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LAW DEPARTMENT

NOTIFICATION

The 12th May 2008

No. 5640—I-Legis.-1/2007-L.—The following Act of Parliament which is assented by the President on the 17th September 2007 and published by the Government of India, Ministry of Law and Justice (Legislative Department) in the *Gazette of India*, Extraordinary, Part-II, Section-I, dated the 17th September 2007 is/are hereby republished for general information.

By order of the Governor

B. K. NAYAK

Principal Secretary to Government

[Assented to on the 17th September 2007]

THE INLAND VESSELS (AMENDMENT) ACT, 2007

(ACT No. 35 OF 2007)

An Act further to amend the Inland Vessels Act, 1917

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

Short title
and
commence-
ment.

2007. 1. (1) This Act may be called the Inland Vessels (Amendment) Act,

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of Section 1.

2. In Section 1 of the Inland Vessels Act, 1917 (hereinafter referred to as the principal Act), in sub-section (2), the proviso shall be omitted.

Amendment
of Section 2.

3. In Section 2 of the principal Act, in sub-section (1),—

(i) for clauses (a), (b) and (c), the following clauses shall, respectively, be substituted, namely :—

‘(a) “inland vessel” or “inland mechanically propelled vessel” means a mechanically propelled vessel, which ordinarily plies on inland water, but does not include fishing vessel and a ship registered under the Merchant Shipping Act, 1958;

44 of 1958.

(b) “inland water” means—

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

(ii) any area of any tidal water deemed to be the inland water as defined by the Central Government under Section 70,

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

44 of 1958.

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

(ii) after clause (g), the following clause shall be inserted, namely :—

‘(ga) “tidal water” has the meaning assigned to it in clause (49) of Section 3 of the Merchant Shipping Act, 1958;’.

44 of 1958.

Amendment
of Section 3.

4. In Section 3 of the principal Act, in sub-section (1),—

(i) for the words “and applicable to such voyage or service”, the words “in the zone intended for operation and applicable to such voyage or service in such zone” shall be substituted;

(ii) the following *Explanation* shall be inserted at the end, namely :—

‘*Explanation.*—For the purposes of this sub-section, “zone” means any such inland water area as the State Government may, depending on the maximum significant wave height criteria, by notification in the Official Gazette, specify for the purposes of this Act.’.

Insertion of
new Section
9A.

5. After Section 9 of the principal Act, the following section shall be inserted, namely :—

Temporary
permit.

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

Amendment
of Section
191.

6. In Section 191 of the principal Act, in sub-section (3), for the words “twelve months”, the words “thirty-six months” shall be substituted.

Amendment
of Section
22.

7. In Section 22 of the principal Act,—

(i) in sub-section (1), for the words and figures “an inland mechanically propelled vessel for a period of three years before the first day of November, 1956”, the words “a vessel of the Coast Guard, Indian Navy or regular Army for a period as may be prescribed by the State Government in this behalf” shall be substituted;

(ii) after sub-section (1), the following *Explanation* shall be inserted at the end, namely :—

Explanation.—For the purposes of this section,—

(a) the expression “Coast Guard” shall have the meaning assigned to it in clause (d) of Section 2 of the Coast Guard Act, 1978; 30 of 1978.

(b) the expression “Indian Navy” shall have the meaning assigned to it in clause (10) of Section 3 of the Navy Act, 1957; 62 of 1957.

(c) the expression “regular Army” shall have the meaning assigned to it in clause (xxi) of Section 3 of the Army Act, 1950.’ 46 of 1950.

Amendment
of Section
30.

8. In Section 30 of the principal Act, clause (a) shall be re-lettered as clause (aa), and before clause (aa) as so re-lettered, the following clause shall be inserted, namely :—

“(a) the period of service in the Coast Guard, Indian Navy or regular Army which is required for a person to be granted a certificate without examination under Section 22.”.

Substitution
of new
section for
Section 31.

Effect of
certificates
of
competency
or service
and
licences.

Amendment
of Section
52.

9. For Section 31 of the principal Act, the following section shall be substituted, namely :—

“31. A certificate of competency or service and licence granted under this Chapter shall have effect throughout India.”.

10. In Section 52 of the principal Act, in sub-section (2),—

(a) in clause (i), the word “and” occurring at the end shall be omitted;

(b) after clause (j), the following clauses shall be inserted, namely :—

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

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

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

Substitution
of new
Section for
Section 54C.

11. For Section 54C of the principal Act, the following section shall be substituted, namely :—

Application
of Section
134,
Chapters X,
XI and XII of
the Motor
Vehicles Act,
1988 in
relation to
the mechani-
cally
propelled
vessels.

‘54C. The provisions of Section 134, Chapters, X, XI and XII of the Motor Vehicles Act, 1988 shall, as far as may be apply, in relation to ^{59 of 1988.} the mechanically propelled vessels as they apply in relation to motor vehicles, subject to the following modifications, namely :—

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

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

(ii) references to “public place” shall be construed as references to “inland water”;

(iii) references to “public service vehicle” shall be construed as references to “public service vessels”;

(iv) references to “goods vehicle” shall be construed as references to “goods service vessel”;

(v) references to “State Transport” shall be construed as references to “State Water Transport”;

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

(vii) references to “driving licence” shall be construed as references to “a certificate granted under Chapter III of the Inland Vessels Act, 1917”;

(viii) references to “permit” shall be construed as references to “a certificate of registration granted under Section 19F of the Inland Vessels Act, 1917”.

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

(b) in Section 145,—

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

‘(aa) “goods service vessel” means any mechanically propelled vessel used or adapted to be used for carriage of cargo for hire or reward;’;

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

‘(da) “public service vessel” means any mechanically propelled vessel used or adapted to be used for the carriage of passengers for hire or reward;’;

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

‘(e) “property” includes goods carried in the inland vessel, bridges, landing facilities, navigation marks and infrastructure;’;

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

‘(fa) “route” means a line of travel which specifies the waterway which may be traversed by a mechanically propelled vessel between one terminal and another;’;

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

(i) in sub-clause (i),—

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

(B) item (d) shall be omitted;

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

(d) in Section 158,—

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

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

“(d) the certificate of survey granted under Section 9 of the Inland Vessels Act, 1917;” 1 of 1917.

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

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

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

(f) in Section 165, in sub-section (1), for the words “Motor Accidents Claims Tribunals”, the words “Inland Vessel Accidents Claims Tribunals” shall be substituted.’.

CHAPTER VIAB

PREVENTION AND CONTROL OF POLLUTION AND PROTECTION OF INLAND WATER

Definitions.

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

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

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

(c) “oily mixture” means a mixture with any oil content.

Prohibition
as to
discharge of
oil, oily
mixture, etc.,
in the inland
water.

54E. No oil or oily mixture, hazardous chemical or obnoxious substance from a mechanically propelled vessel shall be discharged in inland water :

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

Reception
facilities at
inland port,
etc.

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

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

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

Power of
entry
inspection,
etc.

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

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

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

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

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

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

Powers of Central Government to make rules for prevention and control of pollution.

55H. (1) The Central Government may make rules for the purposes of this Chapter.

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

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

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

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

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

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

Insertion of new Sections 62D and 62E.

13. After Section 62C of the Principal Act, the following Sections shall be inserted, namely :—

Punishment for offences relating to pollution.

‘62D. Whoever contravenes any provision of Chapter VIAB or of any rule made thereunder, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.

Offences by
companies.

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

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

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

Explanation.—For the purposes of this Section,—

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

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

Power to
remove
difficulties.

14. (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 the Principal Act as amended by this Act or this Act as may appear to be necessary or expedient for the purpose of removing the difficulty :

Provided that no order shall be made under this Section after the expiry of two years from the date on which this Act comes into force.

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