>(24) “minimum manning requirement” means the standard and number of persons required for safe manning and navigation of vessels as provided or prescribed under this Act;</p> <p>(25) “navigable water” means any area or extent of water declared by the State Government or by Inland Waterways Authority of India constituted under Inland Waterways Authority of India Act 1985, or by any authority constituted under such other laws in force in India, as navigable by the inland vessels, registered, recognised or identified, under this Act;</p> <p>(26) “non-mechanically propelled inland vessel” or the purpose of the usage of phrase in Part XIV, the non-mechanically propelled inland vessel shall means and includes country boats, yachts or such other vessels that are put into movement by sole employment of human labour;</p> <p>(27) “notification” means a notification published in the Official Gazette of India or the Official Gazette of a State, as the case may be, and the expression “notify” with its grammatical variation and cognate expressions shall be construed accordingly;</p> <p>(28) “official number” means the number or such other marks assigned to any vessel by the Registrar of Inland Vessels or such other</p>
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persons appointed under this Act, to display on a conspicuous part of such vessel to refer, distinguish and identify one vessel from another;

(29) “oil” means any edible oil carried on vessel as cargo or persistent oil such as crude oil, heavy diesel oil, lubricating oil and white oil, carried on board of a vessel as cargo or fuel;

(30) “oily mixture” means a mixture with any oil content;

(31) “owner” means operator, charterer, beneficial owner or registered owner, who is responsible for the activities of the vessel and shall be under obligation to comply with the provisions of this Act in relation to, or in possessing express or implied title by this Act or any other law for the time being in force;

(32) “passenger” means any person carried on board of a vessel, except persons employed or engaged in any capacity on board of the vessel in connection with the business of the vessel;

(33) “passenger terminal” means the terminal designated for the embarking or dis-embarking of passengers or any other allied processes of such embarking or disembarking of passengers and the permitted cargo in a port, jetty, wharf or like places;

(34) “passenger vessel” means any vessel permitted to or carrying more than twelve passengers;

(35) “pilot” means any qualified person appointed by the owner of the vessel to assist the master or to steer the vessel in such area of inland water in accordance with the mandatory requirement, as may be prescribed by the respective State Government;

(36) “prescribed” means prescribed by rules by the Central Government or, as the case may be, the State Government;

(37) “priority of *lien*” means the ranking of liens in the order in which they are perfected or recorded in the book of registry maintained at every port or place of registry;

(38) “reciprocating country” means any country, as may on the basis of reciprocity, specified by notification by the Central Government to be a reciprocating country for the purposes of this Act;

(39) “recognised organisation” means any organisation recognised and authorised by the Central Government or a State Government to perform and execute the functions involved in classification of vessels;

(40) “salvage” means an act of the salvor in retrieving or saving any property or life in danger due to wreck or such other accident and includes all expenses incurred by the salvor in the performance of

	<p>salvage services;</p> <p>(41) “salvor” means any person who conducts salvage operations;</p> <p>(42) “service provider” includes any person, who in the capacity of owner or operator of an inland vessel used or plying in inland waters, providing services to any service user for the purposes of transportation, storage or accommodation;</p> <p>(43) “service user” includes any person who as a passenger or owner of cargo or freight forwarder, uses the services of any inland vessel in the inland waters for transportation, storage or accommodation purposes;</p> <p>(44) “special category vessel” means mechanically propelled inland vessel that is identified under this Act as special by considering its use, purpose, function or utility or the means of propulsion including the fuelling system or source of power for propulsion, such as liquefied natural gas, electrical propulsion, the design, dimensions of construction or areas of operation or such other criteria or standards;</p> <p>(45) “Tribunal” means the Inland Vessels Accident Claims Tribunal referred to in section 112;</p> <p>(46) “vessel” includes every description of water craft used or capable of being used in inland waters, including any ship, boat, sailing vessel, tug, barge or other description of vessel including non-displacement craft, amphibious craft, wing-in-ground craft, ferry, roll on-roll-off vessel, container vessel, tanker vessel, gas carrier or floating unit or dumb vessel used for transportation, storage or accommodation within or through inland waters;</p> <p>(47) “wreck” means a state of any vessel, or goods or a part or property of such vessel or carried on the vessel,—</p> <ul style="list-style-type: none">(i) which have been cast into or have fallen into the inland waters and then sunk and remain under water or remains floating on the surface; or(ii) which have sunk in the inland waters, but are attached to a floating object in order that they may be found again; or(iii) which are intentionally thrown away or abandoned without hope or intention of recovery; or(iv) which by its presence in inland waters, is a hazard or causes impediment to navigation, or adversely affects safety of life or causes pollution; <p>(48) “Zone” means any such inland water area, as the State Government may, by notification, declare, depending on the following</p>	
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	<p>maximum significant wave height criteria, as Zone 1, Zone 2 and Zone 3, for the purposes of this Act:</p> <p>(i) Zone 1 means an area (other than Zone 2 or Zone 3) where the maximum significant wave height does not exceed 2.0 metres.</p> <p>(ii) Zone 2 means an area (other than Zone 3) where the maximum significant wave height does not exceed 1.2 metres.</p> <p>(iii) Zone 3 means an area where the maximum significant wave height does not exceed 0.6 metres.</p>	
	<p>CHAPTER II</p> <p>ADMINISTRATIVE PROVISIONS</p>	
	<p>4. (1) For the purposes of exercising, administering, monitoring or discharging the powers, authority or duties conferred under the provisions of this Act, the Central Government may, by notification in the Official Gazette, appoint the competent authority.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the existing administrative authorities constituted under State Governments or Union territory Administrations may continue to be the administrative authorities for the purposes of implementation of this Act and the rules made thereunder.</p> <p>(3) The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by it under or in relation to any such provisions of this Act or the rules made thereunder or as may be specified in the order allocating the duties, shall, subject to such conditions and restrictions as may be so specified, also be exercisable by the competent authority or by such other officer as may be specified in that order.</p> <p>(4) The Central Government may, by order, depute officers for a specified period to function in the respective designated positions as an officer under the competent authority, subject to such terms and conditions as may be specified in the order of appointment.</p> <p>(5) Subject to the provisions of sub-section (2), the Central Government shall have the offices of the competent authority established within the respective jurisdiction of the State Government as it may deem necessary, for proper monitoring and for coordinating the implementation of the provisions of this Act and the rules made thereunder.</p> <p>(6) The terms and conditions of service and qualifications required for</p>	<p>Administrative role of Central Government and State Governments</p>

<p>officers to be appointed, authorised or deputed under this Chapter shall such as may be prescribed by the Central Government.</p> <p>(7) The Central Government may constitute advisory committees for the efficient discharge of its functions as provided under this Act.</p> <p>(8) On and from the date of issue of notifications or rules made by the Central Government under the provisions of this Act, they shall,—</p> <p>(a) uniformly apply in whole or in any part of India, as may be specified therein; and</p> <p>(b) prevail over such notifications or rules, , , as the case may be, issued or made by the State Government.</p> <p>(9) Notwithstanding anything to the contrary in this Act, for the purposes of administration of non-mechanically propelled inland vessels plying in inland waters as provided under Chapter XIV, the Central Government shall have no powers of administration and shall only provide assistance to the respective State Governments, upon receipt of request from such State Governments.</p> <p>(10) The State Government may, for the purposes of implementing the provisions of this Act and the rules made thereunder, by general or special order, direct that any power or authority conferred under this Act, subject to such conditions and restrictions as it may think fit, be exercised or discharged by the competent authority or any other organisation or body.</p> <p>(11) The State Government may constitute advisory committees for the efficient discharge of its functions as provided under this Act.</p> <p>(12) The State Government may, by general or special order, direct that any power or authority conferred upon the State Government by or under this Act, with regard to non-mechanically propelled inland vessels enrolled under this Act, and subject to such conditions and restrictions as it may think fit, be exercised or discharged by the Departments of Local Self Administration established or constituted under this Act.</p> <p>(13) Unless specifically mentioned otherwise in this Act, the State Government shall have the power to make rules and shall exercise the powers conferred to it, as provided by or under this Act.</p> <p>(14) The terms and conditions of service and qualifications required for officers to be appointed, authorised or deputed by the State Government under this section shall such as may be prescribed by the State Government.</p>	
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	<p>5. (1) The competent authority shall be fully functional, for the effective implementation of this Act or the rules made thereunder by Central Government or, as the case may be, the State Government.</p> <p>(2) The competent authority may, by general or special order, direct that any power or authority conferred upon or delegated to the competent authority by or under this Act may, subject to such conditions and restrictions as it may think fit, be exercised or discharged also by such organisation or body .</p> <p>(3) The competent authority shall monitor effective implementation of the Act and shall recommend in writing with reasons thereof, to the Central Government or, as the case may be, the State Government, to adopt such measures to ensure effective implementation of the provisions of the Act.</p> <p>(4) The competent authority may issue guidelines, circulars, notices or any other administrative orders, which are not inconsistent with the provisions of this Act and the rules made thereunder, for ensuring proper implementation of the Act and to discharge its functions.</p>	Competent authority.
	<p>6. The Advisory Committee appointed by the Central Government or the State Governments, as the case may be, shall be constituted and shall comprise of such number of persons connected with shipping and navigation and allied aspects as the Central Government or the State Governments as the case may be, may deem fit.</p>	Advisory committees.
	<p>7.(1) The Department of Local Self Administration constituted and established by the State Government for the administration of non-mechanically propelled inland vessels enrolled under this Act, shall comprise of such divisions as may be notified by the State Government.</p> <p>(2) The Department of Local Self Administration may by general or special order, and with the prior approval of the State Government, direct that any power or authority conferred upon or delegated to it by or under this Act may, subject to such conditions and restrictions as it may think fit, be exercised or discharged by such officer appointed under it.</p>	Department of Local Self Administration.
	<p>CHAPTER III SURVEY OF PASSENGER OR CARGO VESSELS</p>	
	<p>8. (1) For the purposes of this Chapter, the criteria and standards to classify or categorise any mechanically propelled inland vessel shall be such as may be prescribed by the Central Government.</p>	Power to classify and categorise for

82 of 1985.	<p>(2) The State Government may classify and categorise mechanically propelled inland vessels on the basis of criteria and standards referred to in sub-section (1).</p> <p>(3) The standards of design, construction, fitness, and crew accommodation, to be complied with by any mechanically propelled inland vessel, as a pre-requisite to proceed on any voyage, or be used for any service in inland waters or zones that are designated or classified under this Act or as provided under Inland Waterways Authority of India Act, 1985 shall be such as may be prescribed by the Central Government.</p> <p>(4) The Central Government may, by notification, appoint or authorise any recognised organisation, subject to such terms and conditions as it may deem fit, to carry out the functions provided under this Chapter.</p>	purpose of survey.
	<p>9. (1) The construction and any alteration or modification of mechanically propelled inland vessels shall be carried out with the approval of design from the competent authority in such manner as may be prescribed.</p> <p>(2) For the purposes of sub-section (1), the Central Government shall specify by notification the list of alterations or modifications that require approval of design from competent authority.</p>	Design approval and Certificate of Compliance.
	<p>10. (1) The standards for type and periodicity of surveys for all mechanically propelled inland vessels, which are newly constructed and already in service shall be such as may be prescribed by the Central Government.</p> <p>(2) The owner, operator, master or construction yard or any other applicant, as the case may be, recognised by the State Government as applicant, shall submit a request for survey in such form and content as may be prescribed by the State Government.</p>	Survey of vessels.
45 of 1860.	<p>11. (1) For the purposes of this Act, the State Government may, by notification, appoint officers or persons as surveyors of inland vessels, and such surveyors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.</p> <p>(2) The minimum criteria and qualifications for the appointment of</p>	Appointment and qualifications of surveyors.

	<p>surveyors, which the State Governments shall adopt in the appointment of surveyors, shall be such as may be prescribed by the Central Government.</p> <p>(3) If any State Government is not able to recruit or appoint sufficient number of surveyors, the Central Government shall designate, recruit or appoint surveyors to function within the jurisdiction of such State Government.</p>	
	<p>12. (1) On receipt of application for conducting survey received from owners, masters or construction yard, in such form as may be prescribed by the State Government, the surveyor may board or enter any mechanically propelled inland vessel and inspect the mechanically propelled vessel:</p> <p style="padding-left: 40px;">Provided that the surveyor shall not unnecessarily hinder the loading or unloading of the mechanically propelled vessel, or unnecessarily detain or delay her from proceeding on any voyage.</p> <p>(2) The owner, operator, master and crew of the mechanically propelled inland vessel shall render the surveyor, all reasonable facilities for a survey, and all information with respect to the mechanically propelled inland 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.</p>	<p>Powers of surveyors.</p>
	<p>13. (1) On completion of survey of a mechanically propelled inland vessel, the surveyor shall forthwith issue the applicant, a declaration in such form as may be prescribed by the Central Government, specifying that—</p> <ul style="list-style-type: none"> (a) the hull, engine, machinery and equipment of the mechanically propelled inland vessel are in such condition and are sufficient for safe voyage or intended use; (b) the certificates of the master and engineer or engine driver are valid as required by this Act or any other law for the time being in force and applicable to the mechanically propelled inland vessel; (c) the period, if less than the time specified by the Central Government, for which the hull, engine and other machinery and equipment of the mechanically propelled inland vessel is fit to function; (d) the limit, if any, beyond which, with regard to the hull, engines and other machinery or equipment, the mechanically propelled 	<p>Grant of certificate of survey and procedures.</p>

	<p>inland vessel is in the judgment of the surveyor not fit to ply;</p> <ul style="list-style-type: none">(e) the permissible limit and measurement of load waterline, if any, as to the number of passengers or quantity of cargo, which the mechanically propelled inland vessel is fit to carry, and if necessary, the respective number of passengers to be carried on the deck and in the cabin, and in different parts of the deck and cabin; the number or quantity to be subject to such conditions and variations, according to the time of year, the nature of the voyage, or other circumstances, as the case may be;(f) the nature and quantum of cargo, which according to the judgment of the surveyor, the mechanically propelled inland vessel is fit to carry;(g) the inland waterways or Zones in which such mechanically propelled inland vessel is eligible or not eligible to be used or utilised;(h) the mechanically propelled inland vessel complies with the mandatory safety requirements provided under this Chapter;(i) the documents showing evidence of radio installation;(j) evidence of inspection of any installation of liquefied petroleum gas by a qualified and approved technician, in case of vessel which is mechanically propelled by liquefied petroleum gas;(k) valid certificate of insurance or policy in compliance with Chapter XI;(l) the mechanically propelled inland vessel continues to conform to the standards to which it was constructed; and(m) any other particulars, as may be prescribed by the Central Government. <p>(2) The State Government shall, if satisfied that all the provisions of this Act have been complied with in respect of a declaration submitted under sub-section (1), and upon receipt of payment of fee, as may be prescribed by the Central Government, issue a certificate of survey, in duplicate, to the applicant.</p> <p>(3) A certificate of survey granted under this section shall be in such form as may be prescribed by the Central Government, and shall contain a statement to the effect that, all the provisions of this Act with respect to the survey of the mechanically propelled inland vessel and the declaration of surveyor have been complied with, and shall set forth –</p>	
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	<p>(a) the particulars concerning the mechanically propelled inland vessel mentioned in the declaration of surveyor as required by clauses (a), (b), (c) and (g) of sub-section (1), and</p> <p>(b) any other particulars as may be prescribed by the Central Government.</p> <p>(4) The State Government may, by notification in the Official Gazette, delegate to all or any of the functions assigned to the State Government under this section:</p> <p>Provided that no delegation shall be made to authorise the grant of a certificate of survey by the surveyor, who made the declaration of surveyor under sub-section (1).</p>	
	<p>14. (1) On receipt of application and the fee from the owner or operator of any mechanically propelled inland vessel, in such form as may be prescribed by the Central Government, the surveyor who conducted the survey, without following the procedure specified in section 13, may grant a provisional certificate of survey, which shall be valid for a period not exceeding forty-five days or, by endorsement, extend the validity of the prevailing certificate of survey, not exceeding forty-five days.</p> <p>(2) Any mechanically propelled inland vessel, which has been issued with a provisional certificate of survey or endorsement under sub-section (1) may proceed on voyage or use in service, temporarily, pending the issue of the certificate of survey, in such manner and subject to the conditions as may be prescribed by the State Government.</p>	<p>Provisional certificate of survey and its effect.</p>
	<p>15. (1) No mechanically propelled inland vessel shall be used or proceed on voyage, without a valid certificate of survey.</p> <p>(2) The certificate of survey shall have effect throughout India, unless otherwise specified therein and subject to such other conditions as may be specified by the competent authority.</p> <p>(3) The certificate of survey shall be valid for such period as may be specified by notification by the Central Government and shall not be in force —</p> <p>(a) after the expiration of the period specified in the certificate of survey; or</p> <p>(b) after notice has been issued to cancel or suspend such</p>	<p>Mechanically propelled inland vessels not to proceed without certificate of survey.</p>

	<p>certificate.</p> <p>(4) Nothing in this section shall prevent the State Government from excluding a mechanically propelled inland vessel from the requirement under sub-section (1), on an application made by the owner or master of the vessel for permission to proceed on a voyage; during the interval between the date on which the certificate of survey expires and the earliest possible date of renewal.</p> <p>(5) After cessation of a certificate of survey, a valid certificate of survey shall be obtained only after a fresh survey of the mechanically propelled inland vessel has been conducted by any surveyor appointed under this Act.</p>	
	<p>16. (1) The State Government may suspend or cancel a certificate of survey, if it has reason to believe that—</p> <p>(a) the declaration of the surveyor of the sufficiency and good condition of the hull, engines or other machinery or of any of the equipment of the mechanically propelled vessel has been fraudulently or erroneously made; or</p> <p>(b) the certificate has otherwise been granted upon false or erroneous information; or</p> <p>(c) since the making of the declaration, the hull, engine or other machinery, or any of the equipment of the mechanically propelled vessel have sustained any material damage, or have otherwise become insufficient.</p> <p>(2) The State Government shall issue the notice of suspension of certificate of survey to the owner, operator, master, or construction yard by stating the errors to be rectified and conditions that have to be complied with by the owner, operator, master or construction yard within three months from the date of issuance of such notice, in such manner as may be prescribed.</p> <p>(3) In the event of non-compliance of the notice of suspension by the owner, operator, master or construction yard within the period specified therein, the State Government shall record such non-compliance of, , and shall issue the notice of cancellation of certificate of survey, which shall come into force with immediate effect.</p>	<p>Suspension and cancellation of certificate of survey</p>
	<p>17. (1) The owner or master shall deliver the certificate of survey, which has expired or has been suspended or cancelled, to such officer as the State Government may, by notification in the Official Gazette, appoint in this behalf.</p>	<p>Delivery of expired, suspended or cancelled</p>

	(2) The State Government shall record the details of the cancelled certificate in the book of registry maintained by the Registrar of Inland Vessels under this Act.	certificate of survey.
	CHAPTER IV REGISTRATION	
2 of 1912. 18 of 2013. 6 of 2009.	<p>18. Any inland vessel, fitted with mechanical means of propulsion, which is—</p> <p>(a) wholly owned by any citizen of India; or</p> <p>(b) a co-operative society registered or deemed to be registered under the Co-operative Societies Act, 1912; or</p> <p>(c) a body established under any Act relating to co-operative societies for the time being in force in any State; or</p> <p>(d) a company registered under the Companies Act, 2013; or</p> <p>(e) a partnership firm registered under the Limited Liability Partnership Act, 2008; or</p> <p>(f) a other body established by or under any Central or State Act and which has its principal place of business in India,</p> <p>shall be registered under the provisions of this Act.</p>	Registration.
	<p>19.(1) Subject to the provisions of section 15, a mechanically propelled inland vessel required to be registered under this Chapter, shall not proceed on any voyage or be used for any service, unless it has a valid certificate of registration granted under this Act in respect thereof.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the authority appointed or authorised under this Chapter may —</p> <p>(a) permit any mechanically propelled inland vessel, built at any place other than a port or place of registry, to make her first voyage to any such port or place for the purpose of registration; or</p> <p>(b) permit the vessel registered under any law for the time being in force in India for which provisions have been made under this Act to conduct voyage within the inland waters; or</p>	Mandatory requirement of certificate of registration.

	<p>(c) permit any mechanically propelled vessels registered under such laws of countries other than India; which shall only be permitted to ply within the inland waters subject to compliance of such terms and conditions as may be prescribed by the Central Government.</p>	
	<p>20. (1) The owner or master of an inland vessel shall carry on such vessel a valid certificate of registration issued under this Chapter and shall make available for inspection, when demanded by the officers appointed under this Chapter.</p> <p>(2) The competent authority or such other officer appointed or authorised under this Chapter may detain any mechanically propelled inland vessel required to be registered under this Act, until the respective owner, operator or master of such vessel produces a valid certificate of registration.</p>	Obligation to carry certificate of registration.
45 of 1860.	<p>21. (1) For the purposes of this Chapter, the State Government may, by notification, —</p> <p>(a) appoint ports or places of registry and shall specify in such notification the areas of inland waters covered under each such port or place of registration for mechanically propelled inland vessels;</p> <p>(b) appoint Registrar of Inland Vessels at the said ports or places of registry, who shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.</p> <p>(2) A Registrar of Inland Vessels shall, in respect to the port or place of registry for which he is appointed, perform his functions as may be prescribed by the State Government and authorised by the competent authority.</p>	Ports or places of registry and Registrars of Inland Vessels.
	<p>22. (1) The Registrar of Inland Vessels shall maintain and keep a book of registry, which shall have record of all particulars contained in the form of certificate of registration.</p> <p>(2) The Registrar of Inland Vessels shall report the details of the book of registry or entries made therein, to the State Government at regular intervals, in such manner and period as may be prescribed by the State</p>	Book of registry.

	<p>Government.</p> <p>(3) The State Government shall report and update the Central Government—</p> <ul style="list-style-type: none"> (a) the designated ports and places of registry; (b) the details of officers appointed or authorised under this Chapter; and (c) the details of registrations as entered in the book of registry, to facilitate and administer the registration processes under this Chapter. 	
	<p>23. (1) The Central Government shall appoint such officers to maintain a central data base for inland vessels, in such form and manner, as may be prescribed by that Government.</p> <p>(2) The officer in-charge of the central data base shall—</p> <ul style="list-style-type: none"> (a) maintain a central registry both in electronic and document form, which shall compile the reported and updated details, as the case may be, on— <ul style="list-style-type: none"> (i) designation of ports or places of registry; (ii) Registrars of Inland Vessels appointed; (iii) status of mechanically propelled inland vessel that are registered or details of pending registration and issuance of certificate of registration granted under this Chapter; (iv) details of suspension or cancellation of certificate of registrations made by them; (b) perform such other functions as may be prescribed by the Central Government. 	<p>Central data base of inland vessels.</p>
	<p>24. (1) The owner, master, or such other applicant, as the case may be, may make an application for registration of a mechanically propelled inland vessel, which has a valid certificate of survey issued under this Act, in such form, manner and along with such particulars as may be prescribed by the Central Government.</p> <p>(2) The list of documents to be submitted or adduced by the applicants for registration, in addition to the particulars referred to in sub-section (1), shall be such as may be prescribed by the State Government.</p>	<p>Application and processes of registration of vessels.</p>

	<p>(3) Every application for registration shall be made to the Registrar of Inland Vessels, within the jurisdiction of the respective State in which the owner of the mechanically propelled inland vessel—</p> <ul style="list-style-type: none"> (a) ordinarily resides; (b) has the principal place of business or the officially registered office is situated. <p>(4) If the Registrar of Inland Vessels is satisfied that the vessel or the application submitted for registration is not in compliance with the provisions of this Act, he may refuse the registration of a mechanically propelled inland vessel by recording the reasons therefor and shall provide the applicant a note containing the reasons for such refusal.</p>	
	<p>25. (1) Subject to the provisions of section 23, the Registrar of Inland Vessels shall, grant the certificate of registration to the applicant, who has paid such fee, as may be prescribed by the State Government, and assign the registration mark and official number to such registered vessels.</p> <p>(2) The certificate of registration shall be in such form and content, as may be prescribed by the Central Government, and shall contain the following particulars, namely:—</p> <ul style="list-style-type: none"> (a) registered address of the owner and other ownership details; (b) details of mortgage, if any; (c) hull identification number; (d) official number (e) classification and category of vessel; (f) any other condition, as may be prescribed by the respective State Government. <p>(3) The owner or operator of the mechanically propelled inland vessel shall comply with the provisions of sub-section (2) after registration under this Act.</p> <p>(4) The owner shall display the registration mark and the official number on a conspicuous part of the vessel, as may be prescribed by the State Government.</p>	<p>Grant of certificate of registration and marking of vessel.</p>
	<p>26. (1) The certificate of registration granted under section 25 shall be deemed to be valid in all States and Union territories, unless otherwise specified therein.</p>	<p>Effect of certificate of registration.</p>

	<p>(2) The certificate of registration issued under this Chapter shall be conclusive proof of ownership and title, as declared by the applicant and as entered in the book of registry by the Registrar of Inland Vessels.</p> <p>(3) Notwithstanding anything contained in this Act, any person who has beneficial interest of ownership in the mechanically propelled inland vessel or shares therein, shall have the same rights as that of the registered owner and shall be deemed as owner of such vessel for the purposes of this Act.</p> <p>(4) The Registrar of Inland Vessels, who receives an application for renewal of certificate of registration, may demand the owner or master of any mechanically propelled inland vessel, to furnish,</p> <p>(a) the certificate of registration in force, carried on such vessel;</p> <p>(b) any other document or information, as may be prescribed by the State Government.</p>	
	<p>27.(1) If the certificate of registration issued under this Chapter is lost or destroyed, the registered owner shall apply for a duplicate certificate to the Registrar of Inland Vessels which issued such certificate of registration, in such form an manner as may be prescribed by the State Government.</p> <p>(2) The Registrar of Inland Vessels shall, upon receipt of application under sub-section (1) and such fees or additional fees, as may be prescribed by the State Government, issue the duplicate certificate of registration.</p>	Duplicate certificate.
	<p>28. (1) The Registrar of Inland Vessels may, pending issuance of the certificate of registration, upon an application and on payment of fee, by the applicant, issue a provisional certificate of registration valid for not more than forty-five days.</p> <p>(2) The application, fee and the provisional certificate of registration referred to in sub-section (1) shall be such as may prescribed by the State Government.</p> <p>(3) During the period of validity of the provisional certificate of registration issued under this Chapter, the owner, operator or construction yard shall implement and comply with all necessary steps to be taken to have the vessel registered under this Chapter.</p>	Provisional certificate of registration.
	<p>29. (1) The competent authority shall prepare the list of modifications or alterations affecting the strength and stability of vessel, which are required to be registered.</p>	Registration of alterations.

	<p>(2) The owner, operator or master of the mechanically propelled inland vessel shall make an application, in such form, content and within such period, as may be prescribed by the State Government for entry of such alterations made, as referred to in sub-section (1), with the Registrar of Inland Vessels of the respective port or place of registry, where the vessel is registered, failing which, it shall be considered as plying without a valid certificate of registration.</p> <p>(3) The Registrar of Inland Vessels shall, on receipt of application and on payment of such fee, as may be prescribed by the State Government, either cause the alteration to be registered and entered in the certificate of registration, or direct that the vessel be registered anew:</p> <p style="padding-left: 40px;">Provided that, where the Registrar of Inland Vessels, directs that the vessel be registered anew, it shall grant a provisional certificate for a specific period describing the vessel as altered or endorse on the existing certificate about the particulars of the alteration.</p>	
	<p>30. If the owner of a mechanically propelled inland vessel ceases to reside or carry on business at the registered 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 Registrar of Inland Vessels who granted the certificate of registration or, if the new address is within the jurisdiction of another port of registry, to the Registrar of Inland Vessels of that port of registry, and shall at the same time forward the certificate of registration to the respective Registrar of Inland Vessels, in order that the new address may be entered therein.</p>	<p>Change of residence or place of business.</p>
	<p>31. (1) No mechanically propelled inland vessel registered with the registering authority of a State Government under this Chapter, shall be transferred to a person residing in any country other than India, without the prior approval of the Registrar of Inland Vessels of the State Government, who has originally issued the certificate of registration.</p> <p>(2) Subject to sub-section (1), the owner of a mechanically propelled inland vessel registered under this Chapter and the transferee shall, within thirty days of the transfer of ownership of the said vessel to the transferee, jointly submit a report of the transfer to the port or place of registry, within whose local limits of jurisdiction, the transferee resides or carries on business and shall also forward the valid certificate of registration to the Registrar of Inland Vessels appointed at that port or place of registry, together with such fee as may be prescribed by the State Government, in order that the particulars of the transfer of</p>	<p>Prohibition against transfer of ownership of registered vessel.</p>

	<p>ownership may be entered thereon in the book of registry.</p> <p>(3) Notwithstanding anything contained in sub-sections (1) and (2), the State Government may demand or order the transferor and transferee for a fresh survey to be conducted or fresh registration to be initiated under this Chapter, for grant of certificate of registration to a vessel, whose ownership is reported to have been transferred from transferor to transferee.</p>	
	<p>32. (1) The Registrar of Inland Vessels may at any time, require any mechanically propelled inland vessel within the local limits of its jurisdiction to be inspected by such authority as the State Government may, by general or special order, appoint in this behalf.</p> <p>(2) As a result of such inspection, if the Registrar of Inland Vessels has reason to believe that after the granting of the certificate of registration, the mechanically propelled inland vessel became unfit to ply in inland waters, order suspension of the certificate of registration of the said vessel for such period as he may deem fit.</p> <p>(3) The Registrar of Inland Vessels shall, before suspending a certificate of registration, provide to the owner, operator or master an opportunity for being heard, and record the reasons for such suspension.</p> <p>(4) The Registrar of Inland Vessels who suspends the certificate of registration under sub-section (1), shall issue a notice of suspension to the registered owner stating the reasons for suspension and the conditions to be complied within such period, as may be prescribed by the State Government, for withdrawal of such order of suspension.</p> <p>(5) Where the registration of a mechanically propelled inland vessel is suspended under sub-section (1) by any Registrar of Inland Vessels other than the Registrar of Inland Vessels who has originally issued the certificate of registration; the former shall intimate the latter, regarding such order of suspension or withdrawal of such order of suspension; and the latter shall enter such order in the book of registry in which the registration of the vessel is originally recorded.</p> <p>(6) The Registrar of Inland Vessels suspending the certificate of registration, shall confiscate such certificate and return the certificate to the owner or master only upon withdrawal of the order of suspension.</p>	<p>Suspension of certificate of registration.</p>
	<p>33. (1) A registered mechanically propelled inland vessel or a share therein may be mortgaged as a security for a loan or other valuable consideration, and the instrument creating the security shall be in such</p>	<p>Mortgage of mechanically propelled</p>

<p>form, as may be prescribed by the State Government, or as near thereto as circumstances permit, and on the production of such instrument, the Registrar of Inland Vessels who granted the certificate of registration shall record it in the book of registry.</p> <p>(2) The Registrar of Inland Vessels shall record in the book of registry the mortgage referred to in sub-section (1) in chronological order in which they are reported to him by the mortgagee and, the Registrar of Inland Vessels shall, by memorandum under his hand, note down on each mortgage that it has been recorded by him stating the day and hour of that record, for the purpose of prioritising the creation of charge or lien on the mechanically propelled inland vessel or share therein by the mortgagee.</p> <p>(3) If there are more mortgagees than one recorded in respect to the same vessel or share, the mortgages shall, notwithstanding any express, implied or constructive notice, have priority according to the date on which each mortgage is recorded in the book of registry and not according to the date of creation of each mortgage.</p> <p>(4) Where a registered mortgage is discharged, the Registrar of Inland Vessels shall, on the production of the respective document evidencing the cancellation of mortgage issued by the mortgagee alongwith a receipt for the mortgage money endorsed thereon, duly signed and stamped, make an entry in the book of registry to the effect that the mortgage has been discharged, and on that entry being made, the estate, if any, which passes to the mortgagee shall vest with the registered owner of the mechanically propelled inland vessel, who had the status of mortgagor prior to such cancellation.</p> <p>(5) Except in so far as may be necessary for making a mortgaged mechanically propelled inland vessel or share available as a security for the mortgage debt, the mortgagee shall not, by reason of his mortgage, be deemed to be the owner of the vessel or share therein, nor shall the mortgagor be deemed to have ceased to be owner thereof.</p> <p>(6) Where there is only one registered mortgagee of a mechanically propelled inland vessel or share therein, he shall be entitled to recover the amount due under the mortgage by selling the mortgaged mechanically propelled inland vessel or share therein, without approaching the High Court:</p> <p>Provided that nothing contained in this sub-section shall prevent the mortgagee from recovering the amount so due, by approaching the High</p>	<p>vessel or share therein.</p>
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	<p>Court, as provided in sub-section (7).</p> <p>(7) Where there are two or more registered mortgagees of a mechanically propelled inland vessel or share therein, they shall be entitled to recover the amount due under the mortgage in the High Court, and while passing a decree or thereafter, the High Court may direct that the mortgaged mechanically propelled inland vessel or share be sold in execution of the decree.</p> <p>(8) Every registered mortgagee of a mechanically propelled inland vessel or share therein, who intends to recover the amount due under the mortgage by selling the mortgaged mechanically propelled inland vessel or its share under sub-section (6), shall give an advance notice of fifteen days relating to such sale, to the Registrar of Inland Vessels, in whose registry the mortgage is recorded.</p> <p>(9) The notice under sub-section (8) shall be accompanied by the proof of payment of the wages and other amounts due to crewmen employed on the mortgaged mechanically propelled inland vessel.</p> <p>(10) A registered mortgage of a mechanically propelled inland vessel or share therein, shall not be affected by any act of insolvency committed by the mortgagor after the date of the record of such mortgage, notwithstanding that the mortgagor, at the commencement of his insolvency, had the mechanically propelled inland vessel or share in his possession, order or disposition, or was the owner thereof, and the mortgage shall be preferred to any right, claim or interest therein, of other creditors of the insolvent or any trustee or assignee on their behalf.</p> <p>(11) A registered mortgage of a mechanically propelled inland vessel or share therein, may be transferred to any person, and the instrument effecting the transfer shall be in such form as may be prescribed by the State Government or as near thereto as circumstances permit, and on the production of such instrument, the Registrar of Inland Vessels shall record it by entering in the book of registry, the name of the transferee as mortgagee of the mechanically propelled inland vessel or the shares therein, and shall, by memorandum, notify on the instrument of transfer that it has been recorded by him stating the day and hour of the record.</p> <p>(12) The person to whom any such mortgage has been transferred shall enjoy the same right of preference as was enjoyed by the transferor.</p> <p>(13) Where the interest of a mortgagee in a mechanically propelled inland vessel or share is transmitted on death, or insolvency, or by any</p>	
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	<p>lawful means other than by a transfer under this Act, the transmission shall be authenticated by a nomination of the person to whom the interest is transmitted, containing a statement of the manner in which, and the person to whom, the property has been transmitted, and shall be accompanied by like evidence, as is required by this Act, in case of a corresponding transmission of the ownership of a mechanically propelled inland vessel or share therein.</p> <p>(14) The Registrar of Inland Vessels shall, on receipt of the declaration and the production of the evidence referred to in sub-section (13), enter the name of the person entitled under the transmission in the book of registry, as mortgagee of the mechanically propelled inland vessel or share therein.</p>	
	<p>CHAPTER V</p> <p>MANNING, QUALIFICATION, TRAINING, EXAMINATION AND CERTIFICATION</p>	
	<p>34. (1) The standards for qualification, training, examination and grant of competency certificates for the purpose of this Chapter shall be as may be prescribed by the Central Government.</p> <p>(2) No person under the age of eighteen years shall be engaged on a mechanically propelled inland vessel registered under this Act.</p>	<p>Training and minimum age for employment.</p>
	<p>35. (1) The minimum manning scale applicable to different class or category of mechanically propelled inland vessels, categorised under this Act or such other laws for the time being in force in India, shall be such as may be prescribed by the Central Government.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the manning requirements, in addition to that specified in sub-section (1), to be possessed by the qualified persons, who are employed on any class or category of mechanically propelled inland vessels registered, recognised or identified under this Act, shall be such as may be prescribed by the State Government.</p>	<p>Minimum manning scale and manning requirements.</p>
	<p>36. (1) The State Government may appoint examiners, in accordance with the criteria and qualifications, as may be prescribed by the Central Government, for the purpose of examining the qualifications of persons desirous of obtaining certificates under this Chapter to the effect that they are competent to undertake the responsibilities of and act as,</p>	<p>Appointment and duties of examiners.</p>

	<p>masters, or as engineers or engine-drivers, or as such other persons, as the case may be, on the mechanically propelled inland vessels.</p> <p>(2) The examiners shall evaluate the persons who have undergone the training required for qualifying as masters, or as engineers or engine-drivers, or as such other persons, as the case may be, and shall report the list of successful candidates who possess the required qualifications to the competent authority or such other officer appointed or authorised by notification by the State Government.</p>	
	<p>37. (1) The competent authority or any officer appointed or authorised by notification in the Official Gazette by the State Government, may evaluate the report provided by the examiners, and upon confirmation as to the correctness of such report; shall grant to every candidate; who is reported by the examiners to possess the required qualifications, with the certificate of competency, certifying that the candidate specified in the report is competent to serve, as a first-class master, second-class master, or as an engineer, first-class engine-driver or second-class engine-driver or in such capacity as may be specified therein, as the case may be, on any class or category or whole of the mechanically propelled inland vessel specified in the certificate.</p> <p>(2) The competent authority, or any authorised officer appointed or authorised by notification in this behalf by the State Government, shall require for further examination or a re-examination of all or any of the candidate, if it is found that the report submitted by examiners is defective, or there exists reason to believe that such a report has been unduly made.</p> <p>(3) Every certificate of competency shall be in such form and manner as may be prescribed by the Central Government.</p> <p>(4) Every certificate of competency shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in such form and manner as may be prescribed by the Central Government.</p> <p>(5) Whenever a master or an engineer or engine-driver or any other person, as the case may be, proves to the satisfaction of the authority, which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which he is entitled, shall be granted to him, and shall have the same effect as the original.</p>	<p>Grant of certificate of competency.</p>
	<p>38. (1) The competent authority may, on an application, without</p>	<p>Certificate of</p>

<p>examination, grant a certificate of service to any person who has served as a master, or as an engineer, of a vessel of the Coast Guard, Indian Navy or regular Army for such period as may be prescribed in this behalf by the Central Government, to the effect that he is 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 or in such capacity as may be specified therein, as the case may be, on board the mechanically propelled inland vessel.</p> <p>(2) For the purposes of granting of certificate of service under sub-section (1), the competent authority shall verify the certificate, certifying the competence of the applicant as issued by Coast Guard, Indian Navy or regular Army, as submitted to it by such applicant alongwith their application.</p> <p>(3) Notwithstanding anything contained herein, the competent authority may by recording reasons thereof, refuse granting of certificate of service under sub-section (1).</p> <p>(4) A certificate of service so granted under sub-section (1), shall be in such form and subject to such conditions, as may be prescribed by the Central Government, and shall have the same effect as, a certificate of competency granted under section 37.</p> <p>(5) Every certificate of service shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate; and the other shall be kept and recorded in such form and manner as may be prescribed by the Central Government.</p> <p>(6) Whenever a master or an engineer or engine-driver or any other person as the case may be, proves to the satisfaction of the authority, which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which he is entitled, shall be granted to him, and shall have the same effect as the original.</p>	<p>service.</p>
<p>39. (1) Subject to the provisions of this Act, a certificate of competency or certificate of service shall be valid throughout India:</p> <p>Provided that any certificate of competency or certificate of service granted to any master shall have effect in the jurisdiction of another State Government only if it allows such certificate to have effect, by virtue of endorsement or by way of general or special permission or subject to such conditions as may be prescribed by that State Government.</p>	<p>Effect of certificate of competency or certificate of service.</p>

	<p>(2) Notwithstanding anything contained in sub-section (1), the State Governments shall, in consultation with the Central Government, prescribe the conditions to be complied with by applicants for the endorsement or permission referred to in the said sub-section , as a pre-requisite to extend the application of certificate of competency or certificate of service to that State.</p> <p>(3) The State Government may cancel the certificate of competency or certificate of service held by any person employed on a mechanically propelled inland vessel, within the jurisdiction of another State Government without endorsement or without complying with the endorsement or permission or the conditions as provided in proviso to sub-section (1).</p>	
	<p>40. (1) Any holder of certificate, who is found to have acted in contravention to the provisions of this Act or rules made hereunder, shall have the certificate issued under this Chapter suspended or cancelled.</p> <p>(2) The competent authority or any officer appointed or authorised under this Chapter shall issue notice to the concerned holder of certificate and shall provide him an opportunity of hearing before a suspension or cancellation of certificates issued under this Chapter.</p> <p>(3) Notwithstanding anything contained in sub-section (2) , the competent authority or any officer appointed or authorised under this Chapter, may suspend or cancel the certificate of competency or the certificate of service granted under this Chapter by recording reasons therefor.</p> <p>(4) If the certificate issued under the provisions of this Chapter are suspended or cancelled, the holder of such certificate shall deliver it to the competent authority or such officer, appointed or authorised by State Government by notification in Official Gazette under this Chapter.</p>	<p>Suspension and cancellation of certificate.</p>
	<p>41. (1) The State Government shall maintain registers to record, the details and data of the certificate, and the respective certificates, issued under this Chapter in such form and manner as may be prescribed.</p> <p>(2) The State Government shall report and update the Central Government with the information on data and details of certificates issued, granted, cancelled or suspended or such other remarks, made by the respective authority in regular intervals, as may be prescribed by the Central Government.</p>	<p>Registry of certificate holders and central registry.</p>

	(3) The competent authority shall maintain a central registry to compile the reports and information received from all the State Governments under this Chapter.	
	CHAPTER VI SPECIAL CATEGORY VESSELS	
	<p>42. (1) For the purposes of this Chapter, the criteria and standards to identify any class or category of mechanically propelled inland vessels as special category vessels based on their design, construction, use, purpose, area of plying, source of energy or fuelling or any other criteria shall be such, as may be prescribed by the Central Government.</p> <p>(2) The requirements of construction, design, survey, registration, manning, qualification, competency, or the requirements in addition to those contained elsewhere in this Act shall be such as may be prescribed by the Central Government.</p> <p>(3) The list of categories or class of mechanically propelled inland vessels, identified as special category vessels, with reasons and purpose of identification shall be in such manner as may be prescribed by the State Government.</p>	Power to classify and categorise
	<p>43. (1) The State Government shall appoint or authorise qualified officers for the purpose of performing duties and implementing the provisions of this Chapter.</p> <p>(2) On an application made by owner, operator or master of any mechanically propelled inland vessel in such form as may be prescribed by the State Government; any officer appointed under sub-section (1), on being satisfied that such vessel complies with the provisions of this Act and falls under the special category vessels as identified in this Chapter, and subject to such other conditions as may be prescribed by the State Government, may grant a certificate of fitness, in such form and content as may be prescribed by the State Government.</p> <p>(3) The State Government may, by recording the reasons therefor, refuse the grant of certificate of fitness in respect of an application made under sub-section (2).</p>	Identification of vessels under this Chapter.
	44. (1) The safety features, gears and such other measures by which any mechanically propelled inland vessel, identified as special category	Safety of passengers or

	<p>vessel under this Chapter, shall comply with and be equipped in accordance with the categorisation of such vessel, shall be such as may be prescribed by the State Government.</p> <p>(2) The maximum carrying capacity of the vessel identified as special category vessel by specifying the safety waterline or the limits of load water line to keep them afloat, or such other criteria and conditions, other than those mentioned elsewhere in this Act for the safe voyage of such inland vessel, shall be such as may be prescribed by the State Government. or as the case may be, the competent authority</p>	<p>service users.</p>
	<p>45. (1) The surveyor may, other than for the purpose of survey, at any reasonable time, go on board any special category vessel, and inspect the respective vessel including the hull, equipment and machinery or any part or properties of such vessel.</p> <p>(2) The owner, operator, agent, master and any such person-in-charge of the mechanically propelled inland vessel, shall make available all necessary facilities to the surveyor for inspection and survey, and all such information regarding the vessel and her machinery and equipment, or any part thereof, respectively, as the surveyor or such other officers may reasonably require.</p> <p>(3) While exercising powers under this Chapter, the surveyor shall not unnecessarily hinder the embarking or disembarking of the passengers or loading or unloading of cargo or any other functions which the special category vessel is assigned to use, or unnecessarily detain or delay her from proceeding on any voyage.</p> <p>(4) Any mechanically propelled inland vessel, not found to be in compliance with the provisions this Chapter, shall be detained or removed from the inland waters with immediate effect until the vessel comply with the requirements mandated under this Chapter.</p>	<p>Inspection of vessel.</p>
	<p>46. (1) If any special category vessel does not comply with the provisions as provided under this Act or the rules made thereunder, the State Government may issue notice to the owner or operator or master or any person in-charge of such vessel, for rectifying the non-compliance.</p> <p>(2) In case of continuance of non-compliance by the owner or operator or master or any person in-charge of the special category vessel even after receipt of the notice issued under sub-section (1), the State Government may, after providing an opportunity of being heard and for reasons to be</p>	<p>Suspension or cancellation of certificate of fitness.</p>

	<p>recorded in writing, suspend or cancel the certificate of fitness issued to such vessel under this Chapter.</p> <p>(3) If the certificate of fitness of a special category vessel has been suspended or cancelled under sub-section (2), then such vehicle shall cease to operate till the suspension is revoked, or in the event of cancellation, shall cease to operate till a new certificate of fitness is granted.</p>	
	<p>CHAPTER VII</p> <p>NAVIGATION, SAFETY AND SIGNALS</p>	
	<p>47. (1) The specifications and requirements of signals and equipment based on classification and categorisation of mechanically propelled vessels, to be complied with by such vessels shall be such as may be prescribed by the Central Government.</p> <p>(2) The fog and distress signals to be carried and used, the steering and sailing rules to be complied with and the different protocols for exhibition and display of different standards of lights, shapes and signals, by any mechanically propelled vessel plying in inland waters shall be such as may be prescribed by the Central Government.</p> <p>(3) The owner or master of every mechanically propelled vessel, while in the inland water limit shall comply with the rules made under sub-sections (1) and (2), and shall not carry or exhibit any lights or shapes or use any fog or distress signals, other than that required to be exhibited under this Chapter or rules made thereunder.</p>	Lights and signals.
	<p>48.(1) Every mechanically propelled vessels shall adopt necessary measures to prevent collision and to ensure safe navigation through inland waters.</p> <p>(2) If any damage to person or property arises in the inland water limit due to non-observance of any of the rules made under this Chapter by any mechanically propelled vessel, the damage shall be deemed to have been occasioned by the wilful default of the person in-charge of such vessel at that time, unless it is shown to the satisfaction of the Court that the circumstances of the case demands deviance from the applicable rules.</p>	Obligation to ensure safe navigation.
	49. The master of a mechanically propelled vessel, while in the inland	Distress

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	<p>water limit, on finding or encountering a dangerous derelict or any other hazard to navigation in the inland waterways, shall immediately send a signal to indicate the danger or distress, or any such information to other mechanically propelled vessels in the vicinity and to the concerned State Government:</p> <p>Provided that no fees or charges shall be levied on any mechanically propelled vessels, in using any device for communicating any information under this section.</p>	<p>signal.</p>
	<p>50. (1) The master of any mechanically propelled vessel, while in the inland water limit, who has received any signal of distress from any vessel or aircraft within the inland water limit, shall proceed immediately to the assistance of the persons in distress by acknowledging the receipt of such signal to the vessel in distress.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the master of a mechanically propelled vessel shall be released from the obligation to render assistance as provided in the said sub-section, if he is unable to do so, or in the special circumstances of the case, considers it unreasonable to act as provided in the said sub-section, or if the requirement for assistance is being complied with by other vessels, or the assistance is no longer required.</p> <p>(3) The master of any mechanically propelled vessel, while in the inland water limit, shall render assistance to every person found in danger of being lost in the inland waters.</p> <p>(4) The master of any mechanically propelled inland vessel may abstain from complying with sub-section (3), if in his judgment, he is unable to or, in the special circumstances of the case, such assistance may not be rendered without serious danger to his vessel, or to the persons on board.</p>	<p>Assistance to vessels in distress and persons in distress.</p>
	<p>51. (1) The class or category of mechanically propelled inland vessels to be equipped with life saving appliances, fire detection and extinguishing appliances and communication appliances shall be such as may be prescribed by the Central Government.</p> <p>(2) The owner, operator or master of all mechanically propelled inland vessels shall comply with the requirements of life saving appliances, fire detection and extinguishing appliances and communication appliances as specified in sub-section (1).</p> <p>(3) The surveyor shall inspect the mechanically propelled inland vessel on receipt of an application from the owner, operator or master of a</p>	<p>Life saving, fire safety and communication appliances.</p>

	<p>mechanically propelled inland vessel, in such form and manner as may be prescribed by the State Government; and may, on being satisfied that the vessel is complying with the provisions of this Chapter and the rules made thereunder, issue a certificate of life saving appliances, fire prevention and extinguishing appliances and communication appliances to the effect that such vessel is complying with this Part.</p> <p>(4) The State Government may appoint or authorise such officers as surveyors to inspect and ensure that the mechanically propelled inland vessels comply with the applicable requirements specified in sub-section (1).</p> <p>(5) A surveyor may, at any reasonable time, other than for the purpose of survey, enter and inspect any mechanically propelled inland vessel for ensuring that such vessel is properly provided with life saving and fire appliances in conformity with the provisions of this Act and the rules made thereunder.</p> <p>(6) If the surveyor finds that the mechanically propelled inland vessel is not so provided with life saving and fire appliances in conformity with the provisions of this Act and the rules made thereunder, he shall issue a notice to the master or owner or operator in writing pointing out the deficiency, and also pointing out the remedy, which in his opinion is required to be complied with.</p> <p>(7) Any mechanically propelled inland vessel that has been issued with a notice as provided in sub-section (6) shall not proceed to conduct any voyage unless he complies with the said notice and report such compliance to the surveyor appointed or authorised by the State Government.</p>	
	<p>CHAPTER VIII</p> <p>INLAND VESSEL BASED POLLUTION</p>	
	<p>52. (1) The Central Government shall designate the list of chemicals, any ingredients or substance carried as bunker or as cargo, or any substance in any form discharged from any mechanically propelled inland vessel, as pollutants.</p> <p>(2) The owner or master of any mechanically propelled inland vessel shall be discharge or dispose of the sewage and garbage by any only in accordance with the standards as may be prescribed by the Central Government.</p>	<p>Chemicals, etc., to be designated as pollutants</p>

	<p>(3) No mechanically propelled inland vessel shall cause pollution by discharging or dumping of pollutants designated under sub-section (1):</p> <p>Provided that nothing in this sub-section shall apply to the discharge dump or emission of such oil or oily mixture, hazardous chemical or obnoxious substance or any other pollutant, as the case may be, from a mechanically propelled inland vessel for the purpose of securing the safety of any mechanically propelled inland vessel, preventing damage to another mechanically propelled inland vessel, cargo or saving of life at inland water.</p>	
	<p>53. (1) The standards of construction and equipment of the mechanically propelled inland vessels to ensure compliance with the requirements of this Chapter shall be such as may be prescribed by the Central Government.</p> <p>(2) The State Government shall appoint or authorise such officers to ensure construction and, the installation and maintenance of equipment of all mechanically propelled inland vessels, in compliance of this Chapter.</p> <p>(3) All mechanically propelled inland vessels, which have been constructed and equipped in compliance of this Chapter shall be issued with a prevention of pollution certificate in such form, validity and content as may be prescribed by the Central Government.</p> <p>(4) All mechanically propelled inland vessels shall carry on board a valid prevention of pollution certificate and shall furnish the same on demand by concerned authorities appointed or authorised under this Chapter.</p>	<p>Prevention of Pollution Certificate.</p>
	<p>54.(1) The conditions for construction, use and maintenance of reception facilities for the containment of pollution and removal of pollutants arising from spillage or discharge arising from mechanically propelled inland vessels at all cargo terminals or passenger terminals shall be such as may be prescribed by the Central Government.</p> <p>(2) The owner or operator of all cargo terminals or passenger terminals shall provide reception facilities to discharge oil, oily mixture, hazardous chemicals or obnoxious substances at such cargo or passenger terminal, as the case may be, in compliance of sub-section (1).</p> <p>(3) The owner or operator of all cargo terminals or passenger terminals, providing reception facilities shall receive charges, at such rates as may</p>	<p>Reception facilities and containment of pollution.</p>

	<p>be prescribed by the Central Government or the State Government, as the case may be.</p> <p>(4) For the purposes of minimising the pollution already caused, or for preventing the imminent threat of pollution, the competent authority or such other officer appointed by the State Government may, by order in writing, direct the owner or operator of cargo or passenger terminal to provide or arrange for the provision of such pollution containment equipment and pollutant removing materials, at such cargo and passenger terminal as may be specified in such order.</p> <p>(5) The owner or operator of the passenger or cargo terminal shall submit a report of compliance to the competent authority or such other officer appointed under sub-section (4), in such form as may be prescribed by the State Government.</p> <p>(6) The owner, operator or master of any mechanically propelled vessel used or plying within inland waters, shall discharge the pollutants at the port reception facilities in such manner as may be prescribed by the State Government.</p>	
	<p>55. (1) The State Government may, by notification, authorise or appoint any surveyor or any person as officer, to inspect any cargo or passenger terminal lying within its respective jurisdiction.</p> <p>(2) Any surveyor or any person authorised or appointed under this Chapter in this behalf may, at any reasonable time, enter and inspect any cargo or passenger terminal to—</p> <ul style="list-style-type: none"> (a) ensure that the provisions of this Chapter are complied with; (b) verify whether such cargo or passenger terminal is equipped for pollution containment and removal, in conformity with the order of the State Government or any of the rules made under this Chapter; and (c) satisfy himself of the adequacy of the measures taken to prevent pollution. <p>(3) If the surveyor finds that the cargo or passenger terminal is not provided with the required pollution containment equipment and pollutant removing materials, he shall give a notice in writing pointing out the deficiencies and the recommended remedial measures to rectify such deficiency, that is identified during the inspection, to the owner or operator of such cargo or passenger terminal, as the case may be.</p>	<p>Appointment of officers and power to inspect.</p>

	<p>(4) No owner or operator of such cargo or passenger terminal, as the case may be, served with the notice under sub-section (3), shall proceed with any work at such cargo or passenger terminal, until he obtains a certificate signed by the surveyor to the effect that the cargo or passenger terminal, is properly provided with the required pollution containment equipment and pollutant removing materials in conformity with the rules made under this Chapter.</p>	
	<p>56. (1) The State Government shall direct the authorised officer appointed under Chapter XII to conduct investigation into incidents of pollution.</p> <p>(2) The State Government shall update the Central Government with such information or report the Court, if so directed by such court, concerned on incidents of pollution that occurs within its jurisdiction.</p>	<p>Investigation into incidents of pollution .</p>
	<p>CHAPTER IX WRECK AND SALVAGE</p>	
	<p>57. The owner, operator, master or person in charge of a vessel plying in inland waters shall not intentionally abandon, desert, dump, throw overboard or jettison the vessel or property or parts or cargo so as to cause wreck.</p>	<p>Prohibition against intentionally causing wreck.</p>
	<p>58. (1) The Central Government may, by notification, appoint or authorise <u>any</u> officer to act as receiver of wreck found in national waterways <u>within their jurisdiction</u>.</p> <p>(2) For the purposes of this Chapter, the State Government may, by notification, appoint or authorise any officer to act as receiver of wreck within the respective jurisdiction other than national waterways,</p> <p>(3 2) The owners, operators, masters or person in charge of vessel, property or cargo, which is wrecked, stranded or in distress or who <u>has</u> <u>have</u> found any vessel, property or cargo wrecked, stranded or in distress <u>in within the limits of</u> inland waters, shall immediately <u>pass</u> <u>information</u>, by all means of communication to the receiver of wreck <u>in</u> <u>under</u> whose jurisdiction within which the vessel, property or cargo is found to be wrecked, stranded or in distress.</p> <p>(4) The owner of the wreck, whose property or cargo, is wrecked or stranded or is in distress in the inland waters shall inform the</p>	<p>Receivers of wreck.</p>

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	<p>receiver of wreck in writing of the finding thereof and of the marks by which such wreck can be distinguished, and in cases, where he is not the owner of such wreck which is under his possession, deliver the same to the receiver of wreck.</p> <p><u>(3) In addition to the requirement provided under Sub section (2), the owners, operators, masters or persons in-charge of vessels, properties or cargo, which are wrecked, stranded or in distress shall immediately inform in writing, the finding thereof and the marks by which such wrecks can be distinguished. In cases, where the wreck in possession of any persons other than the owners, operators, masters or persons in-charge of vessels, properties or cargo; he shall deliver the same to the receiver of the wreck.</u></p>	
	<p>59. (1) The receiver of wreck who receives information of the wreck, shall record the information so received and immediately take necessary measures, as may be prescribed by the State Government.</p> <p>(2) If any vessel, irrespective of such vessel being registered or provided in under this Act, or property or part of the said vessel, is wrecked, stranded or sunk in any inland water, is found to be or is likely to become an obstruction, impediment or danger to the safe and convenient navigation or use of inland water or the landing place or embarking or part thereof, the receiver of wreck or any authorised or appointed officer shall,—</p> <p>(a) if the whereabouts of the owner is identifiable or traceable, immediately inform the owner of such vessel or property or parts about his obligation to remove or take possession of the wreck, in such form and manner as may be prescribed by the State Government; or</p> <p>(b) if the owner is unidentifiable or not traceable, cause such vessel or property or part to be raised, removed, blown up or otherwise destroyed as the circumstances may warrant in such manner as may be prescribed by the State Government.</p> <p>(3) The receiver of wrecks or any officer appointed or authorised thereof, shall record the events of finding, marking, recovery or disposal of wrecks in the official register maintained and shall send a report to the respective State Government.</p> <p>(4) If any property recovered by a receiver of wreck remains unclaimed or the person claiming it fails to pay reasonable expenses incurred for preserving the wreck including an additional amount of twenty-five per</p>	<p>Duty of receiver of wreck.</p>

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	<p>cent. of the amount of such expenses, such vessel or property or part may be put to sale by public auction—</p> <p>(a) immediately, if the property is of perishable nature;</p> <p>(b) at any time not less than two months after the recovery thereof, if it is not of a perishable nature.</p>	
	<p>60.(1) The receiver of wreck may remove, or cause to be removed, any timber, raft or other property, 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 embarking or part thereof.</p> <p>(2) The owner or person responsible for causing any obstruction or impediment, affecting or likely to affect free navigation or the lawful use of any landing place or embarking or part thereof, shall be liable to pay the actual expenses incurred for the removal of such obstruction or impediment.</p> <p>(3) The officer authorised by the Central Government or the State Government, or any magistrate having jurisdiction over the offence may cause any obstruction or impediment referred to in sub-section (1) to be abated.</p> <p>(4) If the owner or any person responsible for causing any such obstruction or impediment, neglects to pay the actual expenses incurred in the removal thereof within one week after demand or within fourteen days, after such removal has been notified by the State Government or in such other manner as the State Government may, by general or special order direct; the receiver of wreck or such other officer may cause such timber, raft or other thing or the materials causing such obstruction or impediment to be 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.</p>	<p>Removal of obstruction to navigation.</p>
	<p>61. (1) If the property so recovered by a receiver of wreck remains unsold, such property shall be kept and deposited in such manner as the State Government may direct 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 material remaining unsold.</p> <p>(2) The expense and the additional amount as provided in section 59 shall be payable to the receiver of wreck or such other officer, out of the sale proceeds of the property so recovered from inland waters, and the</p>	<p>Unsold property and sale proceeds.</p>

<p>balance shall be paid to the person 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 of ownership thereto.</p> <p>(3) No claim beyond thirty-six months from the date of the sale shall be entertained and the same shall be rejected by the receiver of wreck or such other officer.</p> <p>(4) After the period of thirty-six months, the unclaimed amount so deposited under sub-section (1) shall be transferred to the fund constituted under Chapter XV of this Act.</p> <p>(5) Where the sale proceeds of the property is not sufficient to meet the expenses and the additional amount receivable as provided in section 60, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the receiver of wreck or such other officer on demand, and if the deficiency is not paid within one month of such demand, the receiver of wreck or such other officer, may recover the deficiency from such owner as if it were an arrear of land revenue.</p>	
<p>62. (1) No person shall —</p> <p>(a) board or attempt to board any vessel which is wrecked, stranded or in distress, without the leave of the master, unless such person is, or acts by command or order in writing issued by, the receiver of wreck; or</p> <p>(b) impede or hinder or attempt in any way to impede or hinder the saving of any vessel stranded or in danger of being stranded or otherwise in distress in the inland waters or of any part of the cargo or equipment of the vessel, or of any wreck; or</p> <p>(c) secrete any wreck or deface or obliterate any marks thereon; or</p> <p>(d) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded or otherwise in distress, in the inland waters, or any part of the cargo or equipment of the vessel or any wreck.</p> <p>(2) Where a receiver of wreck suspects or receives information that the wreck is secreted or is in the possession of some person who concealed is not the owner thereof or that any wreck is otherwise improperly dealt with, he may apply to the Judicial Magistrate of the first class or Metropolitan Magistrate, who has jurisdiction over the matter, for a</p>	<p>Protecting the wreck.</p>

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	<p>search warrant, and that Magistrate may grant such warrant, and the receiver of wreck by virtue thereof may enter any house or other place and also any vessel and search for, seize and detain any such wreck found therein.</p>	
	<p>63. (1) If any 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 or person in-charge 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 permission in writing from the receiver of wreck or any other officer appointed or authorised in this behalf.</p> <p>(2) The receiver of wreck or any other officer appointed or authorised in this behalf shall, immediately on receiving information of such possibility of accident or accident, issue permission in writing and assist and supervise clearing of such vessel, the master, or person in-charge of the vessel shall, on demand, pay such reasonable expenses that are incurred.</p>	<p>Fouling of Government moorings.</p>
	<p>64. (1) Where service is rendered —</p> <ul style="list-style-type: none"> (a) wholly or in part within the inland water limits in saving life from any vessel; or (b) in assisting a vessel or saving the cargo or equipment of a vessel which is wrecked, stranded or in distress at any place in the inland water limits; or (c) by any person other than the receiver of wreck in saving any wreck, <p>the owner of the vessel, cargo, equipment or wreck shall pay the salvor, a reasonable sum for the salvage as determined by the receiver of wreck or any officer appointed or authorised to act as valutors for the said purpose.</p> <p>(2) Salvage in respect of the preservation of life when payable by the owner of the vessel shall be paid in priority to all other claims for salvage.</p>	<p>Salvage and right of salvors.</p>
	<p>65. (1) Any dispute arising with respect to the determination of amount payable or determined amount pending or due payment under this Chapter shall be determined upon application made by either of the disputing parties—</p>	<p>Dispute in determination of amount payable as</p>

	<p>(a) to the Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be, where the amount claimed does not exceed ten thousand rupees; or</p> <p>(b) to the High Court where the amount claimed exceeds ten thousand rupees.</p> <p>(2) Where there is dispute as to the person who is entitled to the salvage amount under this section, the Judicial Magistrate of the first class or the Metropolitan Magistrate or the High Court, as the case may be, shall decide the dispute, and if there are more persons than one entitled to such amount, such Magistrate or the High Court shall adjudicate and apportion the amount thereof among such persons.</p> <p>(3) The costs of and the costs incidental to all proceedings before a Judicial Magistrate of the first class or a Metropolitan Magistrate or the High Court under this section shall be in the discretion of such Magistrate or the High Court, who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the said purpose.</p>	salvage.
	<p>CHAPTER X LIABILITY AND LIMITATION OF LIABILITY</p>	
	<p>66. (1) The owner, operator, master, a member of crew or an insurer shall be liable for the offences and contraventions of the provisions of this Act or rules made there under.</p> <p>(2) Where any person is beneficially interested otherwise than by way of mortgage or in the share in any mechanically propelled inland vessel registered in the name of some other person as owner, the person so interested, and the registered owner, shall be liable to all the pecuniary penalties imposed by this or any other Act on the owners of mechanically propelled inland vessels or shares therein.</p>	Liability under Act.
	<p>67. (1) Whenever by the fault of two or more mechanically propelled inland vessels cause damage or loss to one or more of them or to the cargo of one or more of them or to any property on board one or more of them, the liability to make good the damage or loss shall be in proportion to the degree in which each of such vessel was at fault:</p> <p>Provided that—</p>	Division of Loss.

	<p>(a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally;</p> <p>(b) nothing in this section shall operate so as to render any vessel liable for any loss or damage to which such vessel has not contributed;</p> <p>(c) nothing in this section shall affect the liability of any person under any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by the provisions of any law for the time being in force, or as affecting the right of any person to limit his liability in the manner provided by such law.</p> <p>(2) For the purposes of this Chapter, reference to damage or loss caused by the fault of a mechanically propelled inland vessel shall be construed as including reference to any salvage or other expenses, consequent upon that fault, recoverable under the provisions of any law for the time being in force by way of damages.</p> <p>(3) The person who has suffered damage or injured or his representative may apply to any court or Tribunal, as the case may be, having appropriate jurisdiction on the claim, for the detention or attachment of the vessel.</p>	
	<p>68. (1) Where, loss of life or personal injuries is suffered, damage to property or pollution is caused by any person on any mechanically propelled inland vessel or any other vessel, owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the such vessels concerned shall be joint and several.</p> <p>(2) No liability for any claim other than loss of life, personal injury or pollution, shall attach to the owner, operator, master, or a member of crew or insurer under this Chapter, if he proves that the cause for claim—</p> <p>—</p> <p>(a) was a result of an act of war, hostility, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or</p> <p>(b) was wholly caused by an act or omission with intent to cause such damage by any other person; or</p> <p>(c) was wholly caused by the negligence or other wrongful act of State Government or other authority responsible for the maintenance of lights or other navigational aids in exercise of its functions in that behalf.</p>	<p>Liability for personal injury, loss of life or pollution to environment.</p>

	<p>69. The State Government may appoint or authorise such officer under this Chapter, for the purpose of detaining any mechanically propelled inland vessel in connection with a claim, or an offence under this Chapter, and the procedure therefor shall be such as may be prescribed by that Government.</p>	<p>Detention of mechanically propelled inland vessel under this Chapter.</p>
	<p>70.(1) The owner, operator, master or person in-charge of a vessel or member of crew of any mechanically propelled vessel may limit the extent of his liability that could be incurred from the application and operation of this Chapter for—</p> <ul style="list-style-type: none"> (a) claims arising from loss of life or personal injury, environmental pollution, or loss of, or damage to, property including damage to jetties, wharfs, basins and waterways and aids to navigation, occurring on board or in direct connection with the operation of such vessels or with salvage operations, and consequential loss resulting therefrom; (b) claims arising out of loss resulting from delay in the carriage of cargo and passengers or their luggage by inland waters; (c) claims arising out of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of such vessel or salvage operations; (d) claims of a person other than the person liable in respect of measures taken in order to avert or minimise loss; (e) claims for the loss of life or personal injury to passengers of such vessel brought by or on behalf of any person— <ul style="list-style-type: none"> (i) under the contract of passenger carriage; or (ii) who, with the consent of the carrier, is accompanying a vessel for live animals which are covered by a contract for the carriage of goods, carried in such vessel. <p>(2) Notwithstanding anything contained in this section, the act of invoking limitation of liability shall not be construed as constituting an admission of liability by any person who takes the defence.</p> <p>(3) For the purposes of this Chapter, the liability of the owner or</p>	<p>Limitation of liability.</p>

	<p>operator of a mechanically propelled inland vessel shall include liability in an action brought against such vessels.</p> <p>(4) The limits of liability and the criteria in determining compensation for any claim—</p> <p style="padding-left: 40px;">(a) relating to loss of life, personal injury, damage caused by mechanically propelled inland vessel to the another vessel, environment or cargo or such other property; or</p> <p style="padding-left: 40px;">(b) relating to any other damage of specific nature as specified by the State Government,</p> <p>shall be such as may be prescribed by the Central Government.</p> <p>(5) The person entitled to limit liability under sub-section (1) may apply to the High Court for constituting a limitation fund for the consolidated rate as provided for under this Chapter.</p> <p>(6) Where a vessel or other property is detained in connection with a claim, covered under this Chapter, the High Court may order release of such vessel or other property, upon an application made by the person, who is entitled to limit their liability and by—</p> <p style="padding-left: 40px;">(a) ensuring that such person, who is entitled to constitute the limitation fund has submitted his availability in person to the jurisdiction of the High Court; or</p> <p style="padding-left: 40px;">(b) depositing sufficient fund or financial guarantee as determined by the High Court as security; or</p> <p style="padding-left: 40px;">(c) constituting the limitation fund, as the case may be.</p>	
	<p>71. No person shall be entitled to limit the liability against any claim, if such claim has arisen due to intentional act or negligence of the person or his employee, who otherwise would have been entitled to limit his liability under this Chapter.</p>	<p>Non-applicability of limitation.</p>
	<p>CHAPTER XI</p> <p>INSURANCE OF MECHANICALLY PROPELLED VESSELS PLYING IN INLAND WATERS</p>	
	<p>72. No mechanically propelled vessel shall be used for voyage in inland waters, unless there is in force—</p>	<p>Insurance to cover.</p>

6 of 1991.	<p>(a) a policy of insurance which shall cover any liability that may be incurred by the insured—</p> <p style="padding-left: 20px;">(i) in respect of the death of or bodily injury to any person or damage to any property caused by or arising out of the use of the mechanically propelled vessel;</p> <p style="padding-left: 20px;">(ii) in respect of liability of operational pollution and accidental pollution of inland waters;</p> <p>(b) a policy of insurance in compliance of the Public Liability Insurance Act, 1991, if the mechanically propelled inland vessel is carrying or meant to carry, dangerous or hazardous goods;</p> <p>(c) a policy of insurance covering the mechanically propelled vessel to —</p> <p style="padding-left: 20px;">(i) a value not less than the liability incurred; or</p> <p style="padding-left: 20px;">(ii) entitle it to be covered under limitation of liability as provided under this Act, a value not less than the prescribed and applicable limitation amount:</p> <p>Provided that any policy of insurance issued with a value not less than the limitation of liability in force, immediately before the commencement of this Act, shall continue to be effective for a period of twelve months after such commencement or till the date of expiry of such policy, whichever is earlier.</p>	
	<p>73. Notwithstanding anything contained in this Chapter, a policy shall not be required to cover any contractual liability of the insured that arises due to any performance or non-performance a contract or of agreement in the capacity of a service provider.</p>	Contractual liability not to cover.
	<p>74. Any mechanically propelled inland vessel owned or operated by the Central Government, a State Government or the Inland Vessel Transport Corporation, used for commercial purpose shall be exempted from the application of section 72, subject to such conditions as may be prescribed by the Central Government:</p> <p>Provided that no such order shall be made in relation to any such authority unless a fund has been established and is maintained by that authority in the manner as may be prescribed by the Central Government for meeting any liability arising out of the use of any vessel of that authority, which that authority or any person in its employment may</p>	Government owned vessels exempted.

	incur to any claimant.	
	<p>75. (1) For the purposes of section 72, the policy of insurance issued shall be a policy, which—</p> <ul style="list-style-type: none"> (a) is issued by an authorised insurer; (b) insures the mechanically propelled inland vessel, any person or any classes of persons specified in the policy to the extent specified in section 72; and (c) is a certificate of insurance issued by the insurer to the insured in such form and content, and subject to such conditions as may be prescribed by the Central Government. <p>(2) The Central Government may specify the minimum terms and conditions to be incorporated in the contract of insurance entered between insurer and insured to cover the risks as provided in section 72, in such form and manner as may be prescribed.</p>	Issuance and terms of insurance policy.
	<p>76. Notwithstanding anything contained in any law for the time being in force, an insurer issuing a policy of insurance under this section shall be liable to indemnify the insured or any person, as specified in the policy in respect of any liability which the policy purports to cover in the case of the insured or that person.</p>	Duty to indemnify.
	<p>77. Where a cover note of the policy of insurance, issued by the insurer under the provisions of this Chapter or the rules made thereunder is not followed by a policy of insurance within the specified time, the insured shall, within fifteen days of the expiry of the period of the validity of the cover note, notify the fact to the registering authority in whose records the mechanically propelled vessel to which the cover note relates has been registered or to such other authority as the State Government may appoint or authorise in this behalf.</p>	Validity of cover note.
	<p>78. (1) If, after a certificate of insurance has been issued under this Chapter, in favour of the person by whom a policy has been effected, judgment or award in respect of any such liability as is required to be covered by a policy as mentioned in this Chapter is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the insurer shall, subject to the provisions of this section, pay to the person entitled to the benefit of the decree any sum not exceeding the sum assured payable, as if he were the judgment debtor, in respect of the liability, together with any amount payable in respect of costs and any</p>	Duty of insurers to satisfy judgments and awards.

<p>5 of 1908. 4 of 1938.</p>	<p>sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.</p> <p>(2) No sum shall be payable by an insurer under sub-section (1) in respect of any judgment or award unless, before the commencement of the proceedings in which the judgment or award is given the insurer had notice through the court or, as the case may be, the court appointed or authorised to process claim or of the bringing of the proceedings, or in respect of such judgment or award so long as execution is stayed thereon pending an appeal; and an insurer to whom notice of the bringing of any such proceedings is so given shall be entitled to be made a party thereto and to defend the action on any of the following grounds, namely:—</p> <ul style="list-style-type: none">(a) that there has been a breach of a specified condition of the policy, being a condition excluding the use of the mechanically propelled vessel; or(b) for hire or reward, where the mechanically propelled vessel is on the date of the contract of insurance a vessel not fit to ply for hire or reward; or(c) for organised racing and speed testing. <p>(3) Where any such judgment as is referred to in sub-section (1) is obtained from a court in a reciprocating country and in the case of a foreign judgment is, by virtue of the provisions of section 13 of the Code of Civil Procedure, 1908 conclusive as to any matter adjudicated upon by it, the insurer (being an insurer registered under the Insurance Act, 1938 and whether or not he is registered under the corresponding law of the reciprocating country) shall be liable to the person entitled to the benefit of the decree in the manner and to the extent specified in sub-section (1), as if the judgment were given by a court in India:</p> <p>Provided that no sum shall be payable by the insurer in respect of any such judgment unless, before the commencement of the proceedings in which the judgment is given, the insurer had notice through the court concerned of the bringing of the proceedings and the insurer to whom notice is so given is entitled under the corresponding law of the reciprocating country, to be made a party to the proceedings and to defend the action on grounds similar to those specified in sub-section (2).</p> <p>(4) Where a certificate of insurance has been issued under this Chapter to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any condition other than those in clause (b) of sub-section (2) shall, as respects such liabilities as are required to be covered by a</p>
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	<p>policy under section 72, be of no effect:</p> <p>Provided that any sum paid by the insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this sub-section shall be recoverable by the insurer from that person.</p> <p>(5) If the amount which an insurer becomes liable, under this section to pay in respect of a liability incurred by a person insured by a policy, exceeds the amount for which the insurer would apart from the provision of this section be liable under the policy in respect of that liability, the insurer shall be entitled to recover the excess from that person.</p> <p>(6) The insurer who has issued the certificate of insurance, shall not be held liable for any claim against the insured that arises due to non-disclosure of material fact or false or misrepresentation of any material and relevant fact or any such other obligation as provided under this Chapter by the insured:</p> <p>Provided that any sum paid by the insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this sub-section shall be recoverable by the insurer from that person.</p> <p>(7) No insurer to whom the notice referred to in sub-section (2) or sub-section (3) has been given shall be entitled to avoid his liability to any person entitled to the benefit of any such judgment or award as is referred to in sub-section (1) or in such judgment as is referred to in sub-section (3) otherwise than in the manner provided for in sub-section (2) or in the corresponding law of the reciprocating country, as the case may be.</p>	
	<p>79.(1) Where under any contract of insurance effected in accordance with the provisions of this Chapter, a person is insured against liabilities which he may incur to parties as provided in section 72 of this Chapter, then—</p> <p>(a) in the event of the person becoming insolvent or making a composition or arrangement with his creditors; or</p> <p>(b) where the insured person is a company, in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to the company or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken by or on behalf of the</p>	<p>Rights of claimants on insolvency of insured.</p>

	<p>holders of any debentures secured by a floating charge of any property comprised in or subject to the charge,</p> <p>if, either before or after that event, any such liability is incurred by the insured person, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything to the contrary in any law for the time being in force, be transferred to and vest in the claimants covered under this Chapter to whom the liability was so incurred.</p> <p>(2) Where an order for the administration of the estate of a deceased debtor is made according to the law of insolvency, then, if any debt provable in insolvency is owing by the deceased in respect of a liability to a claimant covered under this Chapter against which he was insured under a contract of insurance in accordance with the provisions of this Chapter, the rights of the deceased debtor against the insurer in respect of that liability shall, notwithstanding anything to the contrary in contained in any law for the time being in force, be transferred to and vest in the person to whom the debt is owing.</p> <p>(3) Any condition in a policy issued for the purposes of this Chapter purporting either directly or indirectly to avoid the policy or to alter the rights of the parties hereunder upon the happening to the insured person of any of the events specified in clause (a) or clause (b) of sub-section (1) or upon the making of an order for the administration of the estate of a deceased debtor according to the law of insolvency shall be of no effect.</p> <p>(4) Upon a transfer under sub-section (1) or sub-section (2), the insurer shall be under the same liability to the claimants covered under this Chapter as he would have been to the insured person.</p>	
	<p>80. (1) Every person against whom a claim is made in respect of any liability referred to under this Chapter shall, on demand by or on behalf of the person making the claim, state the details and particulars of insurance, if any, and the extent of coverage that the insurer who has issued such a policy of insurance covers.</p> <p>(2) Any person who acts in contravention to sub-section (1) shall be deemed to have committed an offence under this Chapter.</p> <p>(3) In the event of any person,—</p> <p>(a) becoming insolvent; or</p>	<p>Duty to give information as to insurance.</p>

	<p>(b) making a composition or arrangement with his creditor; or (c) in the event of an order being made for the administration of the estate of deceased person according to the law of insolvency; or (d) in the event of circumstances as provided in clause (b) of sub-section (1) of section 79,</p> <p>it shall be the duty—</p> <p>(i) of the insolvent debtor, personal representative of the deceased debtor or company, as the case may be; or (ii) of the the official assignee or receiver in insolvency, trustee, liquidator, receiver or manager, or person in possession of the property,</p> <p>to give at the request of any person claiming that the insolvent debtor, deceased debtor or company is under such liability to him as is covered by the provisions of this Chapter, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him, and for the purpose of enforcing such rights, if any; and any such contract of insurance as purports whether directly or indirectly to avoid the contract or to alter the rights of the parties upon the giving of such information in the events specified in clauses (a) to (d), or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.</p> <p>(4) The duty to give the information imposed by this section shall include a duty to allow all contracts of insurance, receipt for premium, and such other relevant documents in the possession or power of the person on whom the duty is so imposed under this Act or such other laws for the time being in force in India.</p>	
	<p>81. (1) No settlement made by an insurer in respect of any claim in respect of any liability of the nature referred in section 72 of this Chapter shall be valid unless such claimant is a party to the settlement.</p> <p>(2) Where a person who is insured under a policy issued for the purposes of this Chapter has become insolvent, or where, if such insured person is a company, a winding-up order has been made or a resolution for a voluntary winding-up has been passed with respect to the company, no agreement made between the insurer and the insured person after the liability has been incurred to a claimant covered under this Chapter and after the commencement of the insolvency or winding-up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured person after such commencement, shall be</p>	<p>Settlement between insurers and insured persons.</p>

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	effective to defeat the rights transferred to the claimant under this Chapter, but those rights shall be the same as if no such agreement, waiver, assignment or disposition or payment has been made.	
	82. Where a certificate of insurance has been issued to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as specified in section 79 shall, notwithstanding anything contained in this Chapter, not affect any liability of that person of the nature referred to in section 73 of this Chapter; but nothing in this section shall affect any right against the insurer conferred on the person to whom the liability was incurred.	Insolvency not to affect liability.
39 of 1925.	83. Notwithstanding anything contained in section 306 of the Indian Succession Act, 1925, the death of a person in whose favour a certificate of insurance had been issued, if it occurs after the happening of an event which has given rise to a claim under the provisions of this Chapter, shall not be a bar to the survival of any cause of action arising out of the said event against his estate or against the insurer.	Effect to death on certain causes of action.
	84. When an insurer has issued a certificate of insurance in respect of a contract of insurance between the insurer and the insured person, then— (a) if and so long as the policy described in the certificate has not been issued by the insurer to the insured, the insurer shall, as between himself and any other person except the insured, be deemed to have issued to the insured person a policy of insurance conforming in all respects with the description and particulars stated in such certificate; and (b) if the insurer has issued to the insured the policy described in the certificate, but the actual terms of the policy are less favourable to the person claiming under or by virtue of the policy against the insurer either directly or through the insured than the particulars of the policy as stated in the certificate, the policy shall, as between the insurer and any other person except the insured, be deemed to be in terms conforming in all respects with the particulars stated in the said certificate.	Effect of Certificate of Insurance.
	85. (1) Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter transfers to another person the ownership of the mechanically propelled vessel covered under this Chapter, in respect of which such insurance was taken together with the policy of insurance relating thereto, the certificate of insurance and the policy described in the certificate shall be	Transfer of certificate of insurance.

	<p>deemed to have been transferred in favour of the person to whom the mechanically propelled inland vessel is transferred with effect from the date of its transfer.</p> <p><i>Explanation.</i>—For the removal of doubts, it is hereby clarified that such deemed transfer shall include transfer of rights and liabilities covered under the said certificate of insurance and the policy of insurance.</p> <p>(2) The transferee shall apply within fourteen days from the date of transfer in such form as may be prescribed by the State Government to the insurer for making necessary changes in regard to the fact of transfer in the certificate of insurance and the policy described in the certificate in his favour, and the insurer shall make necessary changes in the certificate and the policy of insurance in regard to the transfer of insurance.</p>	
	<p>CHAPTER XII CASUALTY AND INVESTIGATION</p>	
	<p>86. (1) The State Government, may by notification, appoint officer for the purposes of this Chapter.</p> <p>(2) The owner, operator or master of a mechanically propelled inland vessel, shall give notice of any wreck, abandonment, damage, casualty, accident or loss occurred to or on board such a vessel while in the inland waters, to the officer in-charge of the nearest police station and to the officer appointed and authorised under sub-section (1) by the State Government.</p>	<p>Reporting casualty, accident or wreck.</p>
	<p>87. (1) Whenever any officer as referred to in section 86 receives credible information that a casualty or accident has occurred, or has been directed to conduct an enquiry by the State Government, he may proceed to make a preliminary inquiry into the casualty.</p> <p>(2) An officer appointed by State Government in this behalf shall, after making a preliminary inquiry, send a report thereof to the State Government.</p> <p>(3) The State Government may, if it is necessary or expedient to have a formal investigation into the facts of any case reported by the authorised officer,—</p>	<p>Preliminary enquiry and investigation.</p>

	<p>(a) appoint a special court and any such case to make investigation at such place as the State Government may fix in this behalf; or</p> <p>(b) refer such case to any court of Judicial Magistrate of the First Class or the court of any District Magistrate specially empowered to make formal investigation.</p> <p>(4) The officer appointed under this Chapter, may, whether he has made a preliminary inquiry or not, and where the State Government so directs makes reference under sub-section (3), make an application to a court, appointed and constituted hereunder, requesting it to make formal investigation into any matters of plying or usage, accident or casualty, wreck or such events referred in sub-section (2) of section 86 in relation to mechanically propelled inland vessels to which this Act shall apply.</p> <p>(5) 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 V, with incompetency or misconduct, otherwise than in the course of an investigation under section 86, 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.</p> <p>(6) The court shall cause the person charged to be furnished with a copy of the statement of the case sent by the State Government, before commencing an investigation under this section.</p>	
	<p>88. (1) A court appointed and directed under clause (a) of sub-section (3) of section 87, shall consist of not less than two but more than four persons, of whom one shall be a Judicial Magistrate of the first class, one shall be a person conversant with maritime affairs or with the navigation of the mechanically propelled inland vessels, and the other or others, if any, shall be conversant with either maritime or mercantile affairs, or with the navigation of mechanically propelled inland vessels.</p> <p>(2) A court making an investigation into any casualty or any other incident referred or directed to it may inquire into,—</p> <p>(a) any charge of incompetency or misconduct arising in the course of the investigation against any person holding a certificate granted under Chapter V of this Act; or</p>	<p>Constitution and powers of court.</p>

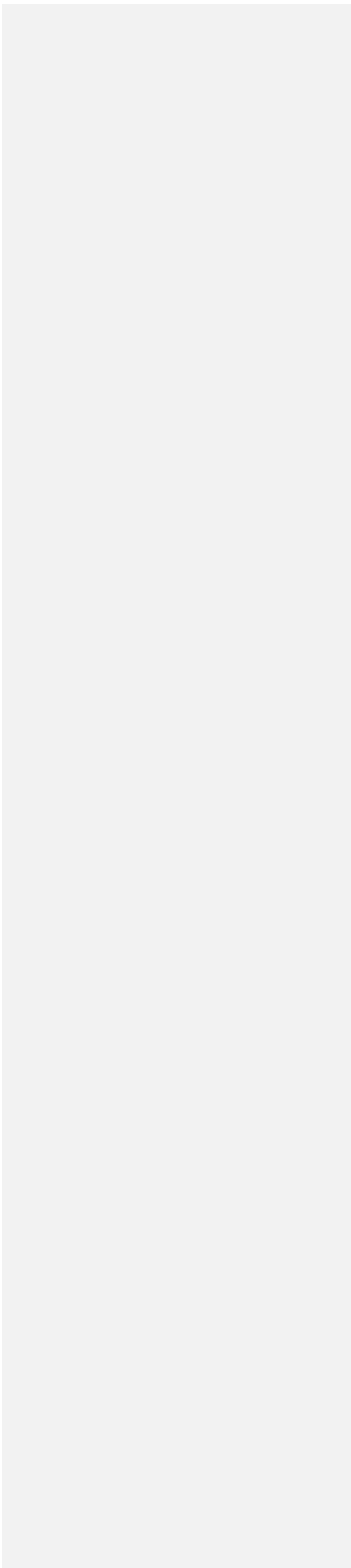
	<p>(b) any charge of a wrongful act or default causing any events referred to in sub-section (2) of section 86.</p> <p>(3) For the purposes of any investigation under this Chapter, the court making the investigation shall, so far as it relates to compelling the attendance and examination of witnesses, and the production of documents and the regulation of the proceedings, have —</p> <p>(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</p> <p>(b) if the court is a principal court of ordinary criminal jurisdiction or the court of the District Magistrate; the same powers as are exercisable respectively by either court in the exercise of its criminal jurisdiction.</p>	
	<p>89. (1) For the purposes of investigation under this Chapter, the State Government may appoint and maintain a list of assessors, which may be revised from time to time.</p> <p>(2) The qualifications, criteria and consideration, fees or charges for the assessors, who have experience in the merchant service or in the navigation of the mechanically propelled inland vessels shall be such as may be prescribed by the State Government.</p> <p>(3) Where, in the opinion of the court making an investigation under this Chapter, the investigation involves, or 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 V, the court shall appoint any number of assessors, from the list of assessors provided to it by the State Government.</p> <p>(4) In every investigation, other than the one specified in sub-section (3), the court may, if it thinks fit, appoint as its assessor, for the purposes of the investigation, any person conversant with the maritime affairs or the navigation of mechanically propelled inland vessels and willing to act as assessor.</p> <p>(5) Every person appointed as an assessor under this section shall attend the investigation and deliver his opinion, to be recorded on the proceedings.</p> <p>(6) Notwithstanding the appointment of assessor under this section, the</p>	<p>Assessors.</p>

	exercise of any or all powers conferred on the court by this Chapter or any other law for the time being in force shall rest with the court.	
	<p>90. (1) 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.</p> <p>(2) The State Government shall, on receipt of the investigation report from the court, cause it to be published in its Official Gazette.</p>	Report by court to State Government.
45 of 1860.	<p>91. (1) Whenever any explosion occurs on board any mechanically propelled inland 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.</p> <p>(2) The person or persons appointed under sub-section (1) may, for the purpose of the investigation, enter any mechanically propelled inland vessel, with all necessary workmen and labourers, and remove any portion of the mechanically propelled inland vessel, or of the machinery thereof, and shall report to the State Government, his or their opinion on the cause of the explosion.</p> <p>(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.</p>	Power to direct investigations into causes of explosions.
	<p>92. (1) A certificate of a master, crew or engineer which has been granted by the State Government under Chapter V of this Act may be cancelled or suspended—</p> <p>(a) by a court holding a formal investigation into a inland transportation casualty under this Chapter, if the court finds that the accident or casualty, including loss, standing or abandonment of, or damage to, any mechanically propelled inland vessel, or loss of life, has been caused by the wrongful act or default of such master or engineer;</p> <p>(b) by a court holding an inquiry under this Chapter into the conduct of the master, or engineer if the court finds that he is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct or in a case of collision has failed to render such assistance or give such information or notice as required under this</p>	Powers of court subsequent to investigations and inquiry.

	<p>Act.</p> <p>(2) At the conclusion of the investigation or inquiry, or as soon thereafter as possible, the court shall state in open sitting, the decision to which it may have come with respect to the cancellation or suspension of any certificate and, if suspension is ordered, the period for which the certificate is suspended.</p> <p>(3) Where the court cancels or suspends a certificate, the court shall forward it to the State Government together with the report which it is required by this Chapter to transmit to it.</p> <p>(4) A court specially empowered under this Chapter, may remove the master of any mechanically propelled inland vessel, within his jurisdiction if the removal is shown as necessary to the satisfaction of the court.</p> <p>(5) The court may appoint a new master instead of the one removed, but where the owner, agent or consignee of the mechanically propelled inland vessel is within his jurisdiction, such an appointment shall not be made without the consent of that owner, agent or consignee.</p> <p>(6) The court may also make such order and require such security in respect of the costs of the matter as it may deem fit and necessary.</p>	
	<p>93. (1) Any certificate granted under Chapter V may be suspended or cancelled by the State Government in whose jurisdiction, the certificate was granted or, in the event of the vessel being found in the jurisdiction of another State Government, such State Government may confiscate the certificates, if,—</p> <p>(a) on any investigation made under this Chapter, the court reports that the work or abandonment of, or loss or damage to, any vessel, or loss of life, has been caused by the intentional and 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</p> <p>(b) the holder of such certificate is proved to have been convicted of any non-bailable offence, or have committed prohibited acts that are specified under section 111; or</p> <p>(c) the holder of such certificate is proved to have deserted his vessel or has absented himself without leave and without sufficient reason,</p>	<p>Power of State Government to suspend, cancel and confiscate certificate.</p>

	<p>from his vessel or from his duty; or</p> <p>(d) in the case of a person holding any designation as provided by the certificate of competency or service, is or has become, in the opinion of the State Government, unfit to act in such designation, as the case may be.</p> <p>(2) 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.</p> <p>(3) If any State Government confiscates the certificates granted under Chapter V, the proceedings and the fact of confiscation and recommendation for suspension or cancellation shall be reported to the State Government which has originally issued, granted or endorsed such certificates.</p> <p>(4) The State Government may, at any time, revoke any order of suspension or cancellation which it may have made under this Chapter, or grant a certificate anew, without examination, to any person whose certificate it has so cancelled and such certificate granted anew, shall have the same effect as a certificate of competency granted under this Act after examination.</p>	
	<p>CHAPTER XIII REGULATION OF TRADE PRACTICES</p>	
	<p>94. The Central Government may, specify the minimum standards, terms and conditions to protect the interests and to ensure safety of service providers and service users that shall be incorporated in the contract entered for carriage or use of inland vessels.</p>	<p>Powers of the Central Government to protect interests of service providers and service users.</p>
	<p>95. (1) The service provider shall properly and carefully, —</p> <p>(a) assist and care for the passengers during embarking, disembarking and the entire course of voyage and preserve their safety with priority.</p> <p>(b) receive, load, handle, stow, carry, keep, care for, unload and deliver the goods in accordance with the contract of carriage.</p>	<p>Obligation of service provider.</p>

	<p>(2) The carriage of cargo and passenger by mechanically propelled inland vessel shall be as may be prescribed by the Central Government.</p> <p>(3) Notwithstanding anything contained in this section, the service provider, during the period of his responsibility, may decline to receive or to load, and may take such other measures as are reasonable, including unloading, destroying, or rendering goods harmless, if the goods are, or reasonably appear likely to become an actual danger to persons, property or the environment.</p> <p>(4) The service provider shall issue the transport documents or electronic records or such documents or records, evidencing the obligations of carriage and other details of instruction and agreed terms and conditions, in a timely manner to the service user:</p> <p>Provided that the service user shall provide the service provider the relevant information requested or required, accurately and timely for the purpose of preparation, compilation and timely issuance of the transport documents or electronic records.</p>	
	<p>96. (1) The service user shall provide all reasonable information and instructions, to the service provider and shall guarantee that all the information so disclosed are accurate and made in good faith, as requested by the service provider or required under this Act, for the proper handling and carriage of the goods:</p> <p>Provided that the service user is under no obligation to disclose any information about which he has no knowledge or is within the reasonable knowledge and information of service provider or, if required not to be disclosed under any law, on any written instruction from public authorities.</p> <p>(2) The service user is liable for loss or damage sustained by the service provider, if the service provider proves that such loss or damage was caused by a breach of the obligations of such service user under this Act.</p> <p>(3) The service user shall inform the service provider of the dangerous nature or character of the goods in a timely manner, before they are delivered to the service provider and if he fails to do so, and the service provider does not otherwise have knowledge of their dangerous nature or character, the service user is liable to the service provider for loss or damage resulting or arising from such failure to inform.</p>	<p>Obligations of service user.</p>



	<p>(4) The service user shall mark or label the dangerous goods in accordance with the provisions of the relevant law for the time being in force, or other directives of public authorities that apply, during any stage of the intended carriage of the goods, and if he fails to do so, the service user is liable to the service provider for the loss or damage resulting from such failure.</p>	
	<p>97. (1) The service provider is liable for the breach of any of his obligations under this Act, caused by the acts or omissions of any person, including employees, agents and sub-contractors, to whom such service provider has entrusted the performance of any of his obligations.</p> <p>(2) The service provider shall not be held liable for acts or omissions of the service user or any person acting on behalf of the service user, to whom the service user has entrusted the performance of his obligations.</p> <p>(3) Notwithstanding anything contained herein, except with respect to loss or damage caused by a breach of his obligations by the service provider, the service provider is relieved of all or part of his liability, if the cause or one of the causes of the loss or damage is not attributable to his fault or to the fault of any person acting on his behalf.</p> <p>(4) When the service provider is relieved of a part of his liability pursuant to sub-section (3), the service provider shall be held liable only for that part of the loss or damage that is attributable to his fault or to the fault of any person acting on behalf of, or employed by him.</p>	<p>Liability of service provider.</p>
	<p>98. (1) The Central Government shall, by notification, declare the list of dangerous goods that may be carried subject to conditions, as may be prescribed, and prohibited goods that are prohibited from being carried on any class or category of mechanically propelled inland vessels, while plying in the inland waters.</p> <p>(2) A passenger being a service user of any mechanically propelled inland vessel under the capacity of the passenger shall not—</p> <p>(a) take with him on board, load, carry, or be permitted to take with him on board, load, carry, any goods declared as prohibited goods under this Chapter; packed or stored in any form or content on board a mechanically propelled inland vessel; or</p> <p>(b) deliver or tender or be permitted to load, deliver or tender any goods declared as prohibited goods under this Chapter; packed or stored in any form or content on board a mechanically propelled</p>	<p>Prohibited goods and dangerous goods.</p>

<p>2 of 1974. 45 of 1860.</p>	<p>inland vessel; or</p> <p>(c) take with him on board a mechanically propelled inland vessel, any dangerous goods without giving notice of their nature to the owner or master of the mechanically propelled inland vessel; or</p> <p>(d) deliver or tender for carriage on such mechanically propelled inland vessel, any dangerous goods without giving such notice, and without distinctly marking their nature, outside the package containing the goods.</p> <p>(3) If the owner or master of a mechanically propelled inland vessel suspects, or has reason to believe, that any luggage, parcel or package stored in any form or content taken, delivered, loaded or tendered, for carriage on a mechanically propelled inland vessel contains prohibited goods or dangerous goods, he may—</p> <p>(a) refuse to carry it upon the mechanically propelled inland vessel; or</p> <p>(b) require it to be opened to ascertain the nature of its contents; or</p> <p>(c) stop its transit until he is satisfied as to the nature of its contents, if it has been received for carriage;</p> <p>(d) report to the nearest police station or any officer appointed or authorised by State Government by notification under this Chapter.</p> <p>(4) Upon receipt of report from the owner or master of any vessel as provided under sub-section (3), the officer appointed or authorised under this Chapter shall confiscate such goods, and refer the matter to be investigated by the police or law enforcement department of the respective State Government, which has jurisdiction over the vessel, and such goods confiscated shall be destroyed, stored or be subjected to judicial sale as may be prescribed by the State Government.</p> <p>(5) Any person who is found to do an act or have done an act in contravention of sub-section (2) shall be handed over or arrested and removed, immediately and charged for an offence for causing danger to vessel and life of passengers or crew in the vessel, and be prosecuted in accordance with the Code of Criminal Procedure, 1973 and shall be punishable for such offences as provided under the Indian Penal Code.</p> <p>(6) Where any dangerous or prohibited goods has been taken or</p>
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	<p>delivered on board any mechanically propelled inland vessel, in contravention of this Chapter, and if the service provider of such vessel is unable to resort to and comply with the provisions of sub-section (2), such goods shall be unloaded from such vessel or thrown overboard, along with any package or receptacle in which the goods is contained, so as to prevent danger and to ensure safety of such vessel and life on board; and the owner or the master shall not, in respect of his having so caused the goods to be unloaded or thrown overboard, be subject to any liability, civil or criminal, in any Court.</p>	
	<p>CHAPTER XIV NON-MECHANICALLY PROPELLED INLAND VESSEL</p>	
	<p>99. (1) The State Government may constitute a department of local self administration to administer and implement the provisions of this Chapter, by means of local self-governance.</p> <p>(2) The office of department of local self administration shall be established at locations that are accessible to owners, operators of non-mechanically propelled inland vessel or service users of such vessels.</p> <p>(3) The offices of the department of local self administration established for the purposes of this Chapter , shall in the order of hierarchy of power, be at district, taluk and panchayat or village level, or any other hierarchy as may be prescribed by the State Government, and shall exercise the powers and duties as may be prescribed by the State Government, which shall include the powers and duties to,—</p> <p>(a) enrol the non-mechanically propelled inland vessel under this Chapter;</p> <p>(b) collate data with regard to the non-mechanically propelled inland vessel enrolled under this Act and report it to the higher authority in the hierarchy of power;</p> <p>(c) administer the welfare fund constituted under this Chapter in accordance with the authority and obligation as may be prescribed by the State Government;</p> <p>(d) advise and conduct awareness programmes for assisting the owners, operators or service users of non-mechanically propelled inland vessel enrolled under this Act; and</p>	<p>Local self-governance.</p>

	(e) perform such other functions as assigned under this Act or the rules made thereunder.	
	<p>100. (1) The owner or operator may enrol, by submitting the details of the ownership of non-mechanically propelled vessel, undertaking that the vessel is put into motion by solely employing human labour and such other details as may be prescribed by the State Government, at the office of the department of local self administration, located nearest to the place of residence of the owner or area of plying of the non-mechanically propelled inland vessel, in such form and content as may be prescribed by the State Government.</p> <p>(2) Any form or notification prescribed by the State Government under sub-section (1) shall be made in the respective vernacular language, apart from Hindi or English, as the case may be.</p> <p>(3) For the purposes of identification and categorisation of non-mechanically propelled inland vessels, to be enrolled in accordance with the provisions of sub-section (1), the State Government shall publish such criteria for categorisation which may include the size, purpose of employment, age, construction, design or such other criteria of the vessels.</p> <p>(4) The enrolment of non-mechanically propelled inland vessels shall be a prerequisite for such vessels to be entitled for the benefits and preferential treatment accorded under this Chapter.</p> <p>(5) The details of the enrolled vessels shall be recorded in the registry of enrolment and be reported by the offices of lowest order in the hierarchy of power to the highest hierarchy and the collated list of enrolled vessels shall be maintained by the office of District Collector or such officer appointed or authorised under this Chapter, for the said purpose.</p> <p>(6) The State Government shall maintain a central data base to record the details of the non-mechanically propelled inland vessel enrolled within the respective jurisdiction, in such form and manner as may be prescribed.</p> <p>(7) Any change to the registry of enrolment, maintained by the lowest ranking of the office of the department of local self administration shall be reported and brought to the notice of the office higher in the hierarchical order and changes may be brought out accordingly, in every such registers maintained by the respective authorities including the central data base maintained by the Principal Secretary or Secretary of</p>	Obligation to enrol.

	the State Government.	
	<p>101. (1) The officer of the department of local self administration, appointed or authorised to maintain the registry under this Chapter, shall issue a certificate of enrolment to the non-mechanically propelled inland vessels that have enrolled in the registry of enrolment.</p> <p>(2) The certificate of enrolment shall be issued, in such form and manner as may be prescribed by the respective State Government, and details to be specified in such certificate shall include;</p> <p>(a) name, permanent address as given in the Unique Identification Document made mandatory by such laws in force in India, issued by Unique Identification Authority of India, electoral identification document or such other document of the owner, as may be prescribed by State Government;</p> <p>(b) details such as year of construction, laying of keel or such other information;</p> <p>(c) details of design if identified or categorised under this Chapter;</p> <p>(d) details of officer issuing or granting the certificate; and</p> <p>(e) a mark or number given to the vessels enrolled by the issuing authority.</p> <p>(3) The department of local self administration in every State shall issue a mark or number to the non-mechanically propelled inland vessel enrolled within the respective jurisdiction, which shall be unique for the purpose of identification of enrolment with the respective department of local self administration located in the respective States.</p> <p>(4) The marking made or numbering so issued under sub-section (3) shall be exhibited on a conspicuous part of the non-mechanically propelled inland vessel in such form and manner as may be prescribed by the respective State Government.</p>	Certificate of enrolment and marking of vessel.
	<p>102. (1) The State Government may specify the basic minimum standards that may be reasonably observed during the construction of any non-mechanically propelled inland vessel, in such manner as may be prescribed.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the State</p>	Standards of construction and safety.

	<p>Government shall specify, the standards of construction, which any class or category of non-mechanically propelled inland vessel shall comply with, in such manner as may be prescribed:</p> <p>Provided that the standards prescribed by the State Government shall be in harmony with the traditional knowledge and practices passed on as customary or ancestral means that are applied by skilled and talented persons involved in the designing and construction of non-mechanically propelled inland vessel.</p> <p>(3) The State Government may specify the minimum safety gears and equipments by notification in the Official Gazette with which the non-mechanically propelled inland vessel shall be equipped with, for the purpose of ensuring safety of such vessels.</p> <p>(4) The State Government may provide for standards of overhauling, modifying, altering or refitting the non-mechanically propelled inland vessel for the purpose of ensuring safe navigation.</p> <p>(5) The non-mechanically propelled inland vessels enrolled under this Act, shall comply with the safety standards as stipulated under this Chapter or the rules made in this regard.</p> <p>(6) For the purposes of ensuring safe navigation of non-mechanically propelled inland vessels, the State Government may, by notification, specify the routes, areas or stretch of inland waters that are prohibited from being used or subject to such terms and conditions, for the navigation of non-mechanically propelled inland vessel.</p>	
	<p>103. No one shall engage or use any non-mechanically propelled inland vessel to dump pollutants, or such other wastes listed as pollutants by the State Government by notification, into inland waters.</p>	<p>Pollution caused by carriage of pollutants by non-mechanically propelled inland vessel.</p>
	<p>104. The State Government or any officer appointed or authorised under this Chapter shall remove or order the removal of any impediment or obstruction to safe navigation through inland waters caused by non-mechanically propelled vessel and such owner or operator shall remove the obstruction or impediment which is ordered for removal.</p>	<p>Removal of obstruction.</p>

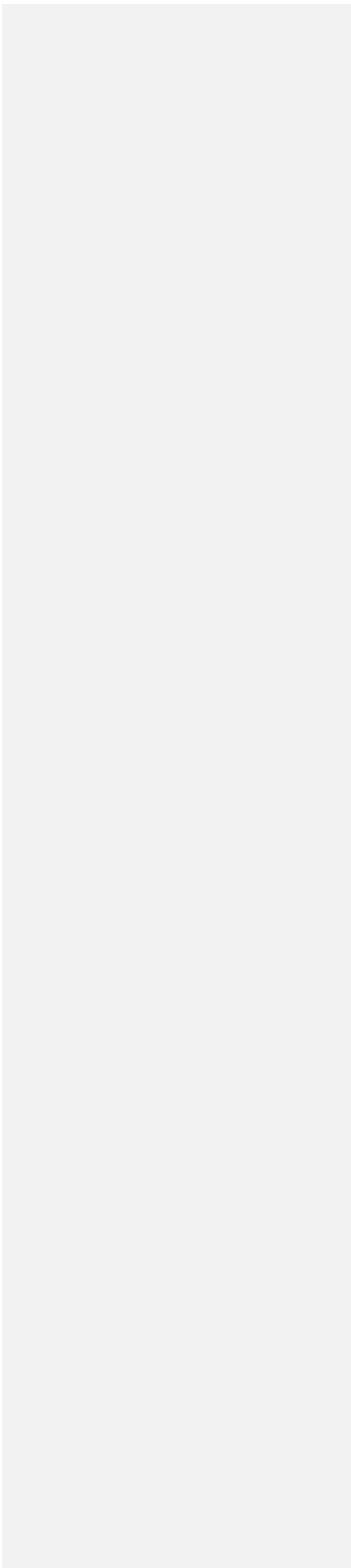
	<p>105. An owner or operator of a non-mechanically propelled inland vessel involved in casualty or accident shall inform or report it to the nearest police station, who shall take cognizance of the offence.</p>	Casualty and accidents.
	<p>106. (1) Every State Government shall, by notification, constitute a welfare fund to be allocated at district level, within its respective jurisdiction to assist the non-mechanically propelled inland vessels enrolled under this Chapter.</p> <p>(2) Any officer appointed or authorised under this Chapter to be in-charge of the fund for the non- mechanically propelled inland vessel, shall with the previous written approval of the respective State Government or such other authority appointed for the said purpose, utilise the fund to—</p> <p>(a) create awareness and conduct knowledge dissemination sessions for educating the owner, operator and service user on improvements required for safe navigation;</p> <p>(b) provide equipments and devices of safety and navigation at a subsidised rate;</p> <p>(c) provide support or relief during casualties, accidents or such emergencies; and</p> <p>(d) for such other purposes as it may deem fit.</p>	Constitution of welfare fund.
	<p>CHAPTER XV PILOTAGE, VESSEL DETENTION, INLAND VESSELS CLAIMS TRIBUNAL AND DEVELOPMENT FUND</p>	
	<p>107. (1) The Central Government may, by notification, designate the requirement of pilotage in whole or part of inland waterways declared as national waterways.</p> <p>(2) The State Government may, by notification, designate the requirement of pilotage in whole or part or any stretch of designated inland water ways or such passages other than national waterways.</p>	Pilotage.
15 of 1908.	<p>108. Subject to the provisions of section 107, every master of any mechanically propelled inland 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,</p>	Certified master to be deemed pilot under Indian

	for the purposes of that section, to be the pilot of the mechanically propelled inland vessel of which he is in-charge.	Ports Act, 1908.
	<p>109. (1) Any mechanically propelled inland vessel, which is required to be registered under the provisions of this Act,—</p> <p style="padding-left: 40px;">(a) if found plying or being used in inland waters without a valid certificate of registration; or</p> <p style="padding-left: 40px;">(b) though in possession of a valid certificate of registration, if the registration mark and number assigned thereto are not affixed;</p> <p style="padding-left: 40px;">(c) for the purpose of claims or offence found to have committed under Chapter IX; or</p> <p style="padding-left: 40px;">(d) if found not in compliance of Chapter XI,</p> <p>shall be removed from the inland waters detained or forfeited by the authorised officer appointed by the State Government.</p> <p>(2) The owner, operator or any such person recognised as responsible for the vessel under this Act, shall pay the respective and applicable fees and charges for the safe custody and maintenance of the detained or forfeited vessel, which shall be necessary for release of the vessel and which if unpaid, shall create a <i>lien</i> over such vessel to comply with the provisions of this Act.</p> <p>(3) Upon compliance with the provisions of this Act and the rules made thereunder, and after rectifying the mistakes that lead to detention, the State Government shall, without any unreasonable delay, release the vessel and her custody to the owner, operator or any such person recognised as responsible for the vessel under this Act.</p> <p>(4) Unless specifically provided elsewhere in this Act, the procedures for detention, formality, fees and conditions to be followed and observed by the concerned officer or authority or court, appointed or authorised or constituted under this Act, for the purpose of detaining a vessel, shall be as may be prescribed by the State Government.</p> <p>(5) An officer so authorised to enter any vessel may, for the purpose of enforcing the order of detention or forfeiture, call to his aid, any officer of the police department or any other person authorised under this Act or such other laws in force in India.</p>	Vessel detention and forfeiture.

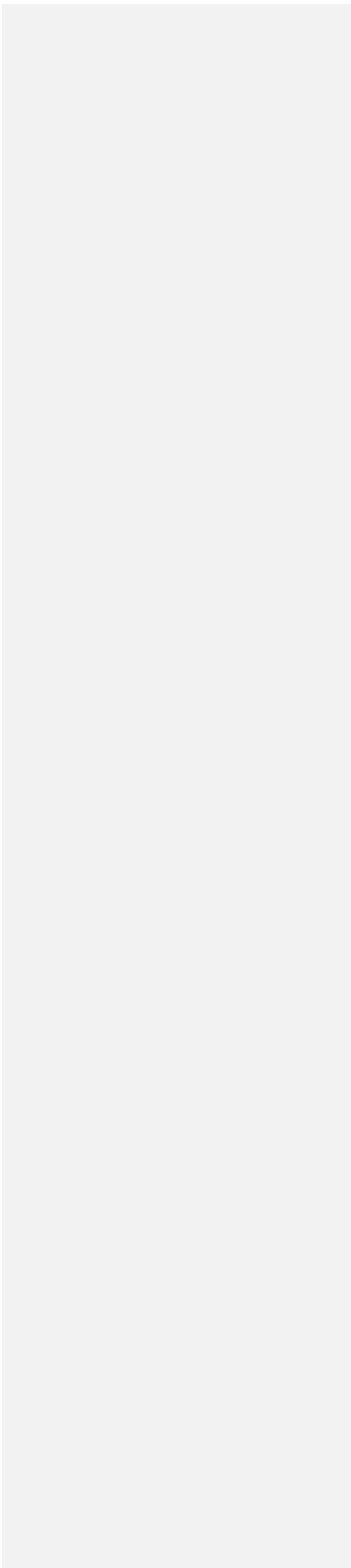
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<p>110. (1) No person employed or engaged in any capacity on board a mechanically propelled vessel shall—</p> <p>(a) neglect or refuse, without reasonable cause, to join his mechanically propelled vessel or to proceed on any voyage in his vessel;</p> <p>(b) cause to be absent from his vessel or from his duty at any time without leave and without sufficient cause;</p> <p>(c) desert from his mechanically propelled vessel;</p> <p>(d) fail to act or behave with discipline befitting his duty and mandate.</p>	<p>Desertion and absence without leave.</p>
<p>111. The acts that are prohibited under this Act or the rules made thereunder shall be such as may be prescribed by the Central Government.</p>	<p>Prohibited acts.</p> <p>D (Essential legislative function –not to be delegated)</p>
<p>112. (1) The State Government may make rules for the constitution of Inland Vessels Accidents Claims Tribunal and the powers, jurisdiction and procedures that are applicable for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of mechanically propelled vessels or damage to any property of a third party so arising, or both:</p> <p>Provided that where such claim includes a claim for compensation in respect of damage to property exceeding three lakh rupees, the Inland Vessels Accidents Claims Tribunal may refer the claim to a civil court for deciding the claim, and where a reference is so made, the Inland Vessels Accidents Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim.</p> <p>(2) On receipt of an application for compensation from the aggrieved person or representative, the Inland Vessels Accidents Claims Tribunal shall, after giving the parties an opportunity of being heard, hold an inquiry into the claim and may make an award determining the amount of compensation and specifying the person or persons to whom compensation shall be paid; and in making the award, the Inland Vessels Accidents Claims Tribunal shall specify the amount which shall be paid by the insurer or owner or master or driver of the vessel involved in the accident or by all or any of them, as the case may be.</p>	<p>Inland Vessels Accidents Claims Tribunal.</p>

	<p>113. (1) The Central Government or State Government, as the case may be, make rules—</p> <p>(a) for implementation of standards for the use of inland waterways by special category of vessels;</p> <p>(b) for maintaining standards for the development of fairways in inland waters;</p> <p>(c) prescribe standards of—</p> <p style="padding-left: 20px;">(i) river information services;</p> <p style="padding-left: 20px;">(ii) vessel traffic and transport management, safety and information services;</p> <p style="padding-left: 20px;">(iii) vessel tracing and tracking information;</p> <p style="padding-left: 20px;">(iv) to tackle calamities and furtherance of emergency preparedness;</p> <p>(d) enforcing standards to avoid and tackle pollution arising in inland waterways;</p> <p>(e) exemption, inclusion or extension of the application of any or all the provisions of this Act to any vessels registered, recognised or identified and intended to ply, or plying in the inland waters;</p> <p>(f) any other matter as it may deem fit and necessary in the proper implementation of this Act for the purpose of ensuring safe navigation, safety of life and prevention of inland vessel</p> <p>(2) For the purposes of administration of the notifications mentioned in sub-section (1), the Central Government or the State Government, as the case may be, shall authorise competent authority or such other officers by notification.</p>	<p>General powers.</p> <p>D (Rule making to be segregated between Central and State Govts.)</p>
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	<p>114.(1) There shall be a Fund constituted by the State Government to be called the Development Fund, to be utilised for —</p> <p>(a) meeting emergency preparedness;</p> <p>(b) meeting containment of pollution caused by discharge of oil, mixtures, obnoxious substances, chemicals and other noxious and harmful substances, to preserve and protect inland waters;</p> <p>(c) supporting, part or whole of expenses of owners or economically backward sector involved in activities of trade and living depending solely on inland waters;</p> <p>(d) removal of unidentified wreck or obstruction affecting and impeding navigation; and</p> <p>(e) for boosting up development works of inland water navigation with respect to safety and convenience of conveyance.</p> <p>(2) For the purposes of constitution of the Development Fund under sub-section (1), endeavour shall be made to design schemes of contribution from—</p> <p>(a) the Central Government and the State Government;</p> <p>(b) stake holders;</p> <p>(c) consolidated fund from sale of wreck or cargo or remains thereof after deducting the expenses incurred;</p> <p>(d) excess fund out of judicial sale of vessels or any property or cargo after meeting the expenses incurred or set-off against the court to meet damages or functioning of the court or administrative machinery; and</p> <p>(e) part or proportionate disbursement of fees collected by the respective State Government as provided in this Chapter.</p>	Constitution of Fund.



	<p>115. (1) Every State Government may, appoint or authorise the advisory committee or officers, by notification, so as to take adequate measures as may be prescribed by the State Government to minimise or counter emergency.</p> <p>(2) The owner, operator, master, crew or any other person connected with inland vessel plying in inland waters shall upon finding or apprehending a situation of crisis, which could adversely affect or is adversely affecting the safety of navigation, safety of human life or preservation of inland waters, inform or report the advisory committee or such other officers, appointed under sub-section (1) having respective jurisdiction or jurisdictions over such crisis that is found or is anticipated to affect adversely.</p> <p>(3) The advisory committee or officers, who are appointed or authorised under sub-section (1), upon receipt of information as received in sub-section (2), or as directed by State Government or competent authority or on their own initiative, may record the crisis as emergency and, shall adopt such measures as prescribed under sub-section (1), and such other measures which are feasible and in best of the judgment necessary to minimise or counter such emergency.</p> <p>(4) The advisory committee or officers, who are appointed or authorised under sub-section (1) shall order or request the navy, coast guard, any other emergency force, or any inland vessel available for such assistance as necessary.</p> <p>(5) No mechanically propelled inland vessel directed or acting voluntarily in rendering assistance as mentioned in sub-section (3) shall be bound by the provisions of this Act or the rules made thereunder.</p> <p>(6) Any mechanically propelled inland vessel acting voluntarily, for the purpose of saving life or vessel or providing basic amenities, shall report to the advisory committee or officers appointed or authorised under sub-section (1) regarding the presence and reasons for the acts in writing, at the earliest possible.</p> <p>(7) The advisory committee or officers appointed or authorised under sub-section (1) shall disburse all basic amenities necessary and essential as it may deem fit, to the persons or vessels affected by such emergency.</p> <p>(8) The advisory committee or officers appointed or authorised under sub-section (1) shall report to the State Government or competent</p>	Emergency preparedness.
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	<p>authority, the complete description of the events, consequences and such measures adopted under sub-section (3) and the effectiveness of such measures in countering the emergency.</p>	
30 of 2013.	<p>116. (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.</p> <p>(2) Any dispute arising out of or concerning such compensation shall be determined according to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.</p>	Removal of lawful obstruction.
	<p>117. (1) Every certificate issued in respect of any person or vessel, under any other enactment in force in India, by the Central Government, shall be valid and effective as a certificate issued under this Act and the relevant provisions of this Act shall apply in relation to such persons or vessel as they apply to, any person who has been issued with a certificate under Chapter V or any mechanically propelled inland vessel registered, recognised or identified under this Act.</p> <p>(2) Notwithstanding anything contained herein, the State Government may impose additional conditions and requirements for the purpose of recognition of certificates as provided under sub-section (1).</p>	Vailidity of certificates issued under laws other than this Act.
	<p>118.(1) No vessel registered in any country other than India shall be permitted to be used or employed for the purposes of, carriage of goods, transportation of passengers, storage units, accommodation, floating units or for such other purposes within the inland waters, unless such vessel has secured prior permission from the Central Government for its use or employment for such purposes and subject to such terms and conditions as may be prescribed by the Central Government:</p> <p>Provided that, in the event of the Central Government entering into bilateral or multilateral treaties pertaining to the inland navigation, whereby the permission is provided to the vessels belonging to foreign countries to ply within inland waters of India, the Central Government or the State Government, as the case may be, shall impose or apply, with the same conditions to the service providers in India.</p>	Trade permission and endorsement of certificates of foreign vessels.

	<p>(2) For the purposes of sub-section (1), any certificate granted by any other foreign country in accordance with the provisions of any law for the time being in force in that country corresponding to the provisions as provided in Chapter III and V under this Act may, on payment of such fees as may be prescribed by the Central Government, for the grant of a similar certificate or licence under this Act, be endorsed by—</p> <p>(a) any State Government in India; or</p> <p>(b) with the general or special sanction and subject to such other terms and conditions of such State Government, by any authority competent to grant a similar certificate under this Act.</p> <p>(3) Upon endorsement of any such certificate as provided in sub-section (2), it shall have effect for such period and to such extent as may be prescribed by the Central Government and shall be treated as if it had been granted under this Act.</p>	
	<p>119. No person shall wilfully cause obstruction or attempt to obstruct any authority or officer appointed under this Act in exercise of the respective functions and powers conferred upon such authority or officer, or in the discharge of any duty imposed by or under this Act; by abstinence, failure to facilitate inspection, or restraining or physically objecting the entry or movement or non-production of books or records as and when demanded by such authority or authorised officers.</p>	<p>Obstruction of officer appointed or authorised.</p>
	<p>120. Whoever contravenes- any of the provisions of this Act or the rules made thereunder, shall be triable for the offence in any place in which <u>where he may be found</u> <u>place of occurrence or at a place in the State where the offence has been committed for any other place notified as a place of trial in the official Gazette by the</u> or which the Central Government or the State Government, as the case may be, by notification, appoint in this behalf, or any other place in which he might be tried under any other enactment for the time being in force.</p>	<p>Place of trial. To be revised by A/M</p>
	<p>CHAPTER XVI</p> <p>OFFENCES AND PENALTIES</p>	
	<p>121. Whoever contravenes or fails to comply with any provision of this Act shall be punishable with penalty as mentioned in the fourth column of the Table provided in sub-section (2) of this section.</p>	<p>Penalty.</p>

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Sl. No.	Section to which offence has reference	Offence	Penalty
1.	9 (1)	Any owner, operator or construction yard, found guilty of construction, alteration or modification of mechanically propelled inland vessel in contravention to sub-section (1) of section 9	Fine which may extend to five thousand rupees for every non-compliance found
2.	15 (1)	Owner, operator or master of any mechanically propelled inland vessel, in contravention to sub-section (1) of section 15	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.
3.	19 (1)	Owner, operator or master of any mechanically propelled inland vessel proceeding on any voyage or use a mechanically propelled inland vessel required to be registered, for any service, without a valid certificate of registration and in contravention to sub-section (1) of section 19	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences
4.	25 (3)	Owner, operator or master of any mechanically propelled inland vessel plying without displaying the registration mark and the official number as	Fine which may extend to ten thousand rupees

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			prescribed	
	5.	29(2)	Owner, operator or master of any mechanically propelled inland vessel not registering the details of alterations that are mandated to be registered as prescribed in sub-section (2) of section 29	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences
	6.	30	Owner or operator of any mechanically propelled inland vessel without intimation of change of residence or place of business	Fine which may extend to five hundred rupees for every day of non-compliance
	7.	35(1) and 35(2)	Owner or operator of any mechanically propelled inland vessel without complying with the prescribed minimum manning scale	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences
	8.	39(1)	Owner, operator or master of any mechanically propelled inland vessel on which any master, who is employed without complying with the requirement of endorsement or conditions as may be prescribed as provided in the proviso to sub-section (1) of section 39.	Fine which may extend to five thousand rupees for the first offence and fifteen thousand rupees for subsequent offences

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		9.	41(4)	The holders of certificate of competency not surrendering the suspended, cancelled or varied certificate issued under non-submission of suspended or cancelled certificates	Fine which may extend to ten thousand rupees for every day of non-submission		
		10.	48 ⁴⁷	Owner, operator or master of any mechanically propelled vessel registered, recognised or identified under this Act, for not equipping the vessels or exhibiting the lights and signals prescribed under Chapter VII	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences		
		11	49, 48	Owner, operator or master not ensuring safe navigation or causing damage due to non-observance of regulations.	Fine which may extend to twenty-five thousand rupees		
		12	51(1), 50 (1)	Owner, operator or master of any mechanically propelled vessel plying in inland waters abstaining from proceeding to render assistance after answering to the distress signal.	Fine which may extend to ten thousand rupees		
		13	52(7), 51(7)	The owner, operator or master of any mechanically propelled inland vessel proceeding to conduct any voyage without complying with the notice issued under sub-section (7) of section 52	Fine which may extend to twenty-five thousand rupees		
		14	53, 52	The owner, operator or master of any mechanically propelled	Fine which may extend to twenty-		

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			vessel causing pollution by discharging or dumping of pollutants in inland waters	five thousand rupees		
15	54(4) 53(4)		The owner, operator or any mechanically propelled vessel who are required under this Act to possess a valid prevention of pollution certificate, plying or using the vessel without the said valid certificate	Fine which may extend to twenty-five thousand rupees		<p>Formatted: Font: Bold, Complex Script Font: Bold, Strikethrough</p> <p>Formatted: Font: Bold, Complex Script Font: Bold</p> <p>Formatted: Font: Bold, Underline, Complex Script Font: Bold, Strikethrough</p>
16	55 54		The owner or operator of any reception facility who does not comply with the standards and obligations stipulated	Fine which may extend to seventy-five thousand rupees		<p>Formatted: Font: Bold, Complex Script Font: Bold, Strikethrough</p> <p>Formatted: Font: Bold, Complex Script Font: Bold</p>
17	56(3) 55(3)		The owner or operator of the terminal who operates without complying with the notice issued under sub-section (3) of section 56.	Fine which may extend to ten thousand rupees per day of non-compliance beyond period of notice.		<p>Formatted: Font: Bold, Complex Script Font: Bold, Strikethrough</p> <p>Formatted: Font: Bold, Complex Script Font: Bold</p>
18	58 57		Any owner, operator or any persons who intentionally causes wreck within inland waters	Fine amounting to fifty thousand rupees and imprisonment which may extend to three years.		<p>Formatted: Font: Bold, Complex Script Font: Bold, Strikethrough</p> <p>Formatted: Font: Bold, Complex Script Font: Bold</p>
19	59(3) 58(3)		Any person who is guilty of offence committed by contravention of sub-section (3) of section 59.	Fine which may extend to ten thousand rupees		<p>Formatted: Font: Bold, Complex Script Font: Bold, Strikethrough</p> <p>Formatted: Font: Bold, Complex Script Font: Bold</p> <p>Formatted: Font: Bold, Complex Script Font: Bold, Strikethrough</p>
20	61(2) 60(2)		Any person found guilty	Fine which		<p>Formatted: Font: Bold, Complex Script Font: Bold</p>

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			of contravening sub-section (2) of section 61	may extend to ten thousand rupees or imprisonment which may extend to one year, or with both.
21	63(1) 62(1)	Any person contravening sub-section (1) of section 63		Fine which may extend to ten thousand rupees or imprisonment which may extend to one year, or with both.
22	64(1) 63(1)	Any person found guilty of contravention of sub-section (1) of section 64		Fine which may extend to twenty-five thousand rupees
23	87(2) 86(2)	The owner, operator or master of any mechanically propelled inland vessel not complying with sub-section (2) of section 87		Fine which may extend to ten thousand rupees
24	94(2) 93(2)	Any person who holds a certificate issued under Chapter V and fails to surrender suspended or cancelled certificates		Fine which may extend to ten thousand rupees for every day of non-submission
25	96 95	Any person, in the capacity of service provider, who is found to act in contravention of section 96.		Fine which may extend to one lakh rupees
26	97 96	Any person, in the		Fine which

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			capacity of service user, who is found to act in contravention of section 97.	may extend to one lakh rupees		
	27	111 , 110	Any person employed for desertion of the vessel in violation of his obligation as provided under section 111	Forfeiture of 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, from his wages and also to imprisonment which may extend to two months.		
	28	112 , 111	Any person who is found guilty for offences of contravention of any or all of the prohibitions prescribed by rules made thereunder.	Fine which may extend to one lakh rupees or imprisonment which may extend to three years, or with both.		
	29	124 , 118	Master or operator of any foreign vessels acting in contravention of sub-	Fine which may extend to one lakh		

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Legislative Department
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			section (1) of section 124	rupees or imprisonment which may extend to one year, or with both.	
	30	125 119	Any person found guilty of causing obstruction or acting in contravention of section 125	Fine which may extend to one lakh rupees or imprisonment which may extend to three years, or with both.	
<p>(3) Any person who acts in contravention to this Act or the rules made thereunder, but for which an offence is not specifically provided in this Act, shall be punishable with a fine which may extend to three lakh rupees or imprisonment upto a term which may extend to three years, or with both.</p> <p>(4) Where the owner or master of any mechanically propelled inland vessel is convicted of an offence under this Act or any rule made thereunder, committed on board, or in relation to, that 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 mechanically propelled vessel and the tackle, apparel and furniture thereof, or so much thereof as is necessary.</p> <p>(5) Where an inland vessel has been used in contravention to the provisions of this Act or the rules made thereunder, the details of the offence, the offender and the vessel shall be recorded in such form and manner, as may be specified by the Central Government by notification.</p> <p>(6) The State Government shall appoint courts not inferior to that of a Magistrate of first class, for the purpose of conducting trial of any person who is charged of any offence as provided under this Act or the rules made thereunder.</p>					
	122. (1) Where an offence under this Act has been committed by a company or a limited liability partnership firm or any such arrangement,				Offences by company,

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	<p>every person who at the time the offence was committed was in-charge of, and was responsible to the company or the limited liability partnership firm or any such arrangements, for the conduct of the business, as well as the company or the limited liability partnership firm or any such arrangement, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company or a limited liability partnership firm or any such arrangement and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or partner or other officer of the company or the limited liability partnership firm or any such arrangement as the case may be, such director, manager, secretary or partner or other officer, as the case may be; shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>	<p>limited liability partnership firm or any such arrangement.</p>
	<p>123. (1) Unless otherwise specified, the State Government shall collect, the fees and additional fees for the services provided under this Act and any other charges or payment made to it against penalties of pecuniary nature, at such rates and intervals, as may be prescribed by the Central Government or the State Government, as the case may be.</p> <p>(2) The State Government shall appoint, authorise or constitute such officers, or constitute such offices within its jurisdictions, by notification, to act as single point collection offices within the districts or ports, considering proximity and convenience of remittance.</p> <p>(3) The procedures, forms and of the note of receipts, maintenance of accounts and any other matter that is necessary for the purpose of the remittance, collection, accounts and accountability of collected fees, additional fees, charges or payment against penalties of pecuniary nature shall be such as may be prescribed by the State Government.</p> <p>(4) The owner, operators or their representatives, as the case may be, shall remit the fees or additional fees in such manner and at such rates as may be prescribed by the State Government.</p>	<p>Fees, additional fee, penalty, payment and collection.</p>

	(5) All fees payable under this Act may be recovered as fine under this Act.	
Cognizance of offence.	124. (1) No court shall take cognizance of any offence under this Act, except upon a complaint in writing made by the competent authority or any officer authorised by the State Government, as the case may be, for this purpose.	
	(2) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the First Class shall try any offence under this Act.	
	CHAPTER XVII MISCELLANEOUS	
	125. (1) Unless otherwise provided in this Act, any person aggrieved by an order made by the officers or authorities under this Act, may appeal to the State Government against, refusal, suspension, cancellation, detention, removal or such other order, issued under this Act, within thirty days from the receipt of such order. (2) The State Government shall cause notice of every such appeal to be given to concerned officers or authorities whose order is made the subject matter of the appeal, and after giving an opportunity to the appellant; shall pass appropriate order by recording reasons thereof, which shall be final.	Appeal.
	126. (1) For the purposes of effective implementation of the provisions of this Act, the Central Government shall, subject to the condition of previous publication, have the power to formulate rules as provided under this Act. (2) For the purposes of implementing the provisions of this Act, the State Government shall, subject to the condition of previous publication, have the power to make rules on provisions specified to be administered by it under the Act or as delegated to it by the Central Government, by notification. (3) The Central Government or State Government, as the case may be, may make rules, consistent with this Act, for enabling it to effectively discharge its functions as provided in this Act.	Power to make rules.

	<p>(4) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session or of the immediately following session, or the successive sessions aforesaid, both Houses agree in making any modification in the rule, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p> <p>(5) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.</p>	
	<p>127. (1) No suit, prosecution or other legal proceeding shall lie against any person or officer appointed or authorised under this Act, in respect of anything done or intended to be done in good faith under this Act.</p> <p>(2) For the purpose of claiming immunity under sub-section (1), the officers appointed or authorised under this Act, shall perform and carry out the respective functions and responsibilities, with utmost care and due diligence.</p>	Protection of action taken in good faith.
	<p>128. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:</p> <p style="padding-left: 40px;">Provided that no such order shall be made under this section after the expiry of a period of three years, from the commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.</p>	Power to remove difficulties.
	<p>129. (1) The provisions of this Act shall be in addition to, and not be construed in derogation of the provisions of any other law, and shall be construed as consistent with such law, for the time being in force.</p> <p>(2) In the event of any conflict between a provision of this Act and a provision of any other law for the time being in force in whole of India or restricted to the application of the jurisdiction of any State</p>	Consistency with other laws.

	Government, the provision of this Act shall prevail to the extent of such conflict.	
	<p>130. (1) The State Government may, by notification, declare that all or any of the provisions, under this Act or the rules made thereunder—</p> <p style="padding-left: 40px;">(a) other than that provided for safety, manning and prevention of pollution, shall not apply to any specified class or category of the mechanically propelled inland vessels; or</p> <p style="padding-left: 40px;">(b) shall apply to any specified class or category of the mechanically propelled inland vessels with such modifications, as may be specified in the notification.</p> <p>(2) Notwithstanding anything contained in this section, if the Central Government or the State Government, as the case maybe, may, by notification, suspend or relax to a specified extent, either indefinitely or for such period as may be specified in that notification, the operation of all or any of the provisions of this Act.</p> <p>(3) Where the operation of any provision of this Act, under sub-section (1) or sub-section (2) has been suspended or relaxed indefinitely, such suspension or relaxation may at any time while this Act remains in force be removed by the Central Government or the State Government, as the case may be, by notification.</p>	Suspension or alternation of application and operation of Act.
1 of 1917.	<p>131. (1) The Inland Vessels Act, 1917 is hereby repealed.</p> <p>(2) Notwithstanding the repeal of the enactment referred to sub-section (1),—</p> <p style="padding-left: 40px;">(a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under the enactment hereby repealed shall, if it is not inconsistent with the provisions of this Act, continue to be in force unless and until revoked, and shall have effect as if it had been issued, made or granted under the corresponding provision of this Act;</p> <p style="padding-left: 40px;">(b) any officer appointed and anybody elected or constituted under any enactment hereby repealed shall continue and shall be deemed to have been appointed, elected or constituted unless specifically removed or replaced by appointment of officer or offices, as the case may be, under this Act;</p>	Repeal and savings.

<p>X of 1897.</p>	<p>(c) any document referring to the enactment hereby repealed shall be constructed as referring to this Act or to the corresponding provision of this Act;</p> <p>(d) any fine levied or penalty imposed under the enactment hereby repealed may be recovered as if it had been levied under this Act;</p> <p>(e) any offence committed under the enactment hereby repealed may be prosecuted and punished as if it had been committed under this Act;</p> <p>(f) sailing vessels or sailing boats registered under the enactment hereby repealed shall be deemed to have been registered under the Act;</p> <p>(g) mortgages of any mechanically propelled inland vessels recorded in any register book maintained at any port in India under the enactment hereby repealed shall be deemed to have been recorded in the register book under the corresponding provision of this Act;</p> <p>(h) any licence, certificate of competency or service, certificate of survey, licenses or any other certificate or document issued, made or granted under the enactment hereby repealed and in force at the commencement of this Act shall be deemed to have been issued, made or granted under this Act and shall, unless cancelled under this Act, continue in force until the date shown in the certificate or document, as the case may be.</p> <p>(2) The matters specifically provided in this section, shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897.</p>	
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