

THE MAJOR PORT TRUSTS (AMENDMENT) ACT, 1982

No. 17 of 1982

[11th May, 1982.]

An Act further to amend the Major Port Trusts Act, 1963.

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

1. (1) This Act may be called the Major Port Trusts (Amendment) Act, 1982.

Short title and commencement.

38 of 1963.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Major Port Trusts Act, 1963 (hereinafter referred to as the principal Act),—

Amendment of section 2.

(a) in clause (e), for the words “the Deputy Chairman of a Board”, the words “the Deputy Chairman, or, as the case may be, a deputy chairman of a Board” shall be substituted;

(b) in clause (p),—

(i) after the words “floating barge”, the word “, transhipper” shall be inserted;

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

Explanation.—For the purposes of this clause, “transhipper” means a floating craft or vessel, whether dumb or self-propelled, on which gears are provided for discharging cargo from a barge or wharf and loading it into a ship;

3. In section 3 of the principal Act, in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

Amendment of section 3.

“(b) one Deputy Chairman or more, as the Central Government may deem fit to appoint;”.

4. After section 14 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 14A. Acting Chairman or

“14A. The Central Government may, pending the consideration of the question as to who may be appointed as Chairman or Deputy Chairman of a Board under section 3 or section 4, appoint a person

¹31-5-1982 : vide Notification No. G.S-R-441 (E), dated 31-5-1982, Gazette of India, Extraordinary, 1982, p. II, section 3 (i).

Deputy
Chair-
man.

to be the acting Chairman or Deputy Chairman thereof and notify his name in the Official Gazette and the person so appointed shall, until the Central Government by notification in the Official Gazette otherwise directs, be deemed for the purposes of this Act to be the Chairman or Deputy Chairman of such Board appointed under section 3 or section 4, as the case may be."

Amend-
ment of
section
17.

5. In section 17 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1) or any other provision of this Act, the Board may appoint a person who is not a Trustee to be a member of any committee constituted under that sub-section and a person so appointed shall, for the purpose of the discharge of his functions as such member, be deemed to be a Trustee."

Amend-
ment of
section
18.

6. Section 18 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) A member of a committee appointed under sub-section (1A) of section 17 shall be paid the same fees and allowances for attending the meetings of the committee and for attending to any other work of the Board as are payable to a trustee under sub-section (1):

Provided that the Board may, -with the prior approval of the Central Government, pay to any such member fees and allowances at a rate higher than that provided in the case of Trustees."

Amend-
ment of
section
24.

7. In section 24 of the principal Act, in sub-section (1),—

(a) in clause (a), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

"(iii) the maximum of the pay scale of which (exclusive of allowances) exceeds such amount as the Central Government may, by notification in the Official Gazette, fix,";

(b) in the proviso, for the words "at that port", the words "at that or any other port" shall be substituted.

Amend-
ment of
section
25.

8. In section 25 of the principal Act,—

(a) in sub-section (1),—

(i) in the opening portion, after the word "reducing", the words "compulsorily retiring," shall be inserted;

(ii) in the proviso, after the words "reduction in rank," the words "compulsory retirement," shall be inserted;

(b) in sub-section (2), in the opening portion, after the words "reduction in rank," the words "compulsory retirement," shall be inserted.

Amend-
ment of
section
27.

9. In section 27 of the principal Act, in clause (a), for the words "exceeds two thousand rupees, be exercisable by the Central Government," the words "exceeds such amount as the Central Government may, by notification in the Official Gazette, fix, be exercisable by that Government;" shall be substituted.

10. In section 28 of the principal Act, in clause (a), after the word "suspension," the words "reduction in rank, compulsory retirement," shall be inserted.

Amendment of section 28.

11. In section 34 of the principal Act, in sub-section (1), after the words "the Chairman", the words "or by any such officer of the Board not below the rank of the Head of a department as the Chairman may, by general or special order, authorise in this behalf" shall be inserted.

Amendment of section 34.

12. In section 39 of the principal Act, for the words "the Board may charge in respect of such vessel such sum as it thinks fit, not exceeding one thousand rupees", the words "the Board may charge, by way of penalty, in respect of such vessel such sum as it thinks fit, not exceeding ten thousand rupees" shall be substituted.

Amendment of section 39.

13. In section 49 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 49.

"(3) Notwithstanding anything contained in sub-section (1), the Board may, by auction or by inviting tenders, lease any land or shed belonging to it or in its possession or occupation at a rate higher than that provided under sub-section (1)."

14. In section 85 of the principal Act, in the proviso, in clause (b), for the words "such amount not exceeding ten lakhs of rupees, as the Central Government may fix in this behalf", the words "such amount as the Central Government may fix in this behalf and different amounts may be fixed with respect to different Boards" shall be substituted.

Amendment of section 85.

15. In section 96 of the principal Act,—

Amendment of section 96.

(a) in sub-section (1), for the proviso, the following proviso shall be substituted, namely:—

"Provided that no such approval of the Central Government shall be necessary where such irrecoverable amount or loss does not exceed, in any individual case and in the aggregate in any year, such amounts as the Central Government may, from time to time, by order, fix and different amounts may be fixed with respect to different Boards.";

(b) in sub-section (2), for the portion beginning with the words "such amount or loss does not exceed" and ending with the words "reasons for such sanction.", the following shall be substituted, namely:—

"such amount or loss does not exceed, in any individual case and in the aggregate in any year, such amounts as the Central Government may, from time to time, by order, fix and different amounts may be fixed with respect to different Boards.";

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) In every case in which the Chairman sanctions the writing off of any amount or loss under sub-section (2), he shall make a report to the Board giving reasons for such sanction."

Amend-
ment of
section
113.

16. In section 113 of the principal Act,—

(a) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted;

(b) for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

Amend-
ment of
section
114.

17. In section 114 of the principal Act,—

(a) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted;

(b) for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

Amend-
ment of
section
115.

18. In section 115 of the principal Act,—

(a) for the word “twice”, the words “ten times” shall be substituted;

(b) for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

Amend-
ment of
section
117.

19. In section 117 of the principal Act, for the words “two hundred rupees”, the words “two thousand rupees” shall be substituted.

Amend-
ment of
section
124.

20. In section 124 of the principal Act,—

(a) in sub-section (2), after the words “such regulation”, the words “other than a regulation made under section 28,” shall be inserted;

(b) in sub-section (3),—

(a) for the words “two hundred rupees”, the words “two thousand rupees” shall be substituted;

(b) for the words “fifty rupees”, the words “five hundred rupees” shall be substituted;

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.”