

ACT No. XXVI OF 1947.

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 18th April 1947.)

An Act to provide for the control of shipping.

WHEREAS it is expedient to provide for the control of shipping for a limited period ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Control of Shipping Act, **Short title, extent commencement and duration.**
1947.

(2) It extends to the whole of British India, and applies also to, and to persons on, ships registered in British India, wherever they may be.

(3) It shall be deemed to have come into force on the 25th day of March, 1947, and it shall remain in force only up to the 31st day of March, 1948 :

Provided that the Central Government may, by notification in the official Gazette, direct that it shall remain in force for a further period not exceeding one year.

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

(a) "master" and "passenger" have the meanings respectively assigned to them in the Indian Merchant Shipping Act, **XI of 1923.** 1923 ;

(b) "owner" includes the agent of an owner ;

(c) "prescribed" means prescribed by rules made under section 9 ;

(d) "ship" does not include a ship of less than 150 gross registered tons or a sailing ship ;

(e) "Shipping Authority" means any authority or officer authorised by the Central Government by notification in the official Gazette to perform the functions of a Shipping Authority under this Act.

3. (1) No ship registered in British India shall be taken to sea **Licences.** from a port or place within or outside British India except under a valid licence granted by a Shipping Authority under this section.

(2) A licence granted under this section may be either a general licence or a specified voyage licence.

(3) A general licence shall remain valid until it is revoked by the Shipping Authority which granted it, and a specified voyage licence shall be valid only for the particular voyage for which it is granted.

Price anna 1 or 1½d.

(4) A licence granted under this section may contain such limitations and conditions as the Shipping Authority granting it may think fit to impose with respect to the trades in which the ship may engage and the voyages which it may undertake, and such limitations and conditions may be imposed so as to apply to the ship wherever it may be, or while in such waters or engaged in such trades or on such voyages, as may be specified.

(5) When a licence ceases to be valid, the person to whom it was granted shall, without unreasonable delay, return it or cause it to be returned to the Shipping Authority which granted it.

(6) For the avoidance of doubts it is hereby declared that any licence granted under an order made under rule 65 of the Defence of India Rules or that rule as continued in force by the Emergency Provisions (Continuance) Ordinance, 1946, and valid immediately before the expiry of the said Ordinance shall continue to be valid according to its tenor and shall be deemed to have been granted under this section.

XX of 1946.

No port-clearance until licence is produced.
XXI of 1948.

4. Without prejudice to the provisions of section 127 of the Indian Merchant Shipping Act, 1923, no officer of Customs shall grant a port-clearance to a ship registered in British India until after the production by the owner or master thereof of a valid licence granted under this Act in respect of the ship.

Power to give directions.

5. (1) The Shipping Authority which granted a licence in respect of a ship under section 3 may, from time to time while the licence is valid, by order in writing give directions with respect to—

(a) the ports or places, whether within or outside British India, to which, and the routes by which, the ship shall proceed for any particular purpose ;

(b) the classes of passengers or cargo which may be carried in the ship ;

(c) the order of priority in which passengers or cargo may be taken on or put off the ship at any port or place, whether within or outside British India.

(2) The Central Government or any Shipping Authority may from time to time by order in writing give general or special directions applicable to any ship registered outside British India and about to proceed from a port or place in British India to any port or place in the continent of India with respect to the order of priority in which passengers or cargo may be taken on the ship at such port or place in British India :

Provided that no directions under this sub-section shall apply to any such ship which is not taking on passengers or cargo at a port or place in British India for discharge at any port or place in the continent of India.

Power to fix shipping rates.

6. The Central Government may from time to time, by order published in the official Gazette, fix in the prescribed manner the rates at which any ship, registered in British India may be hired, and the rates which may be charged for the carriage of passengers or cargo taken on any ship, whether registered in British India or not, at a port or place in British India for discharge at any port or place in the continent of India.

7. A Shipping Authority may, by notice served personally or by post, require— Power to call for information.

(a) the master or owner of any ship in respect of which a licence granted by the Shipping Authority under this Act is in force, or

(b) the master or the agent in British India of the owner of any ship in respect of which any directions have been or may be given under sub-section (2) of section 5,—

to furnish, within the period specified in the notice, information regarding any of the following matters, namely:—

(i) the classes of passengers and cargo which the ship is about to carry or is capable of carrying;

(ii) the rates of passenger fares and freight charges applicable to the ship;

(iii) any other matter which may be prescribed.

8. (1) If the provisions of sub-section (1) of section 3 or of an order under section 6 or, without reasonable excuse, any limitations or conditions contained in a licence granted under this Act or any directions given under section 5, are contravened, the master and the owner (or in the case of a ship registered outside British India, the agent in British India of the owner) of the ship in respect of which the contravention has taken place shall each be punishable with imprisonment for a term which may extend to six months, or with fine, or with both. Penalties and procedure.

(2) If any person on whom a notice has been served under section 7 fails to furnish the information required within the specified time or, in furnishing such information, makes any statement which he knows to be false in any material particular, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) If any licence is not returned to the Shipping Authority which granted it within a reasonable period after it has ceased to be valid, the person to whom it was granted shall be punishable with fine which may extend to one hundred rupees.

(4) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this section.

(5) If the person committing an offence punishable under this section is a company or other body corporate, every managing director, manager, secretary or other officer or agent thereof shall, unless he proves that he exercised all due diligence to prevent the commission of the offence, be deemed to be guilty of such offence.

9. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for any of the following matters, namely:—

(a) the forms of licences granted under this Act;

(b) the manner in which rates shall be fixed under section 6, including the constitution and functions of a Board to advise the Central Government in respect of such rates;

(c) the matters regarding which information may be required to be furnished under section 7.