

THE INDIAN PORTS (AMENDMENT) ACT, 1992

No. 23 OF 1992

[12th August 1992.]

An Act further to amend the Indian Ports Act, 1908.

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

1. (1) This Act may be called the Indian Ports (Amendment) Act, 1992.

Short
title
and
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ment.

(2) The provisions of this Act, except section 2, shall come into force at once and section 2 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

15 of 1908.

2. In section 3 of the Indian Ports Act, 1908 (hereinafter referred to as the principal Act),—

Amend-
ment of
section 3.

(a) for clause (6), the following clause shall be substituted, namely:—

44 of 1958.

‘(6) “ton” means a ton as determined or determinable by the rules made under section 74 of the Merchant Shipping Act, 1958, for regulating the measurement of the gross tonnage of ships:’;

(b) in clause (8), the word “and” shall be inserted at the end.

3. In section 14 of the principal Act,—

Amend-
ment of
section
14.

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

“(1) If any vessel is wrecked, stranded or sunk in any port in such a manner as to impede or likely to impede any navigation thereof, the conservator shall give notice to the owner of the vessel to raise, remove or destroy the vessel within such period as may be specified in the notice and to furnish such adequate security to the satisfaction of the conservator to ensure that the vessel shall be raised, removed or destroyed within the said period:

Provided that the conservator may extend such period to such further period as he may consider necessary having regard to the circumstances of such case and the extent of its impediment to navigation.

↓ 23.1.1994! Vide Notification No. S.O. 1033 (E), dt. 24.12.93

(1A) Where the owner of any vessel to whom a notice has been issued under sub-section (1) fails to raise, remove or destroy such vessel within the period specified in the notice or the extended period or fails to furnish the security required of him, the conservator may cause the vessel to be raised, removed or destroyed.

(1B) Notwithstanding anything contained in the foregoing sub-sections, if the conservator is of the opinion that any vessel which is wrecked, stranded or sunk in any port is required to be immediately raised, removed or destroyed for the purpose of uninterrupted navigation in such port, he may, without giving any notice under sub-section (1), cause the vessel to be raised, removed or destroyed.”;

(b) in sub-section (2),—

(i) for the words, brackets and figure “under sub-section (1)”, the words, brackets, figures and letters “under sub-section (1A) or sub-section (1B)” shall be substituted;

(ii) for the words “two months”, the words “thirty days” shall be substituted.

Amend-
ment of
section
21.

4. In section 21 of the principal Act,—

(a) in sub-section (2), for the words “five hundred rupees”, the words “five lakh rupees” shall be substituted;

(b) in sub-section (3), for the words “two months”, the words “one year and to fine which may extend to five lakh rupees” shall be substituted.

Amend-
ment of
section
33.

5. In section 33 of the principal Act, in sub-section (5), for the words “sixty days”, the words “thirty days” shall be substituted.

Amend-
ment of
section
36.

6. In section 36 of the principal Act, in sub-section (5a), after the words “subject to this Act”, the brackets and words “(other than a major port)” shall be inserted.

Amend-
ment of
section
42.

7. In section 42 of the principal Act, the following provisos shall be inserted at the end, namely:—

“Provided that where such vessel or other thing is already arrested under the order of a court or other authority, the authority appointed to receive port-dues, fees or other charges, may sell the vessel or other thing only with the prior permission of such court or other authority and satisfy the port-dues, fees or other charges and the costs including costs of sale remaining unpaid, and disburse the surplus, if any, in accordance with the orders or directions of such court or other authority:

Provided further that the person to whom the vessel or other thing is sold under this section, shall be deemed to be the owner thereof and registered as such under the Merchant Shipping Act, 1958.”.

8. In the Major Port Trusts Act, 1963,—

Amend-
ment of
Act 38
of 1963.

(a) in section 87, the words, brackets, figure and letter "exclud-
ing all fees and all fines and penalties creditable to the pilotage
account of the port under sub-section (5a) of that section" shall be
omitted;

(b) section 89 shall be omitted;

(c) in section 97, the words, brackets, figure and letter " , not
being works the cost of which is chargeable to the pilotage account
of the port under sub-section (5b) of that section," shall be omitted.

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