

4-13 海洋汚染防止及びSARに関する
ワーキングペーパー (I)

..
" PAPER FOR INDIVIDUAL MEETING "
..

Marine Anti-pollution Measures &
Marine Safety Search & Rescue
Measures.

For meetings to be held on :-
19th, 20th and 21st Dec: 1989

CAPTAIN I.M.KHAN SAMADANI
Chief Nautical Surveyor
Ministry of Communications
(Ports & Shipping Wing),
Karachi.
Tele:- 512624

GOVERNMENT OF PAKISTAN
MINISTRY OF COMMUNICATIONS
(PORTS & SHIPPING WING)
**** **

Karachi, 18th December, 1989

PAPER FOR INDIVIDUAL MEETING

Subject:- MARINE ANTI-POLLUTION MEASURES AND MARINE SAFETY
SEARCH AND RESCUE MEASURES:

The pivotal role of Ports and Shipping Wing as a co-ordinating and ministerial agency cannot be over-emphasised. Through Ports & Shipping Wing, various organizations/authorities can pool their expertise and resources to develop systems for Marine Anti-pollution Measures and for Marine Safety Search & Rescue. There is a need to develop Maritime Search and Rescue Plan for Marine Areas of Pakistan. The International Convention on Maritime Search and Rescue, 1979 entered into force for the Government of Pakistan on 11th December, 1985. Hence, the responsibility for Area 10a North West Indian Ocean for Search and Rescue is mandatory. This would mean:-

- i) collection of SAR information.
- ii) surveillance of marine traffic.
- iii) development of capability to rescue people from vessels/crafts in trouble.
- iv) development of rapid communication system to co-ordinate search & Rescue Activities.

are the basic ingredients of that responsibility.

The charts indicating:-

- a) the area of responsibility of Pakistan and general concept of the global system.
- b) the search & Rescue regions embodying Pakistan's area and global coverage of INMARSAT.
- c) the flow diagram of Search & Rescue System.
- d) the world-wide Nav-areas with reference to Pakistan's area IX

are attached to facilitate the practical approach.

GMDSS Equipment for shore-based arrangements is indicated below:-

EQUIPMENT -----	ESTIMATED Cost (US \$) -----
VHF DSC	25,000
MF DSC	47,500
HF DSC and Radio-telex	150,000
NBDP(narrow-band direct printing)	90,000
NAVTEX	90,000
INMARSAT Coast Earth Station	Million - 7-10
COSPAS - SARSAT local user terminal	800,000
INMARSAT Satellite CES EPIRB processing equipment	1,000,000
Ship earth station for use at RCC (Rescue co-ordination centre)	30,000

(Cost estimates are considered accurate within \pm 30% and include 15% installation costs). Based on 1987 estimates for information purposes.

Whereas the list of oil-pollution control equipment is as under:-

<u>Karachi Port Trust</u>	<u>Pound Sterling</u>
500m Harbour oil containment boom	35,000
1 x 12 TPH floating mechanical skimmer unit	14,000
1 x Rope mop type oil skimmer device.	15,000
1 x Harbour dispersant spray system.	4,000
45 x 200ltr drums of dispersant chemical.	<u>9,000</u>
	77,000

<u>Port Qasim Authority</u>	<u>Pound Sterling</u>
800m Harbour oil containment boom.	56,000
2 x 12 TPH floating mechanical skimmer unit	28,000
1 x Harbour dispersant spray system.	4,000
45 x 200ltr drums of dispersant chemical	9,000
1 x 200 tonne dumb barge for collected oil.	
* 300m Water intake defence boom.	<u>21,000</u>
	118,000

* (this item could be purchased by the steel and power plant)

<u>Maritime Security Agency</u>	<u>Pound Sterling</u>
2 x 400m Offshore oil boom.	65,000
2 x Reel units for above.	20,000
2 x Deep sea oil dispersant spray unit.	12,000
120 x 200ltr. drums of dispersant chemical.	24,000
1 x Sea Skimmer 50 unit.	35,000
1 x 12 TPH floating mechanical skimmer.	14,000
2 x 100T Floating oil storage tanks.	<u>75,000</u>
	245,000

<u>Gwadar Fish Harbour</u>	<u>Pound Sterling</u>
300m Harbour oil containment boom.	21,000
1 x 12 TPH floating harbour skimmer unit.	<u>7,000</u>
	28,000

<u>Pasni Fish Harbour</u>	<u>Pound Sterling</u>
300m Harbour oil Containment boom	21,000
1 x 12 TPH floating harbour skimmer unit.	<u>7,000</u>
	28,000

GRAND TOTAL:- 496,000

The type of assistance required in the field of Marine Anti-pollution is indicated below:-

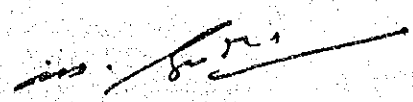
1. to advise on equipping ports and terminals with facilities for the collection of wastes from ships in respect of:
 - a) Oily wastes.

- b) Sewage from Ships.
 - c) Garbage from ships, and their ultimate disposal system.
2. to advise on surveillance of shipping lanes, including use of remote sensing techniques.
 3. to advise on mobile and fixed communications system for the Ports and Shipping Wing, Ministry of Communications, its allied agencies including on-scene mobile units, to co-ordinate on matters related to anti-pollution measures.
 4. to establish contingency plan(s) on national and regional basis, taking into consideration the previous expert's proposals, for responding to spillages of crude oil/Fuel oil/Petroleum products and noxious liquid substances including harmful substances.
 5. to indentify areas for possible international assistance.

Whereas for the Marine Safety, Search and Rescue is as under:-

1. to suggest the ways and means, to accelerate the implementation of the provisions of the SAR-79 Convention.
2. to prepare project for setting-up Maritime Search and Rescue co-ordination centre and sub-centres to cover the Pakistan Maritime Search and Rescue Region within Area 10-a, North West Indian Ocean.
3. to suggest communication system/study the feasibility for establishing a Coast Earth Station at Karachi to:-
 - a) receive INMARSAT Communications;
 - b) co-ordinate Search & Rescue Activities; and
 - c) receive messages from COSPAS - SARSAT EPIRBs.

4. to identify the various facilities available locally and their utilization and possible international assistance available to fulfil the objectives.


(CAPTAIN I.M.KHAN SAHADANI)
Chief Nautical Surveyor
Tele:- 512624

Distribution

1. Additional Secretary/Director General, Ports & Shipping Wing, Ministry of Communications, Karachi.
- ✓ 2. Marine Pollution expert of Japan International Cooperation Agency (JICA).
3. Marine Safety, Search and Rescue Expert of Japan International Cooperation (JICA).
4. Representative of Ministry of Petroluem & Natural Resources.
5. Representative of Maritime Security Agency.
6. Representative of Karachi Port Trust (KPT).
7. Representative of Port Qasim Authority (PQA),
8. Representative of National Tanker Company (NTC).
9. Project Director of Gwadar Fish Harbour.
10. File No.7(25)/89-CNS.
11. Deputy Chief Nautical Surveyor, Ports & Shipping Wing.

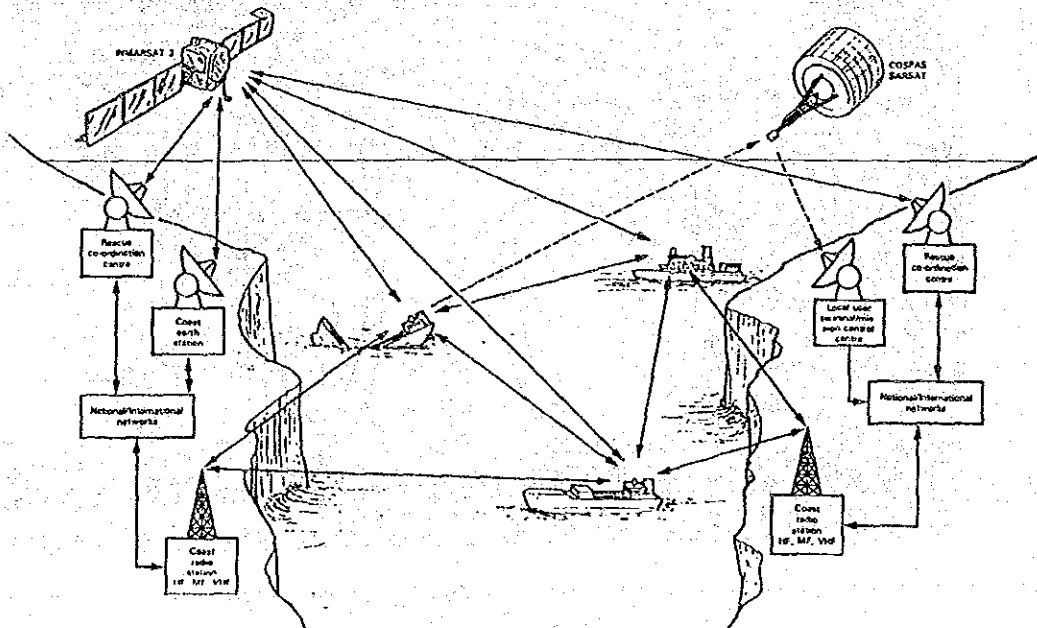
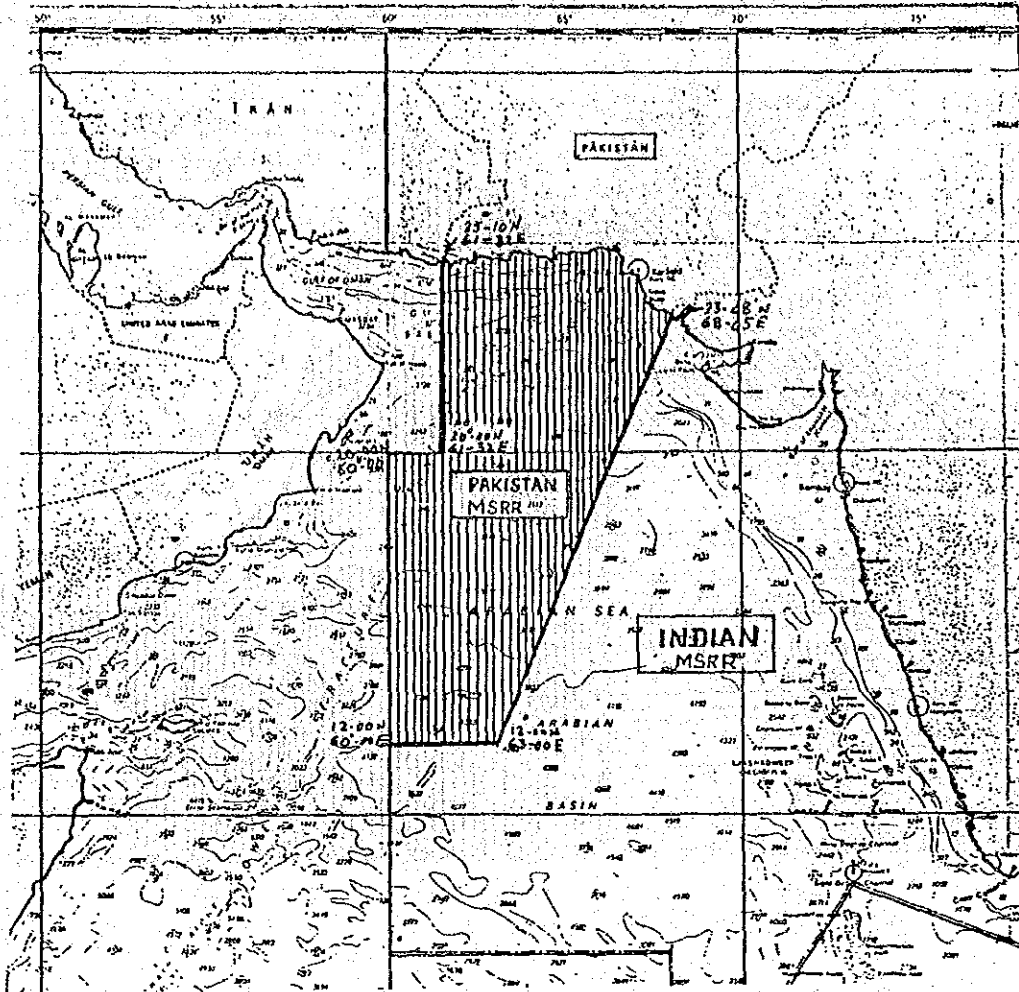


Figure 1 - General concept of the global system

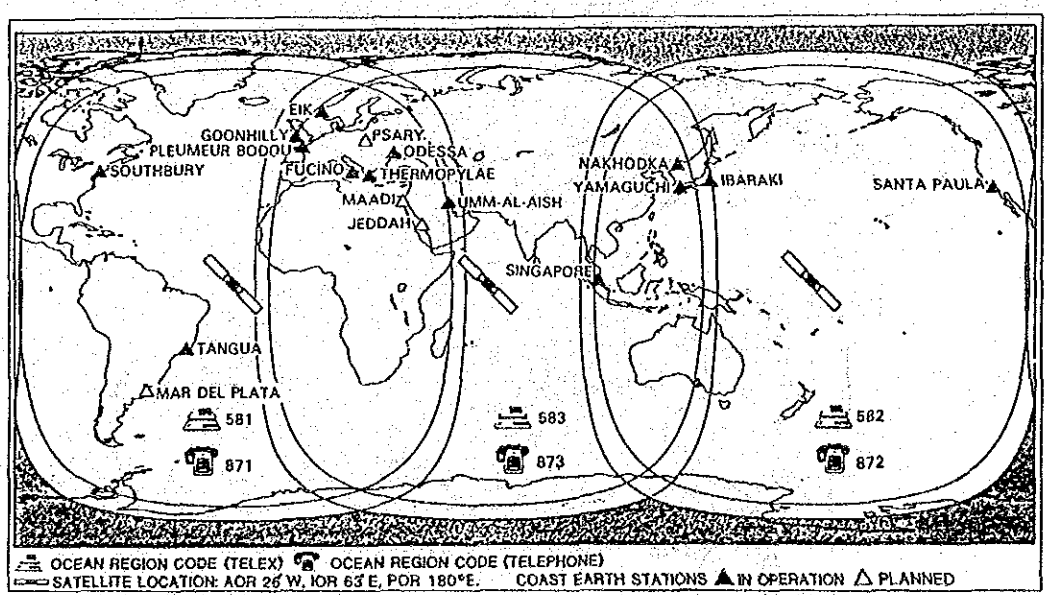
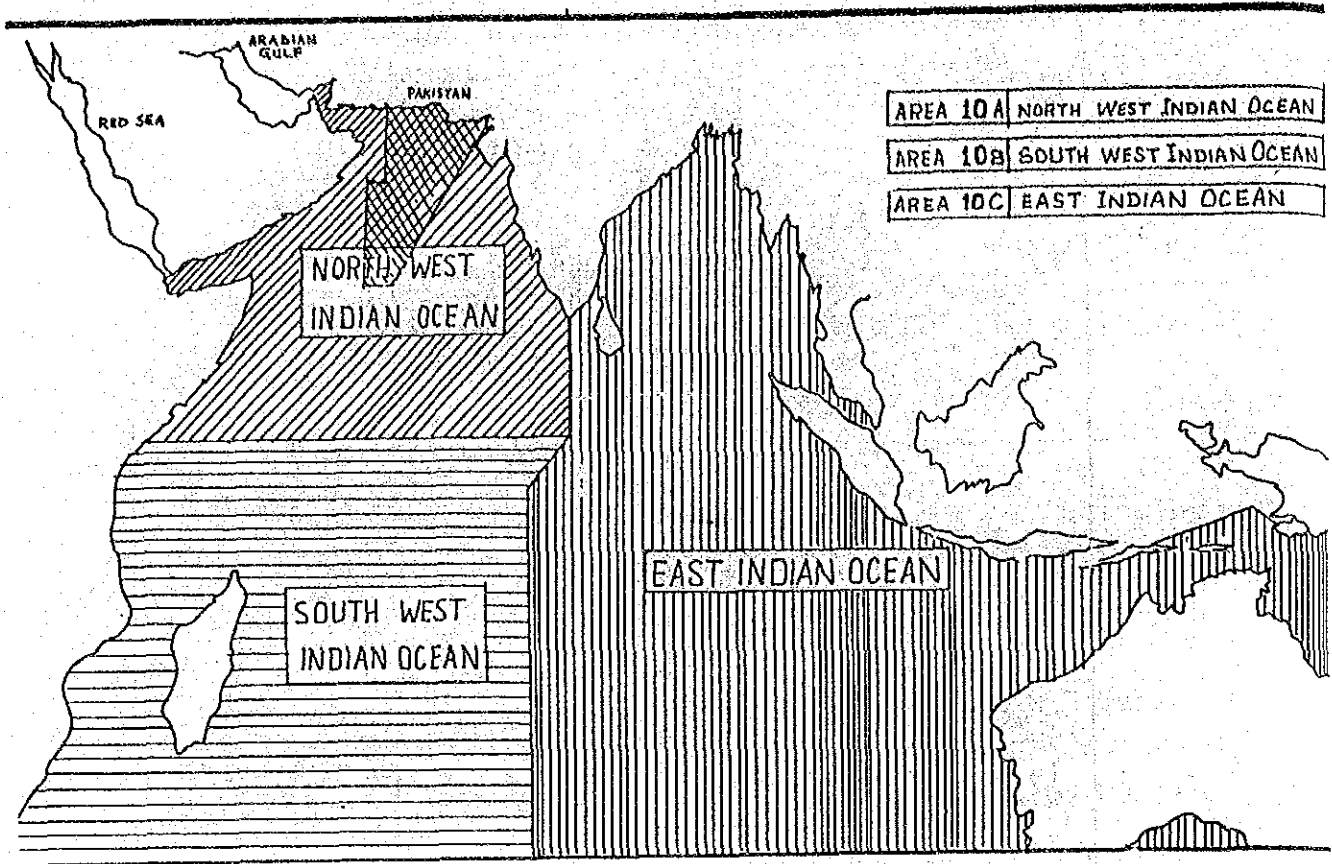
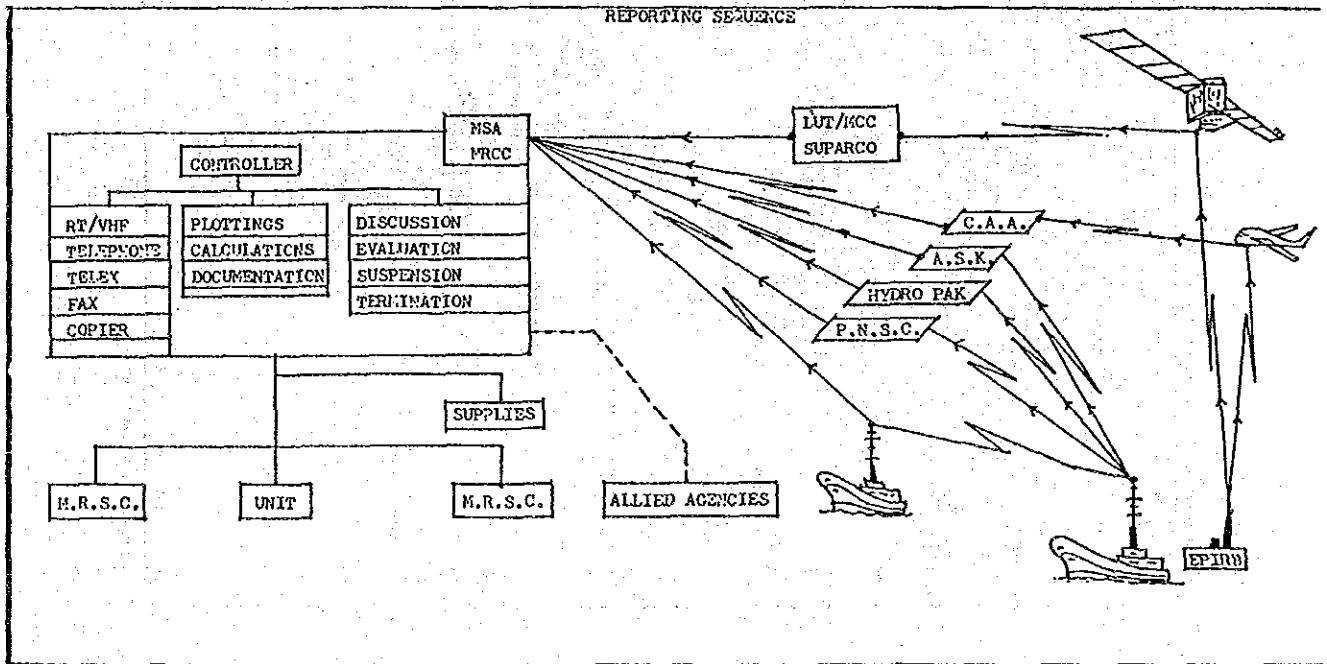
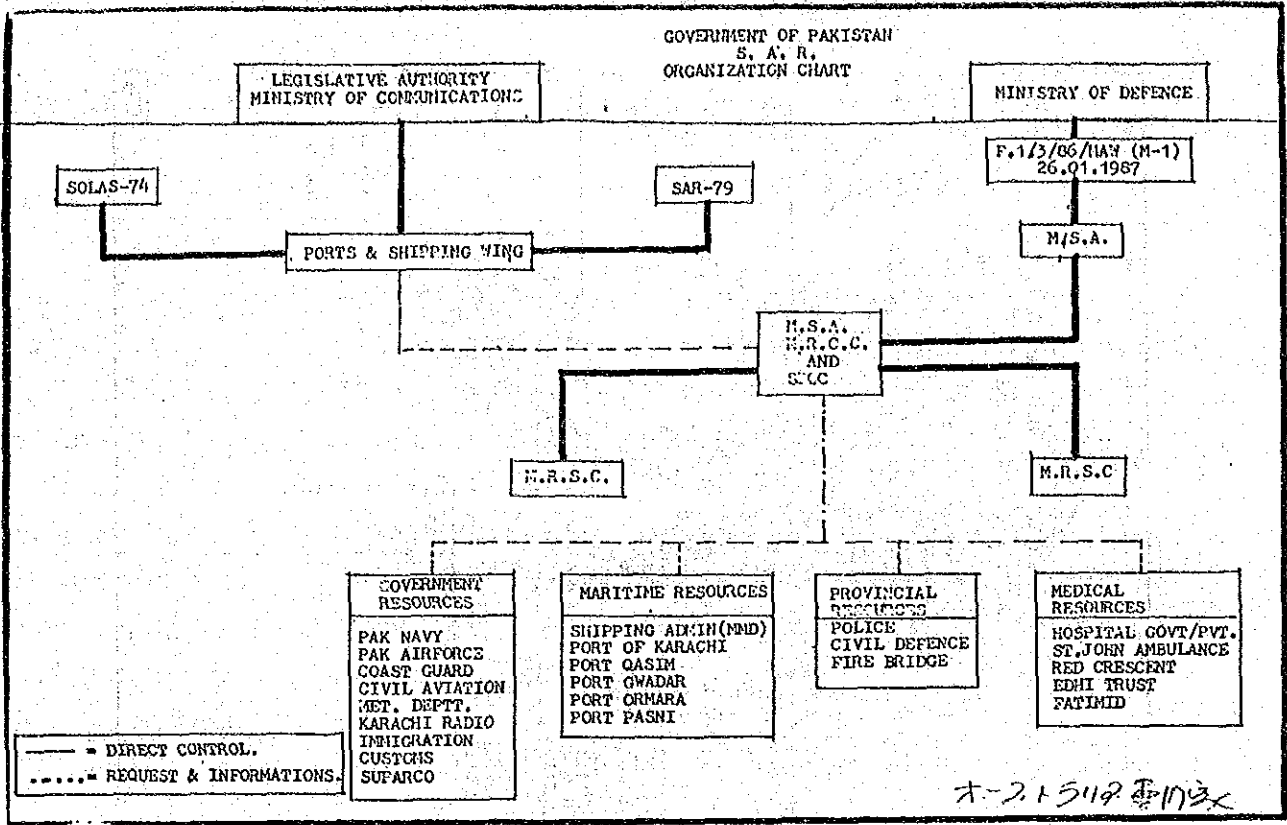
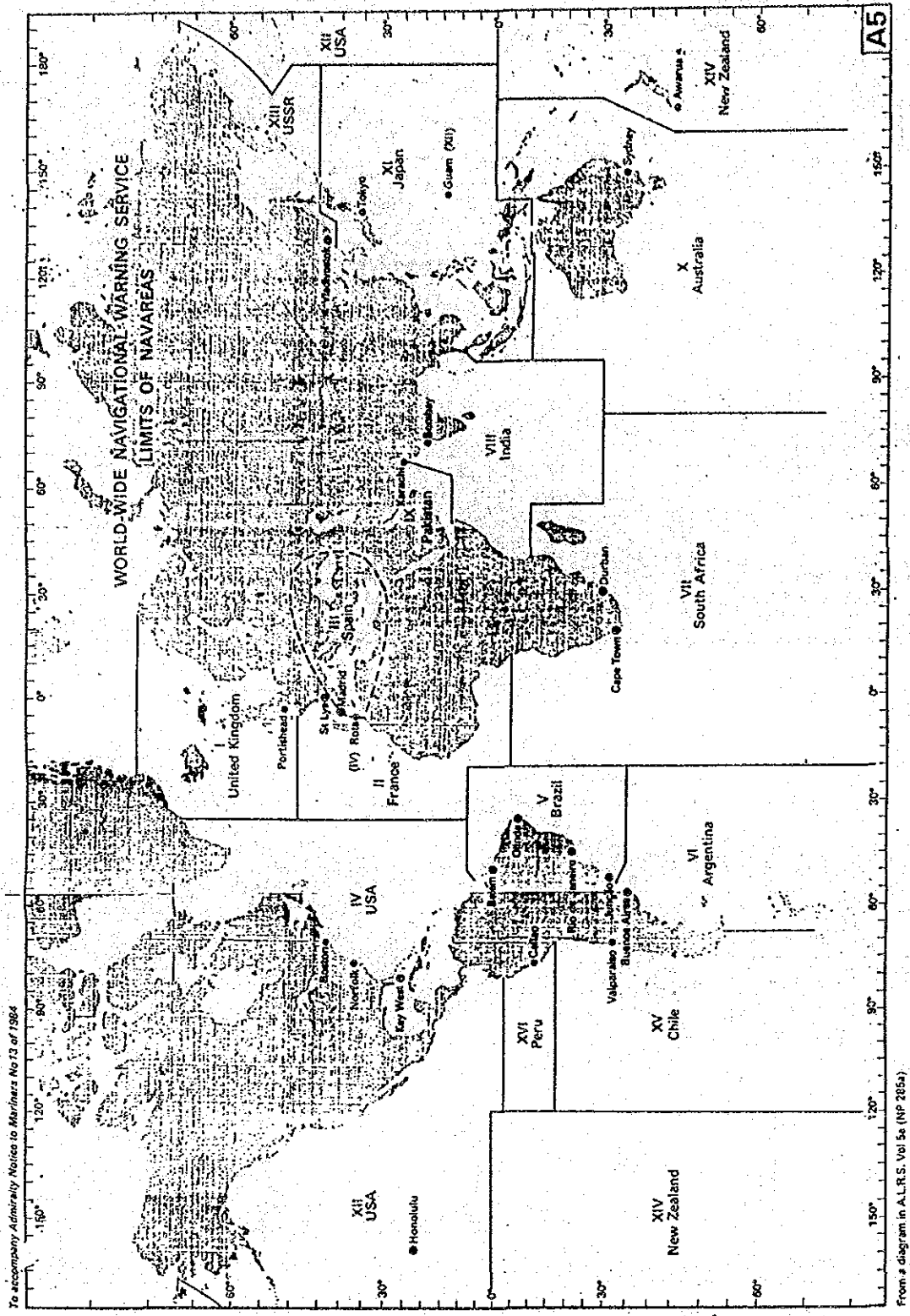


Figure 1 - Coverage of INMARSAT satellites (0° and 5° elevation contours)





To accompany Admiralty Notice to Mariners No 13 of 1984

From a diagram in A.L.R.S. Vol 5a (NP 285a)

A5

4 - 14 パキスタンにおけるSARに関する地域的調整

REGIONAL COORDINATION FOR SEARCH AND RESCUE IN PAKISTAN

INTRODUCTION

The International Maritime Organization (IMO) at the request of the Additional Secretary and Director-General, Ports and Shipping Wing, Pakistan Ministry of Communications, Rear Admiral Sajjad Akbar, HI(M), S.Bt, provided funding for my visit to Karachi. The Australian Department of Transport & Communications released me from my duties as Acting Director Operations, Safety Operations and Pollution Branch, Maritime Operations Division for the fourteen days thought necessary for the visit. My task was to advise on the setting up of an Operation Room which would:

- a. oversight the day to day working of Pakistani Ports and shipping sector;
- b. co-ordinate the requirements of global maritime SAR in Pakistan's Maritime Search and Rescue Region (MSRR) (Annex A).
- c. function as Pakistan's Maritime Rescue Co-ordination Centre;
- d. co-ordinate the operations to combat marine pollution and oil spill in Pakistan's MSRR; and
- e. co-ordinate the activities of Maritime Rescue sub-centres.

DISCUSSION

Following a meeting with representatives of 16 organisations (Annex B) with an interest in my task, I had the benefit of detailed discussions over the ensuing 10 days with senior persons with the knowledge and authority to assist me in formulating a plan. I record here my gratitude for the time and advice given by these busy men.

See
19/9/88

DY. CNS

It quickly became apparent that the local maritime SAR task was small. The Pakistan Navy usually provided resources for rescue but accident rates were low and mainly came to notice when the survivors reported the loss of a boat sometime after the event. However the 16 organizations formed an infrastructure willing and able to assist a single Maritime Rescue Coordination Centre (MRCC) charged with part of the global SAR responsibility. The Government had established the Maritime Security Agency (MSA) in 1987 (Annex C) to enforce national laws and international agreements on and under water in the Maritime Zones of Pakistan that extend some 200 N.M. from its coast. The MSA was in the process of setting up an Operations Room so my visit was timely and, I hope, helpful. Without exception all the other organisations considered that the MSA was the rock on which to build the single maritime SAR organisation for Pakistan.

General Plan:

The Ministry of Communications through its Ports and Shipping Wing (Annex D) is responsible for the legislation governing the safety of life at sea, the safety of navigation and the protection of the marine environment. It has the policy and administrative staff required to service the maritime committees of the IMO. It will continue to be the Ministry responsible for Pakistan's international maritime affairs.

The Ministry of Defence through the Maritime Security Agency is responsible for carrying out and co-ordinating SAR in Pakistan's Maritime Zones including intertidal zones and on the high seas. The Government has resolved that the MSA shall have staff and equipment necessary for this task. Its Director General and staff delegated by him may, following Notification in the Official Gazette, act with the powers of the Federal Government when carrying out the task of SAR. It follows then that the MSA should be the operational organisation responsible for maritime SAR and the Maritime Rescue Co-ordination Centre (MRCC) should be operated by it. (Annex G).

The Ministries of Communications and Defence complement each other in maritime matters. Other Ministries and organisations should provide their services to Communications and Defence through the MSA to their mutual benefit to assist the Government to meet its international obligations for maritime SAR in its region.

To enable efficient coordination a good telephone and telex network, with radio as a back-up is required between the MSA MRCC and the other organizations and their outports.

While all organisations advised me that their services would be free of charge during emergency situations, MSA should discuss with these organisations the use of their facilities for extended periods during situations below actual distress. E.G. a yacht that doesn't declare a distress but is in need of radio guidance and reassurance during bad weather at night. If Karachi Radio was the only station in contact with the yacht, its limited facilities and staffing might need support from MSA.

MSA will need good liaison with these organizations to ensure a timely response to its requests for their assistance. Frequent visits between MSA and others is therefore recommended.

Size of the Maritime SAR Task

Pakistan's Maritime Search and Rescue Region (MSRR) extends nearly 800 n.m. south west from Karachi. It therefore extends nearly 600 NM beyond Pakistan's Maritime Zone, its Flight Information Services and Aviation SAR Zone and the area for which it is responsible for meteorological services. If the MSA MRCC is to be responsible for its international MSRR its task will be greater than presently planned. Fortunately the incidence of commercial shipping accidents, fishing accidents, and aviation accidents over the sea is quite low.

There is little local or foreign pleasure boat activity at the moment. The number of wrecks littering the coast are generally the results of anchors dragging during the monsoon. Traditional fishermen are very experienced, fish in large groups and report 5-10 boat losses per year with almost no loss of life. Most of the major air routes follow the coast but some routes between Bombay and North Africa cross the southern part of the MSRR.

The sea is warm and is not rough except during the monsoon. The size of the task is not great but is potentially bigger than is currently catered for and an organization must be in place to cope with it. The MSA MRCC should be prepared for it.

Resources Available to MRCC

Following discussions with persons in authority in many of the involved agencies I have been advised that the following resources would be made available to the MRCC without charge during a distress.

- i) Maritime Security Agency Forces.
- ii) Pakistan Navy and Air Forces at the discretion of their commanders
- iii) Ports & Shipping Wing Personnel
- iv) Civil Aviation Authority Staff and Communications Network
- v) Meteorological Services Duty Senior Forecasters
- vi) Karachi Radio Staff and Communications.
- vii) SUPARCO Staff and Communications network if COSPAS-SARSAT Local User Terminal and Mission Control Centre installed at the end of 1989
- viii) Pakistan Coastguard Staff, equipment and Communications Network at Commanders' discretion
- ix) Conventional shipping in the area.

Resources Not Available to MSA MRCC

The vessels operated by the Karachi Port Trust and Mohammed Bin Qasim Port Authority have no insurance cover beyond the port limits and therefore are not available for SAR beyond those limits.

Setting Up the MRCC Operations Room

The MSA is well advanced in setting up a modern and effective operations room. I held detailed discussions with the officers responsible for the operations room and left with them a paper on the facilities thought to be desirable in a MRCC. This is based upon Australian experience in the organisation of a large MRCC. Additional information (Annex E) taken from the National Search and Rescue Manual Australia is attached to assist the MSA with their arrangements. When this operations room is completed it will have the communications, computers and displays required to make it an excellent MRCC.

In accordance with their Charter MSA is arranging resources to deal with situations within Pakistan's Maritime Zones. If they are given responsibility for SAR in the MSRR, they may need to coordinate resources from various neighbouring countries. The MRCC should have a wall chart of the MSRR in the North West Indian Ocean, know what resources are in the MSRR and be authorised to contact the owners of these resources for SAR purposes. The MRCC staff should be authorized and trained to direct the activities of these resources in SAR. This role will expand the present goals of MSA and the staffing, training, communications and authority of the MRCC will need further consideration by MSA. The planned operations room has the flexibility to coordinate SAR within Pakistan's MSRR.

Staffing of MSA MRCC

The MSA plans to staff the MRCC with senior non-commissioned officers maintaining 'round-the-clock' watches throughout the year. During the normal working day, operations room officers will be performing administrative tasks within MSA but will be readily available for SAR. Outside normal hours a duty operations room officer will be on call within the MSA building.

This manning plan is acceptable because the present size of the maritime SAR task does not warrant full time manning by the senior staff. However it becomes very important that those operations room staff who do keep watches in the MRCC, fully comprehend the network of agencies reporting to them. They must have immediate access at all times to an officer empowered to take the decisions to call out and coordinate the forces necessary to deal with an emergency. The NCO's must be trained in search planning procedures including drift plots, preparation of search areas and aircraft allocation techniques.

Operations Room officers, who may be naval or merchant marine officers, should be qualified SAR Mission Co-ordinators. Suitable training courses are conducted in Australia, USA, Canada and Hong Kong. An example of the Australian Assistant SAR Mission Coordinators course syllabus is attached (Annex F) as a guide to the type of training required by MRCC staff. The MSA MRCC is staffed by personnel suited for this type of training.

MRCC Communications

The MSA will have telex, telephone and radio communications to fully meet the task within 6-12 months. In the meantime, it may draw on the facilities of the following:

- a. Karachi Wireless for communication with military ships and aircraft and merchant shipping
- b. Karachi Radio (ASK) for communication with merchant shipping.
- c. Civil Aviation Authority for communication with general aviation and international aircraft and with Bombay and Muscat Flight Control Services and their RCC. Their SAR Plans for Karachi Region and Lahore Region also list extensive contacts with other Pakistan Emergency Services.
- d. Pakistan Coastguard for communication with their boats and helicopter.

It will need telex and telephone links with:

- a. the Director-General Ports and Shipping Wing, for mercantile marine and pollution assistance and for briefing purposes and,
- b. the Duty Senior Forecasters Office at the Pakistan Meteorological Department for weather and wind data for search planning.

If MSA is unlikely to have its own communications station within 12 months it should consider assisting Karachi Radio to install 4 transmitters in the 2,4,6 and 8 MHz band with sufficient power output to meet international requirements.

There appears to be no requirement for AFTN as the CAA will provide that service. Should it later be considered necessary special training would be required to meet CAA standards. The CAA SAR Plan for Karachi Region should be held in the MRCC.

MSA intends to build a series of installations along the coast to carry out inshore rescue work. In the meantime, the Ports and Shipping Wing should be connected to its lighthouses and Port Authorities by radio telephone links to provide reports to MSA of sightings of unusual nature by its lightkeepers.

Traditional and Deep Sea Fishing

The traditional fishermen reportedly fish in groups, travel close to the coast and suffer 5-10 boat losses per year with very little loss of life. They do not appear to need a SAR Organisation and in any case, have no means to communicate with it in timely fashion. However, when SUPARCO installs its LUT the carriage of an EPIRB by the head of a group of fishing boats may provide the SAR Organisation with an alert to a disaster.

It is realised that the fishermen are resistant to change and would have difficulty in stowing an EPIRB safely on board their vessels. It would require a long term education programme to convince them of the benefits of the LUT/EPIRB combination. Such a programme would have a low priority. However, deep sea trawlers may see more immediate benefits from the carriage of EPIRB and the SAR Organisation may expect to receive alerts from this source in future years. Legislation to require the carriage of EPIRB by these two classes of mariners would be difficult to enforce, may be counter-productive and is not recommended at this time.

Possible Amendments To the Government Resolution for Maritime Security Agency.

The MSA has been gazetted to carry out SAR in Pakistan's Maritime Zones which are different to its MSRR. Consideration should be given to amending the Gazette setting up the MSA to overcome this problem as the MSA MRCC should be the national MRCC.

In due course the MSA should become the NAVAREA IX Coordinator responsible for the issuing of NAVAREA and local warnings.

It should also consider now becoming the area SAR Point of Contact (SPOC) for the COSPAS-SARSAT system. Any 406 MHz EPIRB alert encountered by the COSPAS-SARSAT satellites as they pass over Navarea IX will be down-loaded to a LUT in Europe. This LUT will send the alerting message to the nearest SPOC for action. The MSA MRCC is an appropriate SPOC for the area but should note that 406 MHz beacons may in future be carried by mountaineers and intercontinental car travellers as well as mariners. A communications network between the MRCC and provincial police may be necessary. The Civil Aviation Authority's SAR Plan for Karachi and Lahore already has a network which should be utilized by the MRCC.

Any changes to the official Gazette should also consider deleting any requirement for the MSA to save property except that by so doing it saves lives. The United States Coastguard has found that their charter to save property as well as lives imposes on them a large financial burden in equipment costs for recovery vessels and in legal costs should they damage or lose the property.

Pakistan Ship Reporting System (PASREP). Maritime legislation to institute a ship reporting system is underway. It should conform to the IMO model, noting that India Australia and Japan have ship reporting systems and a system different from the IMO model would be in no one's interest. A voluntary system where ships report entering and leaving Pakistan's MSRR and any changes to their sailing plan is recommended.

MSA would provide PASREP free to ships through their radio system as would Karachi Wireless. If the reports come through ASK, MSA may consider paying Karachi Radio a fee for service. Alternatively ASK might provide the PASREP service for no charge as a 'loss leader' in the hope of obtaining additional commercial traffic as a result of the contact. This is the method currently used by AMVER. ASK is prepared now to pass to MSA up to 100 ships' transit reports it receives per day, free of charge.

Ships using PASREP may wish their reports passed to other systems such as AMVER free of charge to them. Agreements between the other systems on the passing of information should be negotiated. Equally these systems may request safety information from PASREP on radio contacts with ships. The MRCC will need to be authorized to release international telexes in these cases.

PASREP should be legislated for by the Ministry of Communications but operated by Defence through the MSA MRCC.

Coordination of Operations to Combat Marine Pollution in the MSRR.

Communications and Defence are again closely involved in combatting Marine Pollution. Communications probably will carry the legislative load with the involvement of other Ministries, such as Environment. Defence through the MSA MRCC will coordinate the equipment and manpower required to minimise the effects of pollution. The present and planned arrangements should be equal to the task for spills close to the coast but the problem for the larger area MSRR will need further consideration by MSA. I left a copy of Australia's National Plan for Combatting Marine Pollution for the information of MSA.

Coordination of MRSC. The MSA is planning to build stations along the coast capable of emergency in-shore rescue. These could be setup with the communications and facilities to act as Maritime Rescue Sub-Centres (MRSC). The main MRCC would then be able to coordinate local briefings and debriefings through these MRSC.

Oversight the Day to Day Working at Pakistani Ports and Shipping Sector.

Since the Government's intention is that the MRCC would be set up in the MSA it is inappropriate that this operations room oversight the Ports and Shipping Sector. However there are many instances when the MRCC will need close contact with Ports and Shipping. As part of the SAR network and for proper administrative control of the lighthouses, a radio telephone network should be setup in the Ports and Shipping Wing. This network would act as a back-up to the telephone and telex links in the event of catastrophe. A VHF radio telephone link between the Superintendent of Lighthouses, D.G. Ports and Shipping Wing, Port Qasim, MSA, and out stations within, say, 30 N.M. range of Karachi is suggested. A HF radio telephone link between Superintendent of Lighthouses and Port Authorities outside VHF range would complement the VHF link. The emergency calling frequencies would enable these out ports to interrogate passing shipping on behalf of the MRCC and communicate with search aircraft in their vicinity. It is recommended that MSA consider such a network when developing its communication plan.

RECOMMENDATIONS

1. Pakistan's MRCC should be operated by the Maritime Security Agency.
2. MRCC senior planners should consist of mixture of MSA officers with surface and aviation backgrounds and merchant service officers. The Duty Senior Planner should be empowered to take immediate decisions to call out the forces required to deal with an emergency.
3. An efficient telephone and telex response network linking the MRCC with user and provider agencies should be setup.
4. Until the MSA radio station is operational, the MRCC should use the radio resources now available to it for contact with ship, shore, aircraft and international traffic.
5. The Ports and Shipping Wing should have a VHF and HF radio telephone link with its lighthouses and other port authorities.
6. A programme to educate the traditional and deep sea fishermen and the role of the MRCC in sea safety should be considered.
7. Some changes to the official Gazette establishing the M.S.A. should be considered. These would:
 - a. authorize the M.S.A. to be responsible for the coordination of SAR and combatting marine pollution in Pakistan's MSRR in addition to Pakistan's maritime zones.
 - b. make M.S.A. the Navarea IX Co-Ordinator.
 - c. make M.S.A. the COSPAS-SARSAT SAR Point of Contact (SPOC).
 - d. delete the requirement for M.S.A. to save property except where by so doing it saves lives.
8. A Pakistan Ship Reporting System based on the IMO model should be developed.
9. A National Plan to combat marine pollution should be developed.
10. Training of MSA and Ports and Shipping personnel as SAR Mission Coordinators, responsible for search planning and aircraft allocation, should commence as soon as possible.

11. MSA staff should meet the other organisations, particularly Ports and Shipping Wing, Civil Aviation Authority, Karachi Radio and Meteorological Department to make the arrangements for speedy responses to requests for assistance. These organisations should also visit the MSA MRCC.
12. The MSA MRCC should note that the CAA is rewriting its SAR plans for Karachi and Lahore Regions and should seek to have its role, responsibilities and resources included in those excellent documents.

Budgetary Effects of Recommendations

The Budgetary effects of my recommendations should not be great as Pakistan already has most of the elements of a national maritime SAR organisation either in place or in the formative process.

The potential for additional costs comes mainly from the greatly expanded area for which Pakistan is responsible. Ships and aircraft may now have to operate on SAR missions for longer periods much farther from the coast. This may affect the utilization of the resources of the main providers, the Navy and the Air Force and ultimately the MSA.


A voluntary Ship Reporting System based on AMVER or JASREP could be operated at low cost as transitting ships are unlikely to spend more than a day in the MSRR.

The VHF/HF Radio Telephone link between MSA and the Ports and Shipping Wing will be a small part of the total communications budget but is highly desirable.

There is the potential for reduced costs in equipment and manpower if the MSA is not made responsible for saving property as well as lives.

In conclusion I would like to thank Admiral Akbar for his support and assistance to me in compiling this report. The courtesy which he and his staff showed me during my visit will long be remembered by me.

The report is forwarded for your consideration.


(V.J. DALY)
A/Director Operations

22 June, 1988.

ANNEX B TO MR V.J. DALY'S REPORT ON REGIONAL CO-ORDINATION
FOR SEARCH AND RESCUE IN PAKISTAN.

LIST OF ORGANIZATIONS VISITED

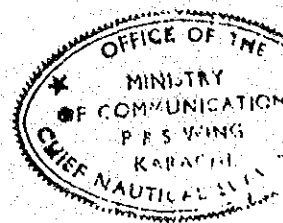
1. Karachi Port Trust.
2. Port Mohammad Bin Qasim Authority
3. Maritime Security Agency
4. Civil Aviation Authority.
5. Mercantile Marine Department, Ministry of
Communications.
6. Suparco
7. Pakistan Coast Guard
8. Karachi Wireless (Discussed at Ports & Shipping Wing)
9. Area IX Coordinator (Discussed at Ports & Shipping Wing)
10. Karachi Shipyard & Engineering Works.
11. Pakistan Telegraph & Telephone Dept. (Karachi Radio).
12. Pakistan Meteorological Office.
13. Karachi Fish Harbour Authority.
14. Pasni Fish Harbour Authority.
15. Koranqi Fish Harbour Authority.
16. Gwadar Fish Harbour Authority.

STATEMENT SHOWING MARINE POLLUTION
CAUSED DURING JULY 1986 TO JUNE 1989
(3 YEARS)

NAME OF VESSEL,	DATE OF POLLUTION	WHERE OCCURRED	ACTION TAKEN
1. M.V. "APOLLONIC"	13-10-1987	At Berth No.9	The vessel caused oil pollution at berth No.9. The case was prosecuted under section 21 of the ports act. 1908 by the Principal Officer, Mercantile Marine Department and found guilty. Accordingly the vessel was fined Rs.84,000/-
2. Marine Pollution during July 1987 to June, 1988	19-01-1988	At Outer Anchorage.	The vessel was observed throwing dust and pumping bilges. The case was prosecuted against the vessel by the Principal Officer, M.M.D. Karachi and found guilty, fine was imposed to Rs.22,000.00
1. M.V. "LUCKY CARRIER"	19-01-1988	At Outer Anchorage.	
2. M.V. "ANDOLMALES"	22-02-1988	At berth No.10 E/Wharf.	The vessel pumped out oil at the berth. Samples of the oil was taken of the vessel and few other vessels berthed nearby. The oil sample was examined by the National Institute of Oceanography, Karachi and was found according to the oil of vessel ANDOMALES. Accordingly the case was prosecuted against the vessel by the Principal Officer, MMD but the case could not be proved against the vessel as such no fine was imposed.
3. Marine Pollution during July, 1988 to June, 1989.			

----- NIL -----

4-16 1908年インド港湾法



GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT

THE INDIAN PORTS ACT, 1908
(XV OF 1908)

(AS MODIFIED UP TO THE 1ST AUGUST, 1930)

CALCUTTA: GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1930

Price As. 2 or 3d.

STATEMENT OF REPEALS AND AMENDMENTS.

S. 4, amended	Act VI of 1916.
S. 5, amended	Act VI of 1916.
S. 6, amended	Act IV of 1911.
	Act VI of 1916.
	Act XV of 1922.
	Act XXXIX of 1923.
	Act IX of 1925.
S. 21, amended	Act XXXIX of 1923.
S. 31, amended	Act VI of 1916.
	Act XXXVI of 1925.
S. 33, amended	Act VI of 1916.
S. 34, amended	Act VI of 1916.
S. 35, amended	Act XI of 1920.
S. 36, amended	Act VI of 1916.
S. 37, amended	Act VI of 1916.
Schedule I, amended	Mad. Act I of 1926.

THE INDIAN PORTS ACT, 1908
(XV OF 1908)

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**THE FIRST SCHEDULE.—PORTS, VESSELS CHARGEABLE,
RATE OF PORT-DUES AND FREQUENCY OF PAYMENT.**

THE SECOND SCHEDULE.—ENACTMENTS REPEALED.

ACT No. XV OF 1908.¹

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th
December, 1908.)

(As modified up to 1st August, 1930.)

An Act to consolidate the Enactments relating to Ports and Port-charges.

WHEREAS it is expedient to consolidate the enactments
relating to ports and port-charges; It is hereby enacted
as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Indian Ports Act, 1908. Title and
extent.
- (2) It shall extend, save as otherwise appears from its
subject or context,—
 - (a) to the ports mentioned in the first schedule, and to
such parts of the navigable rivers and channels
leading to such ports respectively as have been
declared to be subject to Act XXII of 1855 (*for the
Regulation of Ports and Port-dues*) or to the Indian
Ports Act, 1875, or to the Indian Ports Act, 1889;
 - (b) to the other ports or parts of navigable rivers
or channels to which the Local Government,
in exercise of the power hereinafter conferred,
extends this Act.
- (3) But nothing in section 31 or section 32 shall apply to
any port, river or channel to which the section has not been
specially extended by the Local Government.

2. Nothing

III of 1875.
I of 1889.

¹ For Statement of Objects and Reasons, see Gazette of India, 1908,
Pt. V, p. 309; for Report of Select Committee, see *ibid.*, 1908, Pt. V,
p. 359; and for Proceedings in Council, see *ibid.*, 1908, Pt. VI, pp. 146,
164 and 182.

(Chapter I.—Preliminary.)

Savings.

2. Nothing in this Act shall—

- (i) apply to any vessel belonging to, or in the service of, His Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State, or
- (ii) deprive any person of any right of property or other private right, except as hereinafter expressly provided, or
- (iii) affect any law or rule relating to the customs or any order or direction lawfully made or given pursuant thereto.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Magistrate" means a person exercising powers under the Code of Criminal Procedure, 1898, not less than those of a Magistrate of the second class, and includes, in the towns of Calcutta, Madras and Bombay, a Presidency Magistrate:

(2) "master", when used in relation to any vessel, means, subject to the provisions of any other enactment for the time being in force, any person (except a pilot or harbour-master) having for the time being the charge or control of the vessel:

(3) "pilot" means a person for the time being authorized by the Local Government to pilot vessels:

(4) "port" includes also any part of a river or channel in which this Act is for the time being in force:

(5) "port-officer" is synonymous with master-attendant:

(6) "ton" means a ton as determined or determinable by the rules for the time being in force for regulating the measurement of the net tonnage of British ships: and

(7) "vessel" includes anything made for the conveyance by water of human beings or of property.

CHAPTER II.

(Chapter II.—Powers of the Local Government.)

CHAPTER II.

POWERS OF THE LOCAL GOVERNMENT.

4. (1) ^{1*} * * * The Local Government may, ^{Power to extend or withdraw the Act or certain portion thereof.} by notification in the local official Gazette,—

(a) extend this Act to any port in which this Act is not in force or to any part of any navigable river or channel which leads to a port and in which this Act is not in force;

(b) specially extend the provisions of section 31 or section 32 to any port to which they have not been so extended;

(c) ²withdraw this Act or section 31 or section 32 from any port or any part thereof in which it is for the time being in force.

(2) A notification under clause (a) or clause (b) of sub-section (1) shall define the limits of the area to which it refers.

(3) Limits defined under sub-section (2) may include any piers, jetties, landing-places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance or good government of the port and its approaches, whether within or without high-water-mark; and, subject to any rights of private property therein, any portion of the shore or bank within fifty yards of high-water-mark.

(4) In sub-section (3) the expression "high-water-mark" means the highest point reached by ordinary spring tides at any season of the year.

5. (1) The Local Government may, ^{3*} * * * subject ^{Alteration of limits of} to any rights of private property, alter the limits of any port ^{ports.} in which this Act is in force.

(2) When the Local Government alters the limits of a port under sub-section (1), it shall declare or describe, by notification

¹ The words "With the previous sanction of the Governor General in Council" were omitted by s. 2 of the Indian Ports (Amendment) Act, 1916 (VI of 1916).

² For instance of such a notification, see Fort St. George Gazette, 1909, Pt. I, p. 463.

³ The words "with the previous sanction of the Governor General in Council and" were omitted by s. 3 of the Indian Ports (Amendment) Act, 1916 (VI of 1916).

(Chapter II.—Powers of the Local Government.)

ation in the local official Gazette, and by such other means, if any, as it thinks fit, the precise extent of such limits.

Power to
make port-
rules.

6. (1) The Local Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely:—

- ²(a) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which, vessels generally or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act;
- (b) for regulating the berths, stations and anchorages to be occupied by vessels in any such port;
- (c) for striking the yards and top masts, and for rigging-in the booms and yards, of vessels in any such port, and for swinging or taking-in davits, boats and other things projecting from such vessels;
- (d) for the removal or proper hanging or placing of anchors, spars and other things being in or attached to vessels in any such port;
- (e) for regulating vessels whilst taking-in or discharging passengers, ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged;
- ³[(ee) for regulating the manner in which oil or water mixed with oil shall be discharged in any such port and for the disposal of the same;]
- ⁴[(ccc) for regulating the bunkering of vessels with liquid fuel in any such port and the description of barges,
pipe

¹ For rules for the purpose of minimising the risk to shipping in Bombay Harbour owing to the transportation of dangerous petroleum within the port of Bombay, see Bombay Government Gazette, 1909, Pt. I, p. 1711.

For rules for the port of Aden, see Bombay Government Gazette, 1911, Pt. I, p. 7416.

² For rules under clauses (a) and (e) as to the entry, movement and loading and unloading of vessels in the port of Rangoon, see Burma Gazette, 1911, Pt. I, p. 147.

³ This clause was inserted by s. 2 of the Indian Ports (Amendment) Act, 1923 (XXXIX of 1923).

⁴ This clause was inserted by s. 2 of the Indian Ports (Amendment) Act, 1925 (IX of 1925).

(Chapter II.—Powers of the Local Government.)

pipe lines or tank vehicles to be employed in such bunkering;]

- (f) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharves, quays, docks, moorings and other works in or adjoining to the same, and for marking out the spaces so to be kept free;
- (g) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port;
- (h) for regulating the moving and warping of all vessels within any such port and the use of warps therein;
- (i) for regulating the use of the mooring buoys, chains and other moorings in any such port;
- (j) for fixing the rates to be paid for the use of such moorings when belonging to the Government, or of any boat, hawser or other thing belonging to the Government;
- ¹[(j)] for regulating the use of piers, jetties, landing-places, wharves, quays, warehouses and sheds when belonging to the Government, and for fixing the rates to be paid for the use of the same;]
- (k) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other boats plying, whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without any such port ²[and for licensing and regulating the crews of any such vessels], and for determining the quantity of cargo or number of passengers ²[or of the crew] to be carried by any such vessels; ²[and may by such rules provide for the fees payable in respect of any such license, and in the case of passenger vessels plying for hire, for the rates of hire to be charged and the conditions under which such vessels shall be compelled to ply for hire, and further for the conditions under which any license may be revoked;]

(l) for

¹ This clause was inserted by s. 4 (1) of the Indian Ports (Amendment) Act, 1916 (VI of 1916).

² These words were inserted by s. 4 (2) *ibid.*

(Chapter II.—Powers of the Local Government.)

- (l) for regulating the use of fires and lights within any such port;
- (m) for enforcing and regulating the use of signals or signal-lights by vessels by day or by night in any such port;
- (n) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port;
- (o) for regulating the employment of persons engaged in cleaning or painting vessels, or in working in the bilges, boilers or double bottoms of vessels in any such port;
- ¹[(p) subject to the control of the Governor General in Council, for the prevention of danger arising to the public health by the introduction and the spread of any infectious or contagious disease from vessels arriving at, or being in, any such port, and for the prevention of the conveyance of infection or contagion by means of any vessel sailing from any such port, and in particular and without prejudice to the generality of this provision, for—
 - (i) the signals to be hoisted and the places of anchorage to be taken up by such vessels having any case, or suspected case, of any infectious or contagious disease on board, or arriving at such port from a port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when the vessel left such port, any infectious or contagious disease;
 - (ii) the medical inspection of such vessels and of persons on board such vessels;
 - (iii) the questions to be answered and the information to be supplied by masters, pilots and other persons on board such vessels;
 - (iv) the detention of such vessels and of persons on board such vessels;
 - (v) the duties to be performed in cases of any such disease by masters, pilots and other persons on board such vessels;
 - (vi) the

¹ This clause was substituted by s. 2 of the Indian Ports (Amendment) Act, 1911 (IV of 1911).

(Chapter II.—Powers of the Local Government.)

- (vi) the removal to hospital or other place approved by the health-officer and the detention therein of any person from any such vessel who is suffering or suspected to be suffering from any such disease;
- (vii) the cleansing, ventilation and disinfection of such vessels or any part thereof and of any articles therein likely to retain infection or contagion, and the destruction of rats or other vermin in such vessels; and
- (viii) the disposal of the dead on such vessels; and]
- (g) for securing the protection from heat of the officers and crew of vessels in any such port by requiring the owner or master of any such vessel—
 - (i) to provide curtains and double awnings for screening from the sun's rays such portions of the deck as are occupied by, or are situated immediately above, the quarters of the officers and crew;
 - (ii) to erect windsails so far as the existing portholes or apertures in the deck admit of their being used for ventilating the quarters of the officers and crew;
 - (iii) when the deck is made of iron and not wood-sheathed, to cover with wooden planks or other suitable non-conducting material such portions of the deck as are situated immediately above the quarters of the officers and crew;
 - (iv) when the quarters used by the crew and the galley are separated by an iron bulk-head only, to furnish a temporary screen of some suitable non-conducting material between such quarters and the galley.

¹[(1A) In addition to any rules which it is empowered to make under sub-section (f), the Local Government shall make rules prohibiting the employment at piers, jetties, landing-places,

¹ Sub-section (1A) was inserted by s. 2 of the Indian Ports (Amendment) Act, 1922 (XV of 1922).

(Chapter II.—Powers of the Local Government. Chapter III.—Port-officials and their Powers and Duties.)

places, wharves, quays, docks, warehouses and sheds of children under the age of twelve years upon the handling of goods.]

(2) The power to make rules under sub-section (1) ¹[and sub-section (1A)] is subject to the condition of the rules being made after previous publication:

Provided that nothing in this sub-section shall be construed to affect the validity of any rule in force immediately before the commencement of the Indian Ports Act, 1889, and continued by section 2, sub-section (2), of that Act. X of 1889.

(3) If any person disobeys any rule made under clause (p) of sub-section (1), he shall be punishable for every such offence with fine which may extend to one thousand rupees.

(4) If a master fails wholly or in part to do any act prescribed by any rule made under clause (p) of sub-section (1), the health-officer shall cause such act to be done, and the reasonable expenses incurred in doing such act shall be recoverable by him from such master.

CHAPTER III.

PORT-OFFICIALS AND THEIR POWERS AND DUTIES.

Appointment of conservator. 7. (1) The Local Government shall appoint some officer or body of persons to be conservator of every port subject to this Act.

(2) Subject to any direction by the Local Government to the contrary,—

(a) in ports where there is a port-officer, the port-officer shall be the conservator;

(b) in ports where there is no port-officer, but where there is a harbour-master, the harbour-master shall be the conservator.

(3) Where the harbour-master is not conservator, the harbour-master and his assistants shall be subordinate to, and subject to the control of, the conservator.

(4) The

¹ These words, figure and letter were inserted by s. 2 of the Indian Ports (Amendment) Act, 1922 (XV of 1922).

(Chapter III.—Port-officials and their Powers and Duties.)

(4) The conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

8. (1) The conservator of any port subject to this Act may, with respect to any vessel within the port, give directions for carrying into effect any rule for the time being in force therein under section 6.

Power of conservator to give and enforce directions for certain specified purposes.

(2) If any person wilfully and without lawful excuse refuses or neglects to obey any lawful direction of the conservator, after notice thereof has been given to him, he shall, for every such offence, be punishable with fine which may extend to one hundred rupees, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for every day during which, after such notice as aforesaid, he is proved to have wilfully and without lawful excuse continued to disobey the direction.

(3) In case of such refusal or neglect, the conservator may do, or cause to be done, all acts necessary for the purpose of carrying the direction into execution, and may hire and employ proper persons for that purpose, and all reasonable expenses incurred in doing such acts shall be recoverable by him from the person so refusing or neglecting to obey the direction.

9. The conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser endangering the safety of any vessel in the port or at or near to the entrance thereof.

Power to cut warps and ropes.

10. (1) The conservator may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of any such port, which in his opinion obstructs or impedes the free navigation thereof or the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring or other work on any part of the shore or bank which has been declared to be within the limits of the port and is not private property.

Removal of obstructions within limits of port.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such free

free

(Chapter III.—Port-officials and their Powers and Duties.)

free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.

(3) The conservator or any Magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

Recovery of
expenses of
removal.

11. If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance as is mentioned in the last foregoing section, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the local official Gazette or in such other manner as the Local Government by general or special order directs, the conservator may cause such timber, raft or other thing, or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction;

and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surplus of such proceeds, or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same;

and, if no such person appears, shall cause the same to be kept and deposited in such manner as the Local Government directs;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of sale, by a further sale of so much of the thing or materials as may remain unsold.

Removal of
lawful
obstructions.

12. (1) If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the conservator shall report the same for the information of the Local Government, and shall, with the sanction of that Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

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

13. (1) If

(Chapter III.—Port-officials and their Powers and Duties.)

13. (1) If any vessel hooks or gets foul of any of the buoys or moorings laid down by or by the authority of the Local Government in any such port, the master of such vessel shall not, nor shall any other person, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the conservator;

Fouling of Government moorings.

and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel;

and the master of such vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same.

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

14. (1) If any vessel is wrecked, stranded or sunk in any such port so as to impede, or be likely to impede, the navigation thereof, the conservator may cause the vessel to be raised, removed or destroyed.

Raising or removal of wreck impeding navigation within limits of port.

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

(3) The expenses and further sum aforesaid shall be payable to the conservator out of the sale-proceeds of the property, and the 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 any person thereafter establishing his right thereto:

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

15. (1) The conservator or any of his assistants may, whenever he suspects that any offence against this Act has been, or is about to be, committed, or whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act,

Power to board vessel and enter buildings.

and

(Chapter III.—Port-officials and their Powers and Duties.)

and the person appointed under this Act to receive any port-dues, fees or other charges, payable in respect of any vessel, may, whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act,

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

(2) If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in sub-section (1) to board or enter such vessel, building or place in the performance of any duty imposed upon him by this Act, he shall for every such offence be punishable with fine which may extend to two hundred rupees.

Power to
require crews
to prevent or
extinguish
fire.

16. (1) For the purpose of preventing or extinguishing fire in any port subject to this Act, the conservator or port-officer may require the master of any vessel within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such master.

(2) Any master refusing or neglecting to comply with such requisition shall be punishable with fine which may extend to five hundred rupees, and any seaman then under his orders who, after being directed by the master to obey the orders of the conservator or port-officer for the purpose aforesaid, refuses to obey such orders, shall be punishable with fine which may extend to twenty-five rupees.

Appointment
and powers of
health-officer.

17. (1) The Local Government may appoint at any port subject to this Act an officer to be called the health-officer.

(2) A health-officer shall, subject to the control of the Local Government, have the following powers, within the limits of the port for which he is appointed, namely:—

(a) with respect to any vessel, the powers conferred on a shipping-master by the Indian Merchant Shipping Act, 1859,¹ section 71;

1 of 1859.

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

(c) power

¹ See now s. 91 of the Indian Merchant Shipping Act, 1923 (XXI of 1923).

(Chapter III.—Port-officials and their Powers and Duties.
Chapter IV.—Rules for the Safety of Shipping and the
Conservation of Ports.)

- (c) power to require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board the vessel;
- (d) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask;
- (e) power to require any person so questioned to make and subscribe a declaration of the truth of the statements made by him.

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

Indemnity of Government against act or default of port-official or pilot.

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

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE CONSERVATION OF PORTS.

General Rules.

19. (1) No person shall, without lawful excuse, lift, injure, loosen or set adrift any buoy, beacon or mooring fixed or laid down by, or by the authority of, the Local Government in any port subject to this Act.

Injuring buoys, beacons and moorings.

(2) If any person offends against the provisions of this section, he shall for every such offence be liable, in addition to

(Chapter IV.—Rules for the Safety of Shipping and the Conservation of Ports.)

to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

Wilfully
loosening
vessel from
moorings.

20. If any person wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or master of the vessel, he shall, for every such offence, be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

Improperly
discharging
ballast.

21. (1) No ballast or rubbish, and no other thing likely to form a bank or shoal or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port or into or upon any place on shore from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods ¹[and no oil or water mixed with oil shall be discharged in or into any such port, to which any rules made under clause (cc) of sub-section (1) of section 6 apply, otherwise than in accordance with such rules].

(2) Any person who by himself or another so casts or throws any ballast or rubbish or any such other thing ²[or so discharges any oil or water mixed with oil], and the master of any vessel from which the same is so cast ³[thrown or discharged] shall be punishable with fine which may extend to five hundred rupees, and shall pay any reasonable expenses which may be incurred in removing the same.

(3) If, after receiving notice from the conservator of the port to desist from so casting or throwing any ballast or rubbish or such other thing ²[or from so discharging any oil or water mixed with oil], any master continues so to cast ³[throw or discharge the same], he shall also be liable to simple imprisonment for a term which may extend to two months.

(4) Nothing in this section applies to any case in which the ballast or rubbish or such other thing is cast or thrown into ²[or the oil or water mixed with oil is discharged in or into]

¹ These words were added by s. 3 of the Indian Ports (Amendment) Act, 1923 (XXXIX of 1923).

² These words were inserted by *ibid.*

³ These words were substituted by *ibid.*

(Chapter IV.—Rules for the Safety of Shipping and the Conservation of Ports.)

into] any such port with the consent in writing of the conservator, or within any limits within which such act may be authorized by the Local Government.

22. If any person graves, breams or smokes any vessel in any such port contrary to the directions of the conservator, or at any time or within any limits at or within which such act is prohibited by the Local Government, he and the master of the vessel shall for every such offence be punishable with fine which may extend to five hundred rupees each.

Graving vessel within prohibited limits.

23. If any person boils or heats any pitch, tar, resin, dummer, turpentine, oil, or other such combustible matter on board any vessel within any such port or at any place within its limits where such act is prohibited by the Local Government, or contrary to the directions of the conservator, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.

Boiling pitch on board vessel within prohibited limits.

24. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.

Drawing spirits by unprotected artificial light.

25. (1) Every master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until required so to do.

Warping.

(2) A master offending against sub-section (1) shall be punishable for every such offence with fine which may extend to two hundred rupees.

26. (1) A master of a vessel shall not cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act after sunset in such a manner as to endanger the safety of any other vessel navigating in the port.

Leaving out warp or hawser after sunset.

(2) A master offending against sub-section (1) shall be punishable for every such offence with fine which may extend to two hundred rupees.

27. If any person, without lawful excuse, discharges any fire-arm in any port subject to this Act, or on or from any pier,

Discharge of fire-arms in port.

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pier, landing-place, wharf or quay thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, he shall for every such offence be punishable with fine which may extend to fifty rupees.

Penalty on master omitting to take order to extinguish fire.

28. If the master of any vessel in which fire takes place while lying in any such port wilfully omits to take order to extinguish the fire or obstructs the conservator or the port-officer, or any person acting under the authority of the conservator or port-officer, in extinguishing or attempting to extinguish the fire, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Unauthorized person not to search for lost articles.

29. (1) No person, without the permission of the conservator, shall, in any port subject to this Act, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.

(2) If any person offends against the provisions of sub-section (1), he shall be punishable with fine which may extend to one hundred rupees.

Removing stones or injuring shores of port prohibited.

30. (1) No person without the permission of the conservator shall in any port subject to this Act remove or carry away any rock, stones, shingle, gravel, sand or soil or any artificial protection from any part of the bank or shore of the port;

and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as the conservator may appoint to take part in or overlook the performance of such work.

(2) If any person offends against sub-section (1), he shall for every such offence be punishable with fine which may extend to one hundred rupees and shall pay any reasonable expenses which may be incurred in repairing any injury done by him to the bank or shore.

Special Rules.

of 1908.]

Indian Ports.

(Chapter IV.—*Rules for the Safety of Shipping and the Conservation of Ports.*)

Special Rules.

31. (1) No vessel of the measurement of two hundred tons or upwards shall enter, leave or be moved in any port to which this section has been specially extended without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board;

Moving of vessels without pilot or permission of harbour-master.

and no vessel of any measurement less than two hundred tons and exceeding one hundred tons shall enter, leave or be moved in any such port without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board, unless authority in writing so to do has been obtained from the conservator or some officer empowered by him to give such authority.

¹[Provided that the Governor General in Council may, by notification in the Gazette of India, direct that in any port specified in such notification the provisions of this sub-section shall not apply to sailing vessels of any measurement not exceeding a measurement so specified.]

²[(2) Notwithstanding anything in sub-section (1), the owner or master of a vessel which is by that sub-section required to have a pilot, harbour-master or assistant of the port officer or harbour-master on board, shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel, in the same manner as he would have been if he had not been so required by that sub-section :

Provided that the provisions of this sub-section shall not take effect till the first day of January, 1918, or such earlier date as the Governor General in Council may notify in that behalf in the Gazette of India.]

³[(3) If any vessel, except in case of urgent necessity, enters, leaves or is moved in the port contrary to the provisions of sub-section (1), the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees, unless upon application to the proper officer the master was unable to procure a pilot, harbour-master or assistant

¹ This proviso was inserted by s. 2 of the Indian Ports (Amendment) Act, 1925 (XXXVI of 1925).

² This sub-section was inserted by s. 5 (i) of the Indian Ports (Amendment) Act, 1916 (VI of 1916).

³ This sub-section was re-numbered by s. 5 (ii) of *ibid.*

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assistant of the port-officer or harbour-master to go on board the vessel.

1* * * *

Provision of certain vessels with fire-extinguishing apparatus.

32. (1) Every vessel exceeding the measurement of two hundred tons and lying in any port to which this section has been specially extended shall be provided with a proper force-pump and hose and appurtenances for the purpose of extinguishing any fire which may occur on board.

(2) The master of such a vessel who, having been required by the conservator to comply with the provisions of sub-section (1), neglects or refuses without lawful excuse, so to do for the space of seven days after such requisition, shall be punishable with fine which may extend to five hundred rupees.

CHAPTER V.

PORT-DUES, FEES AND OTHER CHARGES.

Levy of port-dues.

33. (1) ²[Subject to the provisions of sub-section (2)], in each of the ports mentioned in the first schedule such port-due, not exceeding the amount specified for the port in the third column of the schedule as the Local Government directs, shall be levied on vessels entering the port and described in the *second column* of the schedule, but not oftener than the time fixed for the port in the fourth column of the schedule.

³(2) The Local Government may, by notification in the local official Gazette, ⁴alter or add to any entry in the first schedule relating to ports within its own province, and this power shall include the power to regroup any such ports:

Provided that, if any such alteration or addition has the effect of increasing the port-dues in any such port, such alteration

¹ Sub-sections (4) and (5), as re-numbered by the Indian Ports Amendment Act, 1916 (VI of 1916), were repealed by s. 2 (2) of the Indian Ports (Amendment) Act, 1925 (XXXVI of 1925).

² These words were inserted by s. 6 (i) of the Indian Ports (Amendment) Act, 1916 (VI of 1916).

³ This sub-section was inserted by s. 6 (ii) of *ibid.*

⁴ For such alterations in Pt. II of the first schedule to the Act, see Fort St. George Gazette, 1925, Pt. I, p. 537.

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tion or addition shall require the sanction of the Governor General in Council.]

¹[(3)] Whenever the Local Government ^{2*} * * * * * declares any other port to be subject to this Act, it may, ^{3*} * * * * * by the same or any subsequent declaration, further declare,—

- (a) in the terms of any of the entries in the second column of the first schedule, the vessels which are to be chargeable with port-dues on entering the port,
- (b) the highest rates at which such dues may be levied in respect of vessels chargeable therewith, and
- (c) the times at which such vessels are to be so chargeable :

⁴[Provided that, except with the sanction of the Governor General in Council, the rates and the times so declared shall not be respectively higher or shorter than the maximum rate and the shortest time specified and fixed in the first schedule for any port in the province.]

⁵[(4)] All port-dues now leviable in any port shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

⁶[(5)] An order increasing or imposing port-dues under this section shall not take effect till the expiration of sixty days from the day on which the order was published in the local official Gazette.

34. The Local Government may ⁶[after consulting the authority appointed under section 36] exempt ⁶[subject to such conditions, if any, as it thinks fit to impose, any vessel or class of vessels] entering a port subject to this Act from payment of port-dues and cancel the exemption, or may vary the rates at which port-dues are to be levied in the port, in such manner as, having regard to the receipts and charges on account of the port, it thinks expedient, by reducing or raising the

Variation of port-dues by Local Government.

¹ These sub-sections were re-numbered by s. 6 (iv) of the Indian Ports (Amendment) Act, 1916 (VI of 1916).

² The words "with the previous sanction of the Governor General in Council" were omitted by s. 6 (ii) of *ibid.*

³ The words "with the like sanction" were omitted by *ibid.*

⁴ This proviso was added by *ibid.*

⁵ These words were inserted by s. 7 of *ibid.*

⁶ These words were substituted for the words "the vessels" by *ibid.*

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the dues, or any of them ¹[or may extend the periods for which any vessel or class of vessels entering a port shall be exempt from liability to pay port-dues]:

Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.

Fees for pilotage and certain other services.

35. (1) Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hocking, measuring and other services rendered to vessels, at such rates as the Local Government may direct:

²[Provided that the rates of fees for pilotage within the port of Calcutta shall be fixed by the Governor General in Council.]

(2) The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by sub-section (1).

Receipt, expenditure and account of port-charges.

36. (1) The Local Government shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorized to be taken by or under this Act to receive the same and, subject to the control of the Local Government, to expend the receipts on any of the objects authorized by this Act.

(2) Such officer or body shall keep for the port a distinct account, to be called the port fund account, showing, in such detail as the Local Government prescribes, the receipts and expenditure of the port, and shall publish annually as soon after the first day of April as may be practicable an abstract, in such form as that Government prescribes, of the account for the past financial year.

* * * * *

(4) All money received under this Act at or on account of any port subject to this Act, excluding receipts on account of pilotage but including—

(a) fines,

(b) proceeds of waifs, and

(c) any

¹ These words were added by s. 7 of the Indian Ports (Amendment) Act, 1916 (VI of 1916).

² The original proviso was omitted by s. 8 of *ibid.* and this proviso was added by s. 3 of the Bengal Pilot Service (Centralisation of Administration) Act, 1929 (XI of 1929).

³ Sub-section (3) was omitted by s. 9 of the Indian Ports (Amendment) Act, 1916 (VI of 1916).

or 1908.]

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- (c) any balance of the proceeds of a sale under section 14 where no right to the balance has been established on a claim made within three years from the date of the sale,

shall be credited in the port fund account of the port.

(5) All expenses incurred for the sake of any such port, excluding expenses on account of pilotage but including—

- (a) the pay and allowances of all persons upon the establishment of the port,
- (b) the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in or entering or leaving the port or passing through the rivers or channels leading thereto,
- (c) pensions, allowances and gratuities of persons who have been employed in the port under this or any other enactment relating to ports and port-dues, or such portion of those pensions, allowances and gratuities as the Local Government may by rule determine,
- (d) with the previous sanction of the Local Government, contributions towards the support of public hospitals or dispensaries suitable for the reception or relief of seamen or otherwise towards the provision of sanitary superintendence and medical aid for the shipping in the port and for seamen, whether ashore or afloat, belonging to vessels in the port, and
- (e) with the like sanction, contributions towards sailors' homes, institutes, rest-houses and coffee-houses and for other purposes connected with the health, recreation and temporal well-being of sailors,

shall be charged to the port fund account of the port.

(6) Subject to the provisions of any local law as to the disposal of any balance from time to time standing to the credit of a port fund account, any such balance may be temporarily invested in such manner as the Local Government may direct.

37. (1) The Local Government may direct that for the purposes of the last foregoing section any number of ports shall

Grouping
of ports.

(Chapter V.—Port-dues, Fees and other Charges.)

shall be regarded as constituting a single port, and thereupon all monies to be credited to the port fund account under subsection (4) of that section shall form a common port fund account which shall be available for the payment of all expenses incurred for the sake of any of the ports:

Provided, with respect to the ports of Calcutta, Madras, Bombay, Rangoon, Karachi, Chittagong and Aden, that none of those ports may be grouped with any other port, and that the port fund account of each of those ports shall be kept separate from the port fund account of any other port.

(2) Where ports are grouped by or under this Act, the following consequences ensue, namely:—

(a) the Local Government, in the exercise of its control over expenditure debitable to the common port fund account of the group, may, ¹[subject to the control] of the Governor General in Council, make rules with respect to the expenditure of the fund for the sake of the several ports of the group on the objects authorized by this Act, and shall cause effect to be given to any directions which the Governor General in Council may deem it necessary to issue with respect to such expenditure; and

(b) the Local Government may exercise its authority under section 34 as regards all the ports in the group collectively or as regards any of them separately.

Receipts for
port-charges.

38. The person to whom any dues, fees or other charges authorized to be taken by or under this Act are paid shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the dues, fees or other charges are paid, and the name, tonnage and other proper description of the vessel in respect of which the payment is made.

Master to
report arrival.

39. (1) Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this Act, the master of the vessel shall report her arrival to the conservator of the port.

(2) A

¹ These words were substituted for the words "with the previous sanction" by s. 10 of the Indian Ports (Amendment) Act, 1916 (VI of 1916).

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(2) A master failing without lawful excuse to make such report within the time aforesaid shall for every such offence be punishable with fine which may extend to one hundred rupees.

(3) Nothing in this section applies to tug-steamers, ferry-steamers or river-steamers plying to and from any of the ports subject to this Act or to ballam boats plying to and from the port of Chittagong.

40. If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be ascertained by means of the operation of hooking, and the master of the vessel shall be liable to pay the expenses of the operation.

Conservator may in certain cases ascertain draught and charge expense to master.

41. In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed, namely:—

Ascertainment of tonnage of vessel liable to port-dues.

- (1) (a) If the vessel is a British registered vessel or a vessel registered under the Indian Registration of Ships Act, 1841, or the Indian Registration of Ships Act (1841) Amendment Act, 1850, or under any other law for the time being in force for the registration of vessels in British India, the conservator may require the owner or master of the vessel or any person having possession of her register to produce the register for inspection.
- (b) If the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservator as to what is the true tonnage of the vessel in respect of which the port-dues are payable, he shall be punishable with fine which may extend to one hundred rupees, and the conservator may cause the vessel to be measured, and the tonnage thereof to be ascertained, according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.

(2) If the vessel is not a British registered vessel or a vessel registered under the Indian Registration of Ships

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Ships Act, 1841, or the Indian Registration of Ships Act (1841) Amendment Act, 1850, or under any other law for the time being in force for the registration of vessels in British India, and the owner or master thereof fails to satisfy the conservator as to what is her true tonnage according to the mode of measurement proscribed by the rules for the time being in force for regulating the measurement of British vessels, the conservator shall cause the vessel to be measured and the tonnage thereof to be ascertained according to the mode aforesaid, and in such case the owner or master of the vessel shall be liable to pay the expenses of the measurement.

- (3) If the vessel is a vessel of which the tonnage cannot be ascertained according to the mode of measurement mentioned in clauses (1) and (2), the tonnage of the vessel shall be determined by the conservator on such an estimate as may seem to him to be just.

Distrain and sale on refusal to pay port-charges.

42. If the master of any vessel in respect of which any port-dues, fees or other charges are payable under this Act, refuses or neglects to pay the same on demand, the authority appointed to receive such port-dues, fees or other charges may distrain or arrest the vessel, and the tackle, apparel and furniture belonging thereto or any part thereof, and detain the same until the amount due is paid;

and in case any part of the port-dues, fees or other charges or of the costs of the distress or arrest or of the keeping of the vessel or other thing distrained or arrested, remains unpaid for the space of five days next after any such distress or arrest, may cause the vessel or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, fees or other charges and the costs including the costs of sale remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand.

No port-clearance to be granted until port-charges are paid.

43. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such clearance—

- (a) until her owner or master, or some other person, has paid or secured to the satisfaction of such officer
the

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the amount of all port-dues, fees and other charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act;

(b) until all expenses, which by the Merchant Shipping Act, 1894, section 207, are to be borne by her owner, incurred since her arrival in the port from which he seeks clearance, have been paid.

44. (1) If the master of any vessel in respect of which any such sum as is mentioned in the last foregoing section is payable causes her to leave any port without having paid the sum, the authority appointed to receive port-dues, fees and other charges at the port under this Act may require in writing the authority appointed to receive port-dues, fees and other charges under this Act at any other port in British India to which she may proceed, or in which she may be, to levy the sum.

Port-charges payable in one port recoverable at any other port.

(2) The authority to whom the requisition is directed shall proceed to levy such sum in the manner prescribed in section 42, and a certificate purporting to be made by the authority appointed to receive port-dues, fees and other charges at the port where such sum as is mentioned in the last foregoing section became payable, stating the amount payable, shall be sufficient *prima facie* proof of such amount in any proceeding under section 42 and also (in case the amount payable is disputed) in any subsequent proceeding under section 59.

45. (1) If the master of a vessel evades the payment of any such sum as is mentioned in section 43, he shall be punishable with fine which may extend to five times the amount of the sum.

Penalty for evading payment of port-charges.

(2) In any proceeding before a Magistrate on a prosecution under sub-section (1), any such certificate as is mentioned in section 44, sub-section (2), stating that the master has evaded such payment, shall be sufficient *prima facie* proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

(3) Any

¹ Collection of Statutes, Vol. II.

(Chapter V.—Port-dues, Fees and other Charges.)

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

Port-due on vessels in ballast.

46. A vessel entering any port subject to this Act (other than a port in Burma) in ballast and not carrying passengers shall be charged with a port-due at a rate to be determined by the Local Government and not exceeding three-fourths of the rate with which she would otherwise be chargeable.

Port-due on vessels not discharging or taking in cargo.

47. When a vessel enters a port subject to this Act, but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), she shall be charged with a port-due at a rate to be determined by the Local Government and not exceeding half the rate with which she would otherwise be chargeable.

Port-due not to be chargeable in certain cases.

48. No port-due shall be chargeable in respect of—

- (a) any pleasure yacht, or
- (b) any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, or
- (c) any vessel which, having entered any port within the territories administered by the Governor of Port Saint George in Council, leaves it within forty-eight hours without discharging or taking in any passengers or cargo.

Power to impose hospital port-dues.

49. (1) The Local Government may, by notification in the local official Gazette, order that there shall be paid in respect of every vessel entering any port subject to this Act, within a reasonable distance of which there is a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit.

(2) Such port-dues shall be called hospital port-dues, and the Local Government shall, in making any order under sub-section (1), have regard to any contributions made under section 36, sub-section (5), clause (d).

(3) An order imposing or increasing hospital port-dues shall not take effect till the expiration of sixty days from the day

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—Hoisting Signals.)*

day on which the order was published in the local official Gazette.

(4) Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any class of vessels for giving medical aid to the seamen employed on board such class of vessels, or that such provision is unnecessary in the case of any class of vessels, it may, by notification in the local official Gazette, exempt such class of vessels from any payment under this section.

50. (1) Hospital port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical aid for the shipping in the port in which they are levied and for the seamen belonging to the vessels therein, whether such seamen are ashore or afloat.

Application
and account
of hospital
port-dues.

(2) The Local Government shall publish annually in the local official Gazette, as soon after the first day of April as may be, an account, for the past financial year, of the sums received as hospital port-dues at each port where such dues are payable, and of the expenditure charged against those receipts.

(3) Such account shall be published as a supplement to the abstract published under section 36, sub-section (2).

CHAPTER VI.

HOISTING SIGNALS.

51. (1) The master of every inward or outward bound vessel, on arriving within signal distance of any signal-station established within the limits of the river Hooghly, or within the limits of any part of a river or channel leading to a port subject to this Act, shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

Master to
hoist number
of vessel.

(2) If

(Chapter VI.—Hoisting Signals. Chapter VII.—Provision with respect to Penalties.)

(2) If the master of a vessel arriving as aforesaid offend against sub-section (1), he shall be punishable for every such offence with fine which may extend to one thousand rupees.

Pilot to require master to hoist number.

52. (1) Every pilot in charge of a vessel shall require the number of the vessel to be duly signalled as provided by the last foregoing section.

(2) When, on such requisition from the pilot, the master refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

Penalty on pilot disobeying provisions of this Chapter.

53. Any pilot in charge of a vessel who disobeys, or abets disobedience to, any of the provisions of this Chapter, shall be punishable with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and, in addition, shall be liable to have his authority to act as a pilot withdrawn.

CHAPTER VII.

PROVISIONS WITH RESPECT TO PENALTIES.

Penalty for disobedience to rules and orders of the Local Government.

54. If any person disobeys any rule or order which a Local Government has made in pursuance of this Act and for the punishment of disobedience to which express provision has not been made elsewhere in this Act, he shall be punishable for every such offence with fine which may extend to one hundred rupees.

Offences how triable, and penalties how recovered.

55. All offences against this Act shall be triable by a Magistrate, and any Magistrate may, by warrant under his hand, cause the amount of any fine imposed upon the owner or master of any vessel, for any offence committed on board of the vessel or in the management thereof or otherwise in relation thereto, whereof the owner or master is convicted, to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Costs of conviction.

56. (1) In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of the

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the conviction in addition to any fine or expenses to which he may be liable.

(2) Such costs may be assessed by the Magistrate and may be recovered in the same manner as any fine under this Act.

57. (1) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

Ascertainment and recovery of expenses and damages payable under this Act.

(2) Whenever any person is liable to pay any sum, not exceeding one thousand rupees, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.

58. Whenever any fine, expenses or damages is or are levied under this Act, by distress and sale, the cost of the distress and sale may be levied in addition to such fine, expenses or damages, and in the same manner.

Cost of distress.

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

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

60. (1) Any person offending against the provisions of this Act in any port subject to this Act shall be punishable by any Magistrate having jurisdiction over any district or place adjoining the port.

Jurisdiction over offences beyond local limits of jurisdiction.

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

(Chapter VII.—Provisions with respect to Penalties. Chapter VIII.—Supplemental Provisions.)

have been committed locally within the limits of his jurisdiction.

Conviction to be quashed on merits only.

61. (1) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

(2) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in the depositions.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Hoisting unlawful colours in port.

62. (1) If any vessel belonging to any of His Majesty's subjects, or sailing under British colours, hoists, carries or wears, within the limits of any port subject to this Act, any flag, jack, pennant or colours, the use whereof on board such vessel has been prohibited by the ¹Merchant Shipping Act, 1894, or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of His Majesty's regulations in force for the time being, the master of the vessel shall, for every such offence, be punishable with fine which may extend to fifty rupees.

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Vict., c.

(2) Such fine shall be in addition to any other penalty recoverable in respect of such an offence.

(3) The conservator of the port, or any officer of His Majesty's Navy or Indian Marine Service, may enter on board any such vessel and seize and take away any flag, jack, pennant or colours so unlawfully hoisted, carried or worn on board the same.

Foreign deserters.

63. Any Magistrate, upon an application being made to him by the Consul of any foreign Power to which section 238 of the ¹Merchant Shipping Act, 1894, has, by an Order in Council, been, or shall hereafter be, declared to be applicable, or by

57 & 58
Vict., c. 64

¹ Collection of Statutes, Vol. II.

(Chapter VIII.—Supplemental Provisions.)

by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any vessel of such foreign Power, may, until a revocation of such Order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody until the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month:

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during the detention and that the detention of the deserter shall not be continued beyond twelve weeks.

64. (1) The provisions of sections 10 and 21 shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

Application of sections 10 and 21.

(2) Any penalties imposed by him, and any expenses incurred by his order, under the said provisions shall be recoverable respectively in the manner provided in sections 55 and 57.

(3) In any of the said ports for the shipment and landing of goods the consent referred to in section 21, sub-section (4), may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government.

65. Any local authority in which any immovable property in or near a port is vested may, with the previous sanction of the Local Government, appropriate and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors' home or other institution for the health, recreation and temporal well-being of sailors.

Grant of sites for sailors' institutes.

66. (1) All acts, orders or directions by this Act authorized to be done or given by any conservator may, subject to his control, be done or given by any harbour-master or any deputy or assistant of such conservator or harbour-master.

Exercise of powers of conservator by his assistants.

(2) Any

(Chapter VIII.—Supplemental Provisions.)

(2) Any person authorized by this Act to do any act may call to his aid such assistance as may be necessary.

Service of written notices of directions.

67. Any written notice of a direction given under this Act, left for the master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of the vessel, shall, for the purposes of this Act, be deemed to have been given to the master thereof.

Publication of orders of Local Government.

68. Every declaration, order and rule of a Local Government made in pursuance of this Act shall be published in the local official Gazette, and a copy thereof shall be kept in the office of the conservator and at the custom-house, if any, of every port to which the declaration, order or rule relates, and shall there be open at all reasonable times to the inspection of any person without payment of any fee.

Authorities exercising jurisdiction in ports to co-operate in manœuvres for defence of port.

[68A. Every authority exercising any powers or jurisdiction in, or relating to, any port to which this Act for the time being applies shall, if so required by an officer authorised by general or special order of the Governor General in Council in this behalf, co-operate in such manner, as such officer may direct, in carrying out any manœuvres in connection with any scheme or preparations for the defence of the said port in time of war, and for this purpose shall, if so required, temporarily place at the disposal of such officer the services of any of its staff and the use of any of its vessels, property, equipment or other material:

Provided, firstly, that if any vessels are placed at the disposal of such officer in accordance with this section, the Government of India shall, in respect of the period during which they are so at his disposal, bear the running expenses of such vessels, and be responsible for any damage thereto.

Explanation.—The expression 'running expenses' in this proviso includes all outlay incurred in connection with the use of the vessels other than any charges for their hire, or for the wages of the officers and crews of such vessels:

Provided, secondly, that any officer making a requisition under this section shall exercise his powers in such a way as to cause as little disturbance to the ordinary business of the port

as

¹ Sections 68A and 68B were inserted by s. 11 of the Indian Ports (Amendment) Act, 1916 (VI of 1916).

of 1903.]

Indian Ports.

(Chapter VIII.—Supplemental Provisions.)

as is compatible with the exigencies of the efficient carrying out of the manœuvres:

Provided, thirdly, that no suit or other legal proceeding shall lie against any authority for any default occurring by reason only of compliance with a requisition under this section.

68B. Whenever the Governor General in Council is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68A on the authorities therein mentioned, or other duties of a like nature, should be imposed on such authorities continuously during the existence of the emergency, he may, by general or special order, authorise any officer to require the said authorities to perform such duties until the Governor General in Council is of opinion that the emergency has passed, and the said authority shall comply accordingly, and the provisions of the said section shall apply subject to the following modification, namely:—

Duties of the
said authority
in an emergency

The Government of India shall pay any authority, on whom a requisition has been made, such compensation for any loss or damage attributable to such requisition, and for any services rendered or expenditure incurred in complying therewith as, in default of agreement, shall be decided to be just and reasonable, having regard to the circumstances of the case, by the arbitration of a person to be nominated in this behalf by the Governor General in Council, and the decision of such person shall be final.]

69. The enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column of that schedule. Repeal.

THE FIRST SCHEDULE.