

KERALA MARITIME BOARD ACT

O ao toll* Government of Kerala 2017 Regn. No. KERBIW2012/45073 dated 5-9-2012 with RNI Reg. No. ca»og (DOOÖ KERALA GAZETTE cnowocano EXTRAORDINARY PUBLISHED BY AUTHORITY G.toæso 6 Vol. VI Thüuvananthapuram, Saturday 2017 90,Jgoauö 16 16th September 2017 1193 31 1977 31st Chingam 1193 was 25 25th Bhadra 1939. auðaoö C'DQUÖ 8332/6)AtJ5. ön91/2017/m10øø. 2017 oavögoa-ud 76 7193 31 1999 eotso, 25. mocrduzom g" (molo,,flcææaool emod 2017 16-00 (.nagdswuos cn%hhMJd oauas07, 33/3237/2017/S-5. 2 2017-02* 16-00 2017-021 moolooso ca-nod(lö 6)aJ02+IS moolaoso cnodnJ eaa-r»a.Qo am cmocru.oomm5 CQ16TE1 cnlc»ccnsrnouo eoQD nosoc Icaooooeo 1. (äT*glä5 2017wöA1 moolooso G6TY0daJ (2) CTU0(TU.oomo (3) esca (4) 1908-021 (19"-eæ 15-00 COLCi3 —Gi) moqunom 0.191, (1908-oæ IS-OO 4-00 noauoom audnod 3 0.11m1dcegn1eB50QJ2(m 2. cnldæz-i06GBt.n.—QO m.)Q3dßo (no) {3101700' ' ocrué Q.ilæfemococno ß10J(-ruo (awl) '*emgodcuY' nocmocod 3-00 00fDlaaso cauodcuJ ((nn) ' '6)nJ0daocr3" 3-00 InJ+OOo, cmodanlog 4-00 (a-DI) 13-00 (l)woo (Q) "ca.osol" arooq-tgv (0.906) ' 'ccua5" ct(.nanacB cmocuyosmp,æao ccwoeolcmog mm a,sdeonaoo 0400 ruaoo (gal) oomo*' BS(üi Øorussrucru.)cDGD1coa 6302 oomo m->.oæcao (D)0Q6ucøø a-unæcøø (inoqsuancæø 5 (00m;) ' 'mond" aocmood aowb, CCU)OZÖ Qocnd mlocmcncøø (gl) '*Qano" (02) "020Q)6LJo" c0(mod cn)DOQ mcñ,æ-.ooo 1908-02] (1908-5@] 15-00 midge-ilaoa,-gsoaocm pro (of) ' 'oj)g£monjmo" aoc-mod 6YDCßJUIB (.na-ogld (RDST>I) (i) a-oomaunslscmoæø, m.cgo (ii) couoansuo 2ÆUO(DCGDCOO OOCDC(ÜDCOO Oosmm-D141scGD0@o, psmcmocmo n-ndsocoo esraooammclmn proscue-,oaoøæoocgo ' ' a-nod" cdceos1005 (ooey) laJCOJUbflBUÖ" tgoa-0Q1 (1908-0@1 15-00 lnJ06T>.121SQDIQ.næ, mol±6ncm msla-unom coouao 2 un B o o c 30 00 00 (3 33 00 06 0 (3 o o 7 Ong)) "QJ0{öaÖ" aocrDD1(öB «s,ommölcmo cosrröEcoo caodet*æoolcqcoo cot-no-qo 11 cnoduj 3. ØOCb1ö6)So csmocdu; one6moaJ0)o ' GBO@ noolooso cmo(dcuJ' csruodaj crunoo-iIEö00]1cmD06ff5. (2) cm'0dQJ, cru.noruco (3) zcmnomo (4) G6nJOÖO-D1d (i) öarodøoom mocruoom (DOQ!m1ÖCßUDo anoc.rd (ii) anoa-uoom moomldGßUbo (iii) (iv) (maom crao(Do Qo(Do Ili Li vi i'll hl liii 9 mlamo, cs-modQJ csmocdui a.mlgc—o 02 (2) (0-00 coocoo +1000 7. (GIOTUO(.LUOJO (ag)) (T)S2CDDGOO; (cml) 103ØGd5CSO, nooo oilmlcoocnlaoymlrmo coocnmooce:o aocoo 6)QQ.rrÖ ±nt-rd (2) aocoo ooocncmlcrj)o 6302 corm, aocoo Blacmß3(Ji nG)N0 olGN0dsjæ-,uö, 33/3237/2017/S-5. 11 1 1. (Tuotooesæui cauodcuncö' 10-00 moØogåBU3, cmoc3cu)105 10-00 (l)-oo moøoeo mlaælc•jmmoæqcmcoo OffT5. 12. alcucncæ-nd, QtßS0(.ncruncmo 2Gf3soocruocmo a-oo m.)oooß6GBtn coa-æo turoc»d 2013 sacnmncmo a'lasmaøoomcmo (GTDOOUÖ ccycjmtölt»læoo u-nomcjlglcop oilGUDcæoula20(OCODOSP ö00*91Ø3 cm-J0dcuo cquacn mogo onscfb6TBD061T5. qoeacscøø oogo ecgsoocunomcoo (3) cgeoæ.ll am cA36r•eo nDC6TEO e, 191GQJ0 QCßS0(.nq-unctocoo n06TTB0ce.10 QuocnoIGN-10öÆ, 6)öcsmgo (4) (l)-oo cmodcu-flamo CSTUOÖGUVO e e 00 c) 13 (5) 12-00 (l)-oo C'ßCYdaO)COJ6TE1 LtnoplQjlg1 crudæood csryodn_D1a3 *000, G5nndaj, alamaooda5 CCNQi(T) cDßöa•d0jooi mooscu.0Q001(D1æmcmønøasn5. 15. cauodcu16)Q.l (1) ccrucumo 0200.12 CTOO.ICDO csnnccano crawl+,oma-unomcno (2) cnlas)0 cayodcu.noel a'OJCD650ØGCDO cnJJOD20 16. csruodQ.L0(ö 6'5h-anqo 15 17. c£nndculcaaö @ogo 2GßJ0(Do qaG(D QJJQJffU.na,CZOSP caoæl C(TbQICD Qiyarcruna«n csmocdu5 maca-m mogo 18. Qu a.10QJ2 cumoäscocgo Boosoe.æcno, C6YM0dcufia5 oaaococosome CSTUOÖCU.)ISXV 19. cmodu5 csn.ndaj mcm cnasdamo 20. cmdnod cocoo pscojea,g1QJ20 16-00 (mi) mlgñ.gcølaocuy•m cnSCQIO csn:odcu.noq eocnmool 21.

17. VI mscañe 23.msomjcmola-no csr•uodcwlorrk C6n.10dQ-Lncri, a-QOCGDO CIODICÖ (GDQJUDJØ06)6rnCOADO coocmym (no) cauodcu\ nogo D)OAGU (nn) Googloui coD0äQJP,220, CTUOQ,,! Qib0(.pmanaga (QDI) (hoodnucolcæø COCD6bB26)SCUO coeno (oon.ö) CQ)LCRD6ZBQo; 33/3237/20 17/S-S. o 00, 69 o o O 19 24. die-I canoöulQ5, co-ruodcuuo cma.lCDüBcæø OG6)gsjaocuummosn5, (2) cmodcwlcrit csnnccup 25. 6)aJOJBIS Q.IcrmeaJ0Bjcm aocoo cmJ0(öul0ai cnodq.j 26. C£nndCUfl6)C\$. q•uo£n.laufi4, 1962-021 (1962-6)AJ 52-00 29-00 mu01ceJd6)20, nnapcgo 2046,cosmal3ceos20æasl nonunlcejo couocæoo, 6)6n.ldccno, aodca-oo, zsd<öümocoo, e,sdrd0éJcmo oaslölsym csruodcu.)lcö, (Denjg16)Q 0191, GQ-vocaoo, 0611166000, ajoömo, GQCCO, aeslcoo, q-unæcco cm£u:uommlcrno q-uæeano£n5 ccwoÆce.10, Ojoötlolce:o, oaslolcæø, 3 22 2 21 28. 2QJDOT)6U13CJi a-fiaöo 6)Q-jqsmoacmo n9Ø5 ecesot.muomao

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mala,omuoomcøø, cmmoacscøø cmmonescøø cyøøQ.B cswodaj øcgøDB12J20 (21) 6).1A.JQQø ag)RO (36TuodQDU 23-00 (6h0)) 24-00 (02) cmjodQD1a5 (0B) (TUÖEOOd cmsoc3a,,DU a-rodä. (2) (l)-oo psmsl ag)R0 47 73, csryodcu; cennmo csnaodQD1cr5 CQ36TE1 nogl (2) Co.J(D1eno 630C@0 noao amodcwlæasi æeleme,coo 6)04QOOø a0)a-næøøe.J Q.IJOeäDICUO@QQø 74+ A.J0øeg\ c 6m o dun m" A-lodge" normocd, cmoöa.D)Q5, (Tl)öaoad QaJOU)1BUdö3 6).-iqoc-xucmcoosrÖ. (2) (l)-oo oooooocmao, . t-zøcm ULOOdon Qßficö nnslaoc&mmsrö. 2 3 9 9 0 3 9 8 0 9 9 3 2 3 S a 9, 2 O 3 3 9 98 e 5 9 9 o 2 g 2 9, 2 [2 U) 9 3 aoc a ooc 9 12 2 o 2 o 0 2 8 49 a6)moO, csn.10(0QDU cruöæood GO.(D1aooaacm 6301 006>0002 ,-uosæma. 78, (1) crudceooö oilml(öcßffblasncm cucnjOJQ3Öwocoo, mo±iscøø csmodQD1cÖ, csruodruflä, mæ.äscøø né)91D1wrouoi nomod, mcÆiSGQ)0 UOöOO(02 (2) (l)-oo ,-umnocoo ca-uod(u.na5 (DÆ}scao aflQå ng)äcrulonslej OOCOO aq csnjodQD1m" moca,Ærøposni. 79. +6-nöcrodcygd 1908-52] 15-00 36-00 (0-00 mlB000 ca-yodQDV 33/3237/2017'S-5. 0 30 & G 51 82. cruda300d cmdæood 6302 0900002 6)Q-lqaoocrnosrr5. 83. 81-00 0910B, cmuodanlmocao csmodcu.)lcö (2) (0-00 QDICQ.ES)OOI aon.ßla-ud 6303 mde000105 olcapd\$ 84, cm.J0dcuj CCLJOC(D6T'ßD20 md+ö0d Bonictsoæd gacnoææool crudes»od OCO csmodcu3, mr03cB6Tß0)ou saocj 04.1cFß(DP06rr5. (3) OCDJCDAOS Bodctsoæd mocc» aoc an u) 53 (2) 30CQO cnodaj C6ÆOdCU)10CTä æesoonannom5. 90, cmodcuflom mnuurouo, csnodolajcød cen01cr5 (o-nfl) csmodaj, oasd4000 csmodQD10q Gosmml(dßonÆmcmlcæo cnsmsocoo (snjl) 6302 cayoda.D16)m Boasrno Qösr-reem, (2) cauoÖQD10m (0-00 (36Tuod(LD10e.E GØQl(b2öS (GTyI) cmjodcuflmoæø (3)-OO (mi)) O.JSITU)CQO ((TDI) €usm»cuo csngodQJ modaoood zcæo (crul) (3)-oo (a-El) (ml) 6136Tn-DC00 In...l+0(Do cmødQDU C6TUOdQDIQ3 00 0 g 09 55 (3) 190B-ae.l t5-oo ca.-t(B ceglcæono, 03SQjauoa,ud zoaflooso cmoöcuflrö 92- a-oaa-unlo GOOD XI 93. cauodanlmod 1860-6)QJ cola-azo (3860-6)21 45-00 '7i 84-@0 185-20 409-20 1988-öé]' (1988=021 49-00 21-00 ocr>1 94. 26-20 27-20 28-20 30-00 26, 27 28 QtrtDOQJ16)e.l QU 30-00 paoøæmcao Ct.fb!-æø æonæmcmo 95. 06>0 630G(OO 57 OLOOOJIOI mocromnæiso 2 {t5D0Q11cmo QJ006Tß20 a-IOslaoomDD06rÖ. 98. cauodeunogj Qocncao 63(Docnnocoo csruodamøocoo, csruo(öaß' mccumcøø azoooleuo {licooaesocoo sma-wcøø rU19CCDO 99. ocxnacAræm15)Qjcoo a,jgaunoram 06Tß001@o 100. 1973-521 [1974-52' (2)-oo osso-jcru.øezu3 (2) 4.1906 oleg_pdslerbcaæqooct» QQ) 6302 msc-oslceö c-4)spocrd 101. mlö006GBQ0Q.120 Bauml a-ago cnsnusl (lilCOCDCQO 33/3237/2017/s-5. un2 9 59 XII 102. mocruoom 1) CSOJODQD16)A1 aoad GöOCQ'5QAÖ, 6)00103CQß, Good 010dmmoafimløoo, a-aswi DIOTQ6U6E13220S In-iNdczm»Bd, as cycruoooo ms6tJT3Jcm mjoaunocn (DJO@26U aococmlt03cnlcn-no oaosrtrnö (2) eaanlg1036)s (3) csruodanloq pcßsocncruac-r3 (4) (3)-oo (09) ös-10)c51s (60'1) az.sopns cm.JODu16)CT) (QDI) cÆnjoda-D" m'lö50 ooosrum.01A crojcawoo (af}ÄÖ) csruodulffj olGN0d\$ 61 104. cruoana-u»læ On-IQYDC(DO cemodulcmo Qocnoro)lcmo msn-lslBC@0, emosnmj cmodulæcno cmocnomlcmo 105. aounce.læccno (uroo cmoöcu•lmæcøø csmodulmv (TüJCTDØOOOG(DO me,yomlsacm CUSQB2f)SCOO 9Ajooaiomlm" cmoda-olcmo (Qocnonlcmo mlonmst-as1BQ@0 1 06, Gomo (00) 13-00 (2)-oo a-n,ö cauo-lff) (m-11) 22-00 ö0002BUi (ml) 53-00 (0-00 QJOÖaJ (anl) 103-00 (l)-oo ocqc,rolo 6302 o o 63 (011) ecgsocnaunmoscmo ((101) gloamæooqosop 00100 a.osnelöc@coo ((IDI) 15-00 (2)-oo G6TUO(.DINIC50Q12QT) (Q) 13-00 (afi)ad ca-uoda.D16)QJ CNO(T) (nG)nå mlcQ)Qmaoo cm0]CD (eel) 31-00 (2)-oo (T)dCB-6TEDOO nnooo; (ngß) 32-00 (2)-oo coos lcm" (Ono) mldnosrDÆß22öS0Jo q01cnj26)scoo GfLaodt,-æ0016KTÅcoo (02) a.ogloaoeuo csnjodujmocæo cm.Jocdcuj cnlcuocnlaosws msæsslto@o 22- 9 2.2 o g 3 2 9 0 0 3 0 06 fg 00 c 2 o 0 3 2 9 3 2 00 65 (ofl) cue.ncn (n-DQOJ) {ljppoejlcmo,. crooøansooøæoeilcmo madca-åÆne nnooo; amogi 58-00 (2)-oo n-OOOO.00 (3)-00 (QQ*DCU5) n..Q(36QQOGOO mnüsossEæmocoo cocu3ca-ßne auGOCMOJ)o 00) @c-.rxjkgan-h 6T2jI) cnøe5 crul) 6tucru.)öSS (P(TUQ-13 ad) en:-cnleamo.lio (Q(TiXU5 Q) o.alq\$, 30tso_1Ja. 33/3237/20 lljss, 67 111. (00) (CDd) 6USffU)6JT3Ud VI-op 6)+s1s 1 12. pa:-ccnyocnlæmojomu cailQ3 aunon-marseosoao QQ.I+OUOO ecasocncrunqos molzom.qo.—æo 006)oocmJa (1) csnrøüujloag GUOODIGAO OJOöti01ce.i0 cc-nælcæo 6)æs101cæo möteooøloqcoo (2) Bq•goa-d moolaoac•mæ. 113. cmom.lcru)14 02010103, (QOQ2\$üo 1 14. @6TE0B2crnaJOÆo, 56)cueæøso m Iceao 6)2.lgoosymD06Tö: aocm003, 000000) caJ0@oß a-104aonnoosrö, Bi510jcmoccuwo, qcn.106)æ. 69 [Translation in English of ' 2017 ca-,cog csn.10dQDU published under the authority of the Governor.] ACT 16.OF 2017 THE KERALA MARITIME BOARD ACT, 2017 An Act to provide for the constitution Qf the Kerala Maritime Board for lthe non-rnajor ports in the State of Kerala and to vest administration, con trol and }nanagement such ports and undertakings in that Board and

pnatters connected certain therewith. Preamble.—Wl-IEREAs, it is expedient to constitute the Kerala Maritime Board for non-major ports in the State of Kerala and to vest administration, control and management of such ports and certain undertakings in the Board; BE it enacted in the Sixty-eighth Year of the Republic of India as follows:— C I-IAP'CER I PRELIMINARY 1. Short title, extent and c.onnn.encement. (1) This Act may be called the Kerala Mavitime Board Act, 2017, (2) It extends to the whole of the State of Kerala. (3) It shall come into force at once, (4) It applies to all non-major ports, excluding the Fishing Harbours and Fish Landing Centres in the State, to which the Indian Ports Act, 1908 (Central Act 15 of 1908) applies on the date of commencement of this Act and the State Government may, by notification, apply the provisions of this Act to any other non-major ports in the State 6 o 0 cn 0 o o 71 (j) "goods" includes livestock and every kind of movable propeny but does not include fish caught by traditional fishermen by mechanised boats or other vessels; (k) "Government" means the Government of Kerala: (l) "high watermark" in relation to a port, méans a *line drawn through the highest point reached by ordinary spring tides during any season of the year at that port; (m) "immovable property" includes wharfage-rights and all other rights exercisable on, over or in respect of any land, wharf, dock or pier; (n) "Indian Ship" means a ship registered as such under the Merchant Shipping Act, 1958 (Central Act 44 of 1958) and includes any ship registered at any port in India at the commencement of the said Act which is recognised as an Indian Ship under the proviso to sub-section (2) of section 22 of the Merchant Shipping Act, 1958; (o) "Kerala State Maritime Development Corporation" means the Kerala State Maritime Development Corporation registered under the Companies Act, 1956 (Central Act I of 1956); (p) "Kerala State Maritime Society" means the Kerala State Maritime, Society registered under the Travancore Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (Act 12 of 1955); (q) "land" includes the bed of sea below high water mark and also things attached to the earth or permanently fastened to anything attached to the earth; (r) "low watermark", in relation to a port, means a line drawn through the lowest point reached by ordinary spring tides at any season of the year at that port: (s) "master", in relation to any vessel or craft making use of any non-major port, means any person having for the time being in charge or control of such vessel or craft, as the case may be, except a pilot, harbour master, dock master or berthing master of that port; O o 73 (ii) debentures or other securities for money issued by or on behalf of any Municipality, Corporation, Improvement Trust or Port Tiust under the authority of any law for the time being in force in the State and includes the securities; (zb) "rate" means and includes any toll, dues, rent, or charge leviable under this Act; (zc) "regulations" means the regulations made by the' Board under this Act; (zd) "rules" means the rules made by the Government under this Act; "securities" means the securities as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (Central Act 42 of 1956); (ZD "State" means the State of Kerala: (zg) ' 'undertakings" means the Kerala State Maritime Development. Corporation and the Kerala State Maritime Society transferred to, and vested in the Government under section 10 of this Act; (zh) "vessel" includes anything made for the cohveyance, mainly by water, of human beings or of goods; G 'wharf" includes any wall or stage and any part of the land or foreshore that may be used for loading or unloading goods for the embarkation or disembarkation of passengers and any wall enclosing or adjoining the same

CHAPTER 11 ESTABLISHMENT 'OF KERALA MARITIME BOARD 3. Establishment of Kerala Maritime As soon as may be after the commencement •of this Act, the Government may, by notification, establish a Board by name the Kerala Maritime Board. (2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and may by the said name sue and be sued. 33/3237/201 PSS. o O 0 X O 75 4. Absence o/ • Chairman. —If the Chairman is absent or on leave, the Vice Chairman and in the absence of both the Chairman and the Vice Chairman, suéh person as the Government may appoinm shall act as the Chairman

5. Meeting Q/' the The Board shall hold meetings at such times and places and shall subject to the provisions of sub-sections (2), (3) and (4), follow such procedure in regard to the transaction of business at its meetings as provided by regulations.(2) The Chairman and i.n his absence the Vice Chairman and in the absence of both the Chairman and the ,Vice Chairman, any person chosen by the members present amongst themselves, shall preside at the meeting of the Board. (3) All questions at a meeting of the Board shall be decided by a majority of votes of the members present and voting ancL in the case of equality of votes, the persOn presiding shall have a second or casting vote. (4) The number of

members necessary to constitute a quorum at a meeting shall be such as may be provided in the regulations and no business shall be transacted at any meeting unless the members constituting the quorum are present throughout such meeting. (1) The Board may, from time to time, constitute out of its members one or more Committees, consisting of such numbers as the Board may consider necessary, for the purpose of discharging such of its duties and functions as may be delegated to such Committee or Committees by the Board, (2) A Committee constituted under sub-section (1) shall meet at such time and at such place and shall follow such procedure in regard to the transaction of business at its meetings, including the quorum as may be provided by regulations, 7. Defects in appointment not to invalidate acts, etc.—No act or proceeding of the Board or of any of its Committees shall be invalid merely by reason of, (a) any vacancy therein or any defect in the constitution thereof; or 0 0 0 0 0 CD 77 Act, 1955 (Act 12 of 1955) shall by virtue of this Act, stand transferred to and vest in the Government. (2) The undertakings vested in the Government shall include the properties, rights, liabilities and obligations specified below, namely: (i) all the assets in relation to the undertakings and all the documents relating to the undertakings: (ii) all the rights, liabilities and obligations in relation to the undertakings under any agreement entered into before the appointed day. (3) If, on the appointed day, any suit, appeal or other proceeding of whatever nature instituted or preferred by or against the undertakings, is pending, the same shall not abate, shall not be discontinued or be, in any way, prejudicially affected by reason of such transfer or of anything contained in this Act, but the suit, appeal or other proceedings may be continued, prosecuted or enforced by or against the State Government or the Board

11. Transfer of undertakings to the Board—The Government may, by order, transfer the undertakings vested in them under section 10 to the Board on such terms and conditions as may be specified in the order and on such transfer, the undertaking together with all assets, liabilities, rights and obligations vested in or devolved on the Government under sub-section (1) of section 10, shall vest in or devolve on the Board

12. Transfer of existing employees Provident Fund etc.(1) Every officer or other employee who was immediately before the appointed day employed in connection with the undertakings, shall, on the appointed day become an officer or an employee, of the Government and on transfer of undertakings under section 10 they shall become an officer or employee of the Board and shall hold his office by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if the undertakings had not been transferred to and vested in the Government or the Board, as the case may be, as may be prescribed to be the Controller of Finance and Accounts. The Government may sanction such appointment on such terms and conditions as it thinks fit. (2) The Board may, with the previous sanction of the Government in writing, create such other posts and appoint on deputation or otherwise such other officers and employees as it considers necessary for the efficient performance of the functions of the Board and determine by regulations their conditions of appointment and service and remuneration payable to them: Provided that no person shall be appointed as a Pilot at any port who is not for the time being authorised by the Government under the Indian Ports Act, 1908 (Central Act 15 of 1908) to pilot vessels at that port, (3) Notwithstanding anything contained in this section, the Board may, with the previous approval of the Government in writing, appoint on deputation an employee of the Hydrographic Survey Wing to the Board subject to such usual terms and conditions of deputation as may be issued by Government from time to time. (4) Save as otherwise provided in this Act, the rules and the regulations made thereunder, the provisions of the Kerala Service Rules, the Kerala State and Subordinate Services Rules, 1958, the Kerala Government Servants' Conduct Rules, 1960 and the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960, as amended from time to time, shall mutatis mutandis apply to the employees of the Board appointed under this Act. (5) The amounts standing in the credit of the employees referred to in sub-section (1) of section 12 in any pension, provident fund, gratuity or like funds constituted for them shall be transferred by the Government to the Board along with any accumulated interest due till the appointed day and with the accounts relating to such funds and the Board shall to the exclusion of the Government, be liable for payment of pension, provident fund, gratuity or other like sums as may be payable to such employees at the appropriate time in accordance with the conditions of their service. (6) (e) all suits and other legal proceedings instituted by or against the Government immediately before such day for any matter in relation to ports may be continued by or

against the Board; (f) every employee serving under the Government immediately before such day solely or mainly for or in connection with the affairs of non-major ports shall become an employee of the Board, and shall hold his office or service therein by the same tenure and upon the same terms and conditions of service as he should have held the same if the Board had not been established and shall continue to do so unless and until his employment in the Board is terminated or until his tenure, remuneration or terms and conditions of service are duly altered by the Board by regulations: Provided that the tenure, remuneration and terms and conditions of service of any such employee shall not be altered to his disadvantage without the previous sanction of the Government. the purpose of this section other than the proviso, the term "Government" means the Directorate of Ports

17. Transfer of employees of the port offices and the Directorate of Ports to the Board.—Save as otherwise provided in this Act, the officers and other employees of the port offices and of the Directorate of Ports shall, on and from the appointed day, become the officers and employees of the Board and shall hold office by the same tenure and upon the same remuneration and terms and conditions of service, and with the same right and privileges as to pension, gratuity and other matters as would have been admissible to them, if the same had not been transferred to the Board, and shall continue to do so unless and until their employment under the Board is duly terminated or until his tenure+ remuneration or terms and conditions of service are duly altered by the Board by regulations

18. Transfer of accumulation in provident fund and other like funds.— The sums standing to the credit of the provident fund accounts and to the superannuation funds and other like funds, if any, of the persons referred to in section 17 shall be transferred to the Board by the port offices or the Directorate of Ports and the liability in respect of the said funds, shall be the liability of the Board. 33/3237/2017/s,5. O o O O o o CD O n O O O o 83 (c) no contract for leasing or licensing waterfront, jetty* waterway and corresponding infrastructural facilities thereof for a term exceeding five years shall be made unless it is previously approved by the Government, on such terms and conditions as it may think fit; (d) the form and the manner of executing contracts on behalf of the Board shall be such as may be prescribed; (e) no contract which is not made in accordance with the provisions of this Act and the rules or the regulations made thereunder shall be binding on the Board

CHAPTER VI WORKS AND SERVICES TO BE PROVIDED AT NON-MAJOR PORTS BY THE BOARD

23. Powers of the Board to execute works and provide appliances. — (1) The Board may, subject to any other law for the time being in force, execute such works, within the limits of port and provide such appliances as it may deem necessary or expedient. (2) Such works and appliances may include,— (a) wharves, quays, docks, stages, jetties, piers, place of anchorage and other works within the port or port approaches or on the foreshore of the port or port approaches in the State, with all such convenient arches, drains, landing places, stairs, fences, roads, bridges, tunnels and approaches and buildings required for the residence of the employees of the Board as the Board may consider necessary; (b) buses, locomotives, rolling stock, sheds, hotels, warehouses and other accommodation for passengers and goods and other appliances for carrying passengers and for conveying, receiving and storing goods landed, or to be shipped or otherwise; (c) moorings and cranes, scales and all other necessary means and appliances for loading and unloading of vessels; (d) reclaiming, excavating, enclosing and raising any part of the foreshore of the port or port approaches which may be necessary for the execution of the works authorised by this Act or otherwise for the purposes of this Act; o o O O O O 0 85 (1) The **24. Power of the Board to undertake certain works.**— Board may undertake to carry out on behalf of any person any works or services or any class of works or services, on such terms and conditions as may be agreed upon between the Board and the person concerned. (2) The Board may, if it considers necessary or expedient in the public interest so to do, lend any of its vessels or appliances or the services of any of its employees to any person for such period not exceeding three months and on such terms and conditions as may be agreed upon between the Board and the person concerned, (1) Every fishing vessel plying **25. Control over fishing vessels.** within the non-major ports, including channels and basins thereof, shall be subject to the general control of the Board in the manner as may be prescribed. (2) The Board shall take all possible steps to give warnings of danger that may occur within the jurisdiction of the Board

26. Power of Board to order sea-going vessels to use docks, wharves etc.—(1) Subject to the provisions of section 29 of the Customs Act, 1962 (Central Act 52 of 1962), regarding arrival of vessels and aircrafts

in India when any dock, berth, wharf, quay, stage, jetty, pier or place of anchorage erected at any port or port approaches under the provisions of this Act has been completed with sufficient warehouses, sheds and appliances for receiving, landing or shipping goods or passengers from and upon sea-going vessels, the Board may, by notification published in three consecutive issues of the Official Gazette declare that such dock, berth, wharf, quay, stage, jetty, pier or place of anchorage is ready for receiving, landing and shipping or for landing or for shipping goods or passengers from and upon sea-going vessels, (2) As from the date of publication of such notification for the third time, it shall be lawful for the Board, from time to time, when there is room at such dock, berth, wharf, quay, stage, jetty, pier or place of anchorage to order to come alongside of such dock, berth, wharf, quay, stage, jetty, pier or place of anchorage for the purpose of landing and shipping goods or passengers or for landing or for shipping the same, any vessel or place of anchorage belonging to or under the control of the Board and if, such notice is not complied with, the Board may charge in respect of such vessel such sum as it thinks fit, not exceeding ten thousand rupees for each day of twenty-four hours or portion of such day, during which such vessel remains at such dock, berth, wharf, quay, stage, jetty, pier or place of anchorage: Provided that in the case of a vessel ordered to be removed, such charge shall not commence to be made till after the expiry of twelve hours from the service of such notice as aforesaid on the master or owner or agent of the vessel

29. Power of Government to exempt vessels from obligation to use wharves, etc.—The Government may, if in its opinion, it is necessary in the public interest so to do, by general or special Order from time to time, permit certain specified vessels or classes of vessels to discharge or ship goods, or certain specified goods or classes of goods at such place in a port or within the port approaches, in such manner, during such period and subject to such payments to the Board and on such conditions as the Government may think fit: Provided that goods or class of goods are loaded from and unloaded at such places approved under clause (a) of section 8 of the Customs Act, 1962 (Central Act 52 of 1962)

30. Board to declare when vessels, other than sea-going vessels compelled to use dock, wharves
When any dock, berth, wharf, quay, stage jetty, pier or place of anchorage for receiving, landing or shipment of goods or passengers from or upon vessels, not being sea-going vessels has been made and completed with all proper appliances in that behalf, the Board may, after obtaining the approval of the Collector of Customs, by order published in the Official Gazette, (i) declare that such dock, berth, quay, stage, jetty, pier or place of anchorage is ready for receiving, landing or shipment of goods or passengers from or on vessels not being sea-going vessels; and
 (2) The Board may, if so requested by the owner, take charge of the goods for the purpose of performing the service or services and shall give a receipt in such form as the Board may specify. (3) Notwithstanding anything contained in this section, the Board may authorise any person to perform any of the services mentioned in sub-section (1) on such terms and conditions as may be agreed upon. (4) No person authorised under sub-section (3) shall charge or recover for such service any sum in excess of the amount leviable according to the scale framed under sections 32, 33 or 35 of this Act. (5) Any such person shall, if so required by the owner, perform in respect of the goods any of the services and for that purpose take charge of the goods and give receipt in such form as the Board may specify. (6) The responsibility of any such person for the loss, destruction or deterioration of goods of which he has taken charge shall, subject to the other provisions of this Act, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872 (Central Act 9 of 1872). (7) After any goods have been taken charge of and a receipt given for them under this section, no liability for any loss or damage which may occur to them shall attach to any person to whom a receipt has been given or to the master or owner of the vessel from which the goods have been landed or transhipped. 32. Responsibility of the Board for loss, etc., of goods. Subject to the restrictions contained in section 45 of the Customs Act, 1962 (Central Act 52 of 1962), on custody and removal of imported goods the responsibility of the Board for the loss, destruction or deterioration of goods of which it has taken charge shall, (i) in the case of goods received for carriage by railway, be governed by the provisions of the Railways Act, 1989 (Central Act 24 of 1989); and (ii) in other cases, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872 (Central Act 9 of 1872): 33/3237/2017IS-5. 34. Power to permit erection of private wharves, etc., within the limits of a port subject to No person shall make, erect or fix within the limits of a port or port approaches any dock, berth, wharf, quay, stage, jetty, pier, place of anchorage, erection or mooring or undertake any reclamation of foreshore within the said limits except with the previous

permission in writing of the Board and subject to such terms and conditions if any, as the Board may specify: Provided that where the previous permission is sought by a Government Department or an undertaking owned or controlled by Government, a decision thereon shall be taken and communicated within sixty days from the date of receipt of such request: Provided further that where the Board fails to communicate the decision taken thereon within the stipulated time, permission shall be deemed to have been granted to the Government Department or undertakings as the case may be. (2) If any person makes, erects or fixes any wharf, dock, quay, stage, jetty or pier, erection or mooring or undertakes any reclamation of foreshore in contravention of sub-section (1), the Board may, by notice, require such person to remove it within such time as may be specified in the notice and if the person fails to do so, the Board may cause it to be removed at the expense of that person

35. Compensation payable in certain cases where use of any private wharf," etc., rendered unlawful.

(1) Where, as a result of an order published under section 26 or section 27 the use of any wharf, dock, berth, quay, stage, jetty, pier or place of anchorage, made, fixed or erected by any person is rendered unlawful, the Board may, after hearing the person concerned by order, close, remove, fill up or destroy such wharf* dock, berth, quay, stage, jetty, pier or place of anchorage or permit the use thereof to such person on payment of such rates and charges as the Board may, with the previous sanction of the Government, determine. (2) Save as otherwise provided under sub-section (3), no person shall be entitled to claim compensation for any injury, damage or loss caused or alleged to have been caused by an order made under sub-section (1). O O o 0 O O o CD C) 93 (h)' where there is a dispute as to the person or persons who are entitled to the compensation, the Arbitrator shall decide such dispute and if •the Arbitrator finds that more persons phan one are entitled to compensation, he shall apportion the amount thereof among such persons

CHAPTER VII IMPOSITION AND RECOVERY OF RATES AT PORTS 36, Scales of rates for services performed by the Board or other The Board shall, from time to time, frame by regulations a scale of rates at which and a statement of the conditions under which, any of the services specified hereunder shall be performed by itself or any person authorized under section 28 at or in relation to port or port approaches, (a) transshipping of passengers or goods between vessels in the port or port approaches; (b) stevedoring, landing and shipping of passengers or goods from or to such vessels, to or from any wharf, quay, jetty, pier, dock, berth, mooring; stage or erection, land or building in the possession or occupation of the Board or at any place 'Within the limits of the port or port approaches; (c) crannage or portorage of goods on any such place; (d) storage or demurrage of goods on any place; (e) hydrographic survey in harbours, port areas, coastal areas, inland water ways and other water bodies; and (f) any other service in respect of vessels, passengers or goods excepting the services in respect of vessels for which fees are chargeable under the Indian Ports Act, 1908 (Central Act 15 of 1908). (2) Different scales of rates and conditions may be framed for different classes of goods and vessels and for different ports

37. Scales of rates and statement of conditions for use of property belonging to the Subject to sub-section (2) of section 141 of the Customs Act, 1962 (Central Act 52 of 1962), where 0 CD O O o o o O 95 (b) other goods in special cases

40. Prior sanction of Government to rates and conditions.—Every scale of rates and every statement of conditions framed by the Board under the foregoing provisions of this chapter shall' be submitted to the Government for sanction and shall have effect when so sanctioned and published by the Board in the Official Gazette, 41, Power of Government to require modification or cancellation of rates. (1) Whenever the Government considers it necessary in the public interest so to do, it may, by order in writing, direct the Board to cancel any of the scales in force or modify the same within such period as it may specify. (2) If the Board fails or neglects to comply with such direction within the specified period, the Government may cancel any of such scales or make such modifications therein as it may think fit: Provided that before so cancelling or modifying any scale, the Government shall consider any objection or suggestion which may be made by the Board during the specified period. (3) When, in pursuance of this section, any of the scales has been cancelled or modified, such cancellation or modification shall be notified by the Government and shall thereupon have effect accordingly

42. Remission of rates of charges.—The Board may; in special cases, and for reasons to be recorded in writing, exempt either wholly or partly any goods, vehicles or vessels or class of goods, vehicles or vessels

from the payment of any rate or of charge leviable in respect thereof according to any scale of rates in force under this Act or remit the whole or any portion of such rate or charge so levied

43. Refund of-excess charges.—No person shall be entitled to a refund of an excess charge made by the Board unless his claim to the refund has been preferred in writing by him or on his behalf to the Board within six months from the date of payment duly supported by all original relevant documents: 0 O o o O o o O 97 47. Ship owner's lien for freight and other charges. (1) If the master or owner of any vessel or his agent at or before the time of landing from such vessels any goods at any dock, wharf, quay, stage, jetty, berth, mooring or pier belonging to, or in occupation of, the Board, gives to the Board a notice in writing that such goods are to remain subject to a lien for freight or other charges payable to the ship owner, to an amount to be mentioned in such notice, such goods shall continue to be liable to such lien to such amount. (2) The goods shall be retained in the custody of the Board at the risk and expense of the owners of the goods until such lien is discharged as hereinafter mentioned and godown and storage rent shall be payable by the party entitled to such goods for the time during which they may be so retained. (3) Upon production before any officer appointed by the Board in that behalf of a document purporting to be a receipt for, or release from, the amount of such lien, executed by the person by whom or on whose behalf such notice has been given, the Board may permit such goods to be removed after taking reasonable care with respect to the authenticity of such document. (4) The provisions of this section shall not be applicable to fishermen operating traditional vessels and mechanised vessels in the fishing harbours and fish landing centres

48. Sale of The Board may, after the expiry of two months from the time when any goods have passed into its custody, or in the case of animals and perishable or hazardous goods after the expiry of such shorter period not being less than twenty four hours after the landing of the animals or the goods as the Board may think fit, sell by public auction or in such cases as the Board considers it necessary so to do, for reasons to be recorded in writing sell by tender, private agreement or in any other manner such goods or so much thereof as in the opinion of the Board may be necessary,— (a) if any rates payable to the Board in respect of such goods have not been paid; or (b) if any rent payable to the Board in respect of any place on or in which such goods have been stored has not been paid; or 33/3237/201 vs-s. C) N. 0 O o o o 0 0 O 0 O 0 99 cause a notice to be published in the Official Gazette and also in at least one of the local newspapers having wide circulation in the locality requiring him to remove the goods forthwith and stating that in default of compliance therewith, the goods are liable to be sold by public auction or by tender, agreement or in any other manner: Provided that where all the rates and charges payable under this Act in respect of any such goods have been paid, no notice of removal shall be served or published under this sub-section unless two months have expired from the date on which the goods were placed in the custody of the Board, (2) The notice referred to in sub-section (1) may also be served on the agents of the vessel by which such goods were landed. (3) If such owner or person does not comply with the requisition in the notice served upon him or published under sub-section (1), the Board may, at any time after the expiration of two months from the date on which such goods were placed in its custody, sell the goods by public auction or, in such cases as the Board considers it necessary so to do, for reasons to be recorded in writing, sell by tender, agreement or in any other manner such goods or so much thereof in the opinion of the Board may be necessary after giving notice of the sale in the manner specified in sub-sections (2) and (3) of section 48. (4) Notwithstanding anything contained in sub-section (1) or sub-section (3),— (a) the Board may in the case of animals and perishable or hazardous goods give notice of removal of such goods although, the period of one month or as the case may be, of two months specified in sub-section (1) has not expired or give such shorter notice of sale in such manner as in the opinion of the Board the urgency of the case requires; (b) controlled goods may be sold in accordance with the provisions of sub-section (4) of section 48. O o o 0 {n o 101 (2) In case any part of the said rates or penalties or of the cost of the distress or arrest or keeping of the same, remains unpaid for a period of five working days next after any such distress or arrest has been so made, the Board may cause the vessel or other thing so distrained or arrested to be sold and with the proceeds of such sale, shall satisfy such rates, or penalties and costs, including the cost of the sale remaining unpaid, rendering the surplus if any, to the master of such vessel on demand: Provided that ten days notice shall be given to the party before the sale

52. Grant of port clearance after payment of rates, realisation of damages etc.—If the Board gives to the officer of the Central Government whose duty is to grant the port clearance to any vessel at the port, a notice stating, (i) that an amount specified therein is due in respect of rates, fines, penalties or expenses

chargeable under this Act or under any regulations or orders made in pursuance thereof, against such vessel, or by the owner or master of such vessel in respect thereof, or against or in respect of any goods on board of such vessel; or (ii) that an amount specified therein is due in respect of any damage referred to in section 96 and such amount together with the cost of proceedings for the recovery thereof before a Magistrate under that section has not been realised, such officer shall not grant such port clearance until the amount so chargeable or due has been paid or, as the case may be, the damages and cost have been realised: Provided that any such officer of the Central Government may be authorised to act under this section after issuing a general or special order in consultation with the Central Government.

O CD 00 'O 00 00 0 O 0 CD 53 0 O 00 00 103 58. Issue of duplicate When any security is alleged to have been lost, stolen or destroyed either wholly or in part and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Board and on producing proof to its satisfaction of the loss, theft or destruction and justness of the claim, and on payment of such fee, if any, as may be provided by regulations, obtain from the Board an order for, (a) the issue of duplicate security payable to the applicant; and (b) the payment of interest in respect of the security said to be lost+ stolen or destroyed pending the issue of a duplicate security. (2) An order shall not be passed under sub-section (1) until after the issue by the Board of the notification of the loss, theft or destruction in the manner provided by regulations. (3) A list of securities in respect of which an order is passed under sub-section (1) shall be published in such manner as the Board may provide in the regulations. (4) If at any time before the Board becomes discharged under the provisions of this Act from liability in respect of any security the whole of which is alleged to have been lost, stolen or destroyed, such security is found, any order passed in respect thereof under this section shall be cancelled. (1) The Board may, subject to such 59. Conversion of securities. conditions as may be provided by regulations, on the application of a person claiming to be entitled to security or securities issued by it, on being satisfied of the justness of the claim and on delivery of the security or securities receipted in such manner and on payment of such fee, if any, as it may be provided by regulations, convert, consolidate or subdivide the security or securities, and issue to the applicant a new security or securities, accordingly. (2) The conversion, consolidation or subdivision referred to in sub-section (1) may be into a security or securities of the same or different classes or of the same or different loans

60. Discharge in certain cases.—Notwithstanding anything contained in the Limitation Act, 1963 (Central Act 36 of 1963), (i) on payment of the amount due on a security on or after the date on which payment becomes due; or o o 0 o o 00 0 0 O 00 105 63. Power of the Board to repa.y loans be./bre due date.—The Board may with the previous sanction of the Government, apply any sums out of the amounts which may come into its hands under the provisions of this Act and which can be so applied without prejudicing the security of other holders of the securities, in repaying to Government any sum which may remain due in respect of the 'principal of any loan although the time fixed for the repayment of the same may not have an-ived: Provided that no such repayment shall be made of any sum less than ten thousand rupees and that if such repayment is made, the amount of interest in each succeeding instalment shall be so adjusted as to represent exactly the interest due on the outstanding principal

64. Establishment Of sinking If in respect of a loan raised the Board under this Act, which is not repayable before the expiration of one year from the date of the loan, the Government by an order in writing so directs, the Board shall set apart half yearly. out of its income, as a sinking fund, a sum sufficient to liquidate the loan within a period which shall not in any case, unless the previous consent of the Government has been obtained, exceed twenty five years but the maximum period shall not in any case exceed forty years: Provided that a sinking mnd need not in the absence of any stipulation to that effect be established in the case of loans taken by the Board from the Central Government or any State Government. (2) Where any sinking has, before the appointed day, been established by any authority in respect of a loan raised by it, for which the Board is liable under this Act, the sinking fund so eistablished by that authority shall be deemed to have been established by the Board under this section

65. Investment and -application Q/' sinlging ./itnd. (1) The sums so set apart by the Board under sub-section (1) of section 64 and the st-uns forming part of any sinking fund referred to in sub-section (2) of that section shall be invested in public securities or in such other securities as the Government may approve in this behalf and shall be held by the Board in trust for the purposes of this Act. 1 7'S-5. O. 107 (b) shall not be taken without the previous sanction of the Goveemnt, if at any time in any year the

amount of such overdrafts, or other loans exceeds such amount not exceeding ten lakhs of rupees, as the Government may fix in this behalf: Provided further that all amounts so borrowed by overdrafts or otherwise shall be expended for the purposes of this Act

68. Power of the Board to borrow money International Bank for Reconstruction and Development or from other foreign institutions.—Notwithstanding anything contained in this Act, but subject to any other law for the time being in force in this behalf, the Board may, with the previous sanction of the Government and on such term and conditions as may be approved by the Government, raise for the purposes of this Act, loans in any currency or currencies from the International Bank for Reconstruction and Development or from any other Bank or Institution in any country outside India, and no other provision of this Chapter shall apply to or in relation to any such loan unless the terms and conditions of the loan or the approval thereof by the Government or otherwise provided so

CHAPTER IX REVENUE AND EXPENDITURE 69. General Fund of the Board.—The Board shall have and maintain its own fund called the General Fund of the Board to which shall be credited all amounts received by or on behalf of the Board under the provisions of this Act and all amounts received by it from the Government by way of grants, subventions, loans and advances, and as the Conservator of Ports and of their approaches or as the body appointed under section 36 of the Indian Ports Act, 1908 (Central Act 15 of 1908)

70. Application of amounts in General Fund.(1) The amounts credited to the General Fund under section 69 shall be applied by the Board in payment of the following charges, namely: (a) the interest and instalments of principal due in respect of any loan that may have been raised or obtained by the Board or for the payment of which the Board may be liable and payments to the sinking fund established for such loan; (b) any other charge which may on the application of the Board or otherwise be specially sanctioned by the Government or for which the Board may be legally liable. (2) All amounts standing at the credit of the Board which cannot immediately be applied in the manner or for the purpose specified in sub-section (1) shall, (a) be deposited in any Nationalised Bank or Treasury Savings Bank or financial institution controlled and managed by the Government as the Board may decide; or (b) be invested in any specialised scheme in Nationalised Banks or in such public securities as may be determined by the Board and the said securities shall be held in trust by the Board for the purposes of this Act. 71. Power to amounts from General Fund to specified account and vice-versa.—The Board may, with the previous sanction of the Government, apply any sum out of the amounts credited to the General Fund of the Board towards meeting deficits, if any, in the particular or specified accounts such as pilotage account, if so maintained or transfer the whole or part of any surplus funds in such particular accounts to the General Fund of the Board* 72. Establishment of Reserve Funds.—The Board may from time to time, set apart such sums out of its surplus income as it thinks fit as a reserve fund or funds for the purpose of expanding existing facilities or creating new facilities at the ports or for the purpose of providing against any temporary decrease of revenue or increase of expenditure arising from transient causes or for purposes of replacement or for meeting expenditure arising from loss or damage from fire, cyclones, shipwrecks or other accident or for any other emergency arising in the ordinary conduct of its works under this Act: 73. 74. 75. Works requiring sanction of the Board or Government. (1) No new work or appliance, the estimated cost of which exceeds such amount as may be fixed by the Government in this behalf, shall be commenced or provided by the Board nor shall any contract be entered into by the Board in respect of any such new work or appliance until a plan of an estimate for such work or appliance has been submitted to, and approved by the Board and in case the estimated cost of any such new work or appliance exceeds such amount, as may, from time to time, be fixed by the Government in this behalf, sanction of the Government to the plan and estimate shall be obtained before such work is commenced or appliance provided. (2) Nothing in sub-section (1) shall be deemed to require further sanction of the Government in any case where the actual expenditure incurred does not exceed by more than ten per cent of the estimated cost so sanctioned

76. Power of Chief Executive Officer to direct execution of work—Notwithstanding anything contained in section 75., the Chief Executive Officer may direct the execution of any work the cost of which does not exceed such maximum limit as may be fixed by the Government in that behalf and may enter into contracts for the execution of such works but in every case the Chief Executive Officer shall, as

soon as possible, make a report to the Board of any such direction given or contract entered into by him,

77. Power of Board to compound or compromise claims.—The Board may compound or compromise any claim or demand or any action or suit instituted by or against it for such sum of money or other compensation as it deems sufficient: Provided that no settlement shall be made under this section without the previous sanction of the Government if such settlement involves the payment by the Board of a sum exceeding such amount as may be specified by the Government in this behalf. (1) Subject to such conditions as may be 78. Writing off loss. specified by the Government, where the Board is of opinion that any amount due or any loss, whether of money or of property, incurred by the Board is irrecoverable» the Board may, with the previous approval of the Government* sanction the writing off finally of the said amount or loss: O o 0 0 o O 00 O 113 (5) The Government may sanction the estimate or may return it with remarks and may call for such additional information as it may deem necessary. (6) When an estimate is returned under sub-section (5), the Board shall proceed to reconsider the estimate with reference to such remarks and shall furnish such additional information as the Government may call for and shall, if necessary, modify or alter the estimate and resubmit it to the Government. (7) The Government shall sanction the estimate with or without modifications. (8) Where such estimate is not sanctioned by the Government before the commencement of the financial year to which it relates, the Government may authorise the Board to incur such expenditure as may be necessary in the opinion of the Government until such time as the approval of the estimate by the Government is communicated to the Board. 81, Preparation of supplementary estimates.'—The Board may in the course of any year for which an estimate has been sanctioned by the Government cause one or more supplementary estimates for the residue of such year to be prepared and the provisions of section 80 shall, so far as may be, apply to such estimate as if it were an original annual estimate

82. Reappropriation of amount in estimates * Subject to any directions which the Government may give in this behalf, any sum of money or part thereof, of which the expenditure has been authorised in an estimate for the time being in force sanctioned, by the Government and which has not been so spent, may at any time be reappropriated by the Board to meet any excess in any other expenditure authorised in the said estimate

83. Adherence to estimate except in emergency.—(1) Subject to the provision of section 81, no sum exceeding such amount as the Government may fix in this behalf shall, save in cases of emergency, be expended by or on behalf of, the Board unless such sums are included in 33/3237/20kvs-5, C) o o o 0 o A. 00 0 CD o o 115 87. Government to decide difference between Board and Auditors.—If there is difference of opinion between the Board and the Auditor on any point included in the audit report and the Board is made unable to accept and implement the recommendations, if any, made by him on such point, the matter shall forthwith be referred to the Government which shall pass final orders thereon and the Board shall be bound to give effect to such orders

CHAPTER X SUPERVISION AND CONTROL OF GOVERNMENT 88. Administration As soon as may be after the first day of April in every year and not later than such date as may be fixed in this behalf by the Government, the Board shall submit to the Government a detailed report of the administration of the ports during the preceding year ending on the thirty first day of March, in such form as the Government may direct. (2) The Government shall cause every annual administration report to be laid before the Legislative Assembly as soon as may after such report is received by the Government

89. Submission of statement of income and expenditure to Government.—(1) The Board shall annually, or often, or if directed by the Government so to do, submit statement of its income and expenditure in such form and at such time as the Government may direct. (2) A copy of all such statements shall be open to inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may, from time to time, be fixed by the Board

90. Power of Government to supersede the Board,—(1) If, at any time, the Government is of opinion,— (a) that on account of grave emergency, the Board is unable to perform the duties imposed on it by or under the provisions of this Act or any other law; or (b) V' O o O O C) O O O' O O 0 117 (c) reconstitute the Board by appointment only for such period as it may consider necessary and in such a case the persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed to have disqualified for such appointment merely because they were members of the Board when the Board was superseded:

Provided that the Government may, at any time before the expiration of the period of supersession, whether as originally specified under subsection (1) or as extended under this sub-section, take action under clause (b) or clause (c) of this sub-section, (4) The Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before the Legislative Assembly at the earliest possible opportunity

91. Directions by Government.—(1) The Government may from time to time issue to the Board such general or special directions of policy as they may deem necessary or expedient for the purposes of carrying out the objects of this Act and the Board shall be bound to follow and act upon such directions: Provided that the Board shall be given an opportunity to express its views before any direction is given under this sub-section. (2) The decision of the Government whether a question is one of policy or not shall be final. (3) The Government may issue direction to Kerala Maritime Board to develop non major ports in accordance with the provisions of the Indian Ports Act, 1908 (Central Act 15 of 1908) and the amended Act, if any, by the Government of India. 92, Declaring of port limits.—The port limits for the non-major ports proposed to be developed may be prepared in consultation with the Ministry of Shipping, Government of India so as to ensure co-ordinated and sustainable development of port facilities with waterways and user facilities. 93, Recovery of value of damage to property of Board.—If, through negligence of any person having the guidance or command of any vessel, or of any mariner or persons employed on such vessel, any damage is caused to any dock, wharf, quay, mooring, stage, jetty, pier or other work in the possession of the Board or any movable property belonging to the Board, the amount of such damage shall, on the application of the Board, be recoverable together with the cost of such recovery by distress and sale under a Magistrate's warrant, of a sufficient portion of the boat's masts, spars, ropes, cables, anchors or stores belonging to such vessel: Provided that no Magistrate shall issue such warrant until the master of the vessel has been duly summoned to appear before him and, if he appears, until he has been heard: Provided further that no such warrant shall be issued if the vessel was at the time under the orders of a duly authorised employee of the Board and the damage caused was attributable to the order, improper act or omission of such employee

98. Member or employee of the Board not to acquire share or interest.— Any person who, being a member or an employee of the Board, acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Board* shall be punishable with simple imprisonment for a term which may extend to one year, or with fine or with both

99. Other offences.—Any person who contravenes any of the provisions of this Act, or of any rule, regulation or order made thereunder for the contravention of which no penalty is expressly provided thereunder, shall, on conviction, be punishable with fine which may extend to two thousand rupees

100. Cognizance of offences.(1) All offences under this Act shall be investigated, inquired into, tried and dealt with otherwise according to the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974). (2) No court shall take cognizance of an offence under this Act except on a report in writing by the Chief Executive Officer. 101, Constitution of State Ports Consultative Committee.—(1) The Government may, by notification, constitute a State Ports Consultative Committee consisting of members of the Board and such other persons, being not less than ten and not more than twenty as the Government may appoint from amongst persons who are, in the opinion of the Government, capable of representing the interests of the Chamber of Commerce, Shipping, Sailing, Vessels, Customs, Railways, Road Transport, Labour, Communications, Manufacturers of Marine Products, Operators of Ports, Fisheries and Industries, so however that, there shall be at least one member from each of the aforesaid interests. (2) *The Vice Chairman of the Board shall be the ex-officio Chairman of the Committee. (3) Such officer of the Board as the Government may appoint in this behalf shall act as the Secretary to the Committee. (4) The Committee constituted under sub-section (1) shall have the following functions, (a) to advise the Board on all general questions pertaining to the non-major ports; (b) to advise the Board in respect of any scheme pertaining to the development of any non-major port; (c) to review the administration of non-major ports and to suggest ways and means of improving their work; (d) to suggest ways and means to remove any difficulty experienced by the Board in its administration of non-major ports; (e) to make suo-motu recommendation to the Board in regard to any matter relating to administration of the non-major ports; (f) to report to the Board on such matters as may be referred to it

either by the Government or the Board for its opinion* 33/3237/201 o o o O o O o 0 0 o 8 o 123 104. Limitation of proceedings in respect of things done under this Act.—No suit or other proceedings shall be commenced against the Board or any member or employee thereof for anything done, or purporting to have been done, in pursuance of this Act until the expiration of one month after notice in writing has been given to the Board or to such member or employee stating the cause of action or after six months after the accrual of the cause of action

105. Protection of acts done in good faith.—No suit or other legal proceedings shall lie against the Board or any member or employee thereof in respect of anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder* or for any damage sustained by any vessel in consequence of any defect in any of the mooring, hawsers or other things belonging to, or under the control of the Board. (1) The Government may, by 106. Power to make rules. notification, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing powers, such rule may be made for all or any of the following matters, namely: (a) the terms and conditions of service of the Chief Executive Officer under sub-section (2) of section 13; (b) the form and manner of executing contracts under section 22; (c) the terms and conditions on which the Board with the previous sanction of the Government may raise loans under sub-section (1) of section 53; (d) the terms and conditions of appointment of persons as member of a Local Advisory Committee under sub-section (1) of section 103; and (e) any other matter which is to be or may be prescribed by rules. (3) All rules made under this Act shall be subject to the condition of previous publication: Provided that if the Government is satisfied that circumstances exist which render it necessary to take immediate action it may dispense with previous publication of any rule to be made under this section. 02 CD o 0 o CD o CD o O O O o O o O o CD o o (g) the form of receipt to be given under sub-section (2) of section 31; (h) the period within which notice may be given under sub-section (2) of section 32; (i) the safe, efficient and convenient use, management and control of the docks, wharves, quays, jetties, buildings and other works constructed or acquired by or vested in, the Board, or of any land or foreshore acquired by, or vested in, the Board, under this Act; (j) the reception, portage, storage and removal of goods brought within the premises of the Board, for the exclusive conduct of these operations by the Board or persons employed by the Board, and for declaring the procedure to be followed for taking charge of goods which may have been damaged before landing, or may be alleged to have been so damaged; (k) keeping clean the port, river or basins or the bank of the river and the works of the Board, and for preventing filth or rubbish being thrown therein or thereon; (l) the mode of payment of rates leviable by the Board under this Act; (m) regulating, declaring and defining the docks, wharves, quays, jetties, stages and piers vested in the Board on which goods shall be from vessels and shipped on board vessels; (n) regulating the manner in which and the conditions under which the loading and unloading of all vessels within the port or port approaches shall be carried out; (o) regulating the ligherage of cargo between ships or between ships and shore or between shore and ships; (p) the exclusion from the premises of the Board of disorderly or other undesirable persons and of trespassers; (q) ensuring the safety of the port; (r) generally for the efficient and proper administration of the ports; 0 O cn o 0 0 O O O O 0 O o O O 0 O N o O o o O 0 0 127 (ze) the fees to be levied in respect of the issue of stock certificate; (ZD any other matter, which is to be, or may be, provided by regulations

108. Provisions with respect to regulations.(1) No regulation made by the Board under this Act shall have effect until the same has been published by the Board in the Official Gazette. (2) Any regulation made under this Act, may provide that a breach thereof shall, on conviction, be punishable with fine which may extend to two hundred rupees and where the breach is a continuing one, with further fine which may extend to fifty rupees for every day during which such breach continues. (3) Every regulation made under this Act, shall be laid, as soon as may be after it is made, before the Legislative Assembly, while* it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions

109. Power of Government to direct to make. Whenever the Government considers necessary in the public interest so to do, it may, by order in writing thereof, direct the Board to make any regulations for all or any of the matters specified in section 107 or to amend any regulation, within such period as the Government may specify in this behalf: Provided that the Government may extend the period specified by it by such further period or periods as it may consider necessary. (2) If the Board, fails or neglects to comply with such directions within the period allowed under sub-section (1), the Government

may make the regulations or amend the regulations, as the case may be, either in the form specified in the direction or with such modification thereof as the Government may think fit: Provided that before so making or amending the regulations the Government shall consider any objection or suggestion made by the Board within the said period. 128 (3) Where in pursuance of sub-section (2) any regulations have been made or amended, the regulations so made-or amended shall be published by the Government in the Official Gazette and shall thereupon have effect accordingly. I IO. Power of Government to make first regulations.— Notwithstanding anything contained in this Act, the first regulations under this Act shall be made by the Government by notification

111. Posting d certain regulations etc.—The text of the regulations made under clause (a) to (r) of section 107 and the scale of rate framed together with a statement of conditions framed by the Board under chapter VII shall be prominently posted by the Board in Malayalam and English and in regional languages on special boards to be maintained for the pumose at the wharves, docks, piers and other convenient places on the premises of the Board

112. Saving of right o] Central Government and Local Self Government Institutions to use wharves, etc., for collection of duties and power of Customs Officers.—Nothing in this*Act shall affect,— (i) the right of the Central Government to collect customs duties or of any Local Self Government Institution to collect duties at any dock, berth. wharf, quay, stage, jetty or pier in the possession of the Board; or (ii) any power or authority vested in the customs authorities under any law for the time being in force

113. Application of provisions of this Act to aircraft.—The provisions of this Act shall also apply to all aircrafts making use of any port while on water in the same manner as they apply in relation to vessels, 114. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Aet, the Government may, by general or special orders do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the pyrpose of removing the difficulty: Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act. (2) Every order made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly.