

**PARLIAMENT OF INDIA**  
**RAJYA SABHA**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING  
COMMITTEE ON TRANSPORT, TOURISM & CULTURE  
ONE HUNDREDTH REPORT**

**ON**

**THE INLAND VESSELS (AMENDMENT) BILL, 2005**

**(PRESENTED TO THE RAJYA SABHA ON 21<sup>ST</sup> MARCH, 2006)**

**(LAID ON THE TABLE OF THE LOK SABHA ON 21<sup>ST</sup> MARCH, 2006)**

RAJYA SABHA SECRETARIAT

NEW DELHI

MARCH, 2006/PHALGUNA, 1927(SAKA)

*E-mail: rsc-tt@sansad.nic.in*

*Website: http://rajyasabha.nic.in*

---

**C O N T E N T S**

[COMPOSITION OF THE COMMITTEE](#)

[INTRODUCTION](#)

[REPORT OF THE COMMITTEE](#)

[OBSERVATIONS/CONCLUSIONS/RECOMMENDATIONS AT A GLANCE](#)

ANNEXURE

[MINUTES](#)

---

**COMPOSITION OF THE DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON TRANSPORT, TOURISM AND CULTURE  
(2005-2006)**

1. Shri Nilotpal Basu - *Chairman*

RAJYA SABHA

2. Shri Kamal Akhtar  
Prof. Ram Deo Bhandary

4. Shri S.S. Chandran  
Smt. Hema Malini

Shri Janardhana Poojary  
Shri Satish Kumar Sharma

Shri Shatrughan Sinha  
Shri Rama Muni Reddy Sirigireddy

\*Shri Janardan Dwivedi

LOK SABHA

Shri Ramdas Athawale  
Shri Raj Babbar  
Shri Anil Basu  
Shri Sartaj Singh Chhatwal  
Shri N.S.V. Chitthan  
Shri Adhir Chowdhury  
Dr. K. Dhanaraju  
Shri Ravindra Naik Dharavath  
Shri Dip Gogoi  
Shri Vijay Kumar Khandelwal  
Shri W. Wangyuh Konyak  
Dr. Ramkrishna Kusmaria  
Shri Samik Lahiri  
Shri Sudam Marandi  
Shri Alok Kumar Mehta  
Shri Gingee N. Ramachandran  
Shri Manabendra Shah  
Shri Dushyant Singh  
Shri Madan Lal Sharma  
Shri Chengara Surendran  
Shri Umakant Yadav  
SECRETARIAT  
Shri Sham Sher Singh, Joint Secretary  
Shrimati Agnes Momin George, Director  
Shri Jagdish Kumar, Under Secretary  
Shrimati Subhashree Panigrahi, Committee Officer

\* Nominated *w.e.f.* 8.3.2006 *vice* Smt. Ambika Soni.

---

## INTRODUCTION

I, the Chairman of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture, having been authorised by the Committee to present on its behalf, do hereby present this One Hundredth Report of the Committee on the Inland Vessels (Amendment) Bill, 2005\*.

2. In pursuance of rules relating to the Department-related Parliamentary Standing Committees, the Hon'ble Chairman, Rajya Sabha referred\*\* the Bill as introduced in the Rajya Sabha on the 8<sup>th</sup> December, 2005 and pending therein, to the Committee on 13<sup>th</sup> December, 2005 for examination and report within three months. On the request being made by the Chairman of the Committee, the Hon'ble Chairman, Rajya Sabha had granted extension of time upto 30<sup>th</sup> April, 2006 for the presentation of the Report of the Committee on the aforesaid Bill.

3. The Committee took oral evidence of the Secretary and other officers of the Department of Shipping and Ministry of Law and Justice at its meeting held on the 12<sup>th</sup> January, 2006.

4. In order to get wider views on the subject, the Committee invited the views of individuals,

organisations and institutions on the subject through advertisement in all major national dailies and vernacular newspapers all over the country. The advertisement evoked tremendous public response and the Committee received memoranda on the subject for consideration of the Committee. The Committee also heard the views of the representatives of the Goa Barge Owners Association, M/s. Sanghi Brothers (Indore) Ltd, Ganga Water Transport Company (Pvt.) Ltd., Eastern Navigation (Pvt.) Ltd., Vivada Inland Waterways Ltd. and Central Inland Water Transport Corporation Ltd. on the provisions of the Bill at its meeting held on the 1<sup>st</sup> February 2006.

5. The Committee took up clause-by-clause consideration of the Bill during its meeting held on the 17<sup>th</sup> March, 2006. The Committee also considered the draft Report on the subject and adopted the same with minor modifications on 17<sup>th</sup> March, 2006 itself.

6. The Committee wishes to express its thanks to the Secretary and other officers of the Department of Shipping and Ministry of Law and Justice for the assistance provided during deliberations on the provisions of the Bill. The Committee also acknowledges the contribution of the representatives of various Associations/Stakeholders who submitted their valuable suggestions on the provisions of the Bill.

NEW DELHI ;  
*March 17, 2006*  
*Phalgun 26, 1927 (Saka)*

NILOTPAL BASU  
*Chairman Department-related  
Parliamentary Standing  
Committee on Transport, Tourism &  
Culture.*

\* Published in the Gazette of India Extraordinary Part II, Section-2, dated 8.12.2005.

\*\* Rajya Sabha Parliamentary Bulletin Part II, No.42709 dated 13.12.2005.

---

## REPORT

The Inland Vessels (Amendment) Bill, 2005 was introduced in the Rajya Sabha on the 8<sup>th</sup> December 2005. Hon'ble Chairman, Rajya Sabha referred the Bill to this Committee for examination and report on the 13<sup>th</sup> December, 2005. Under the mandate the Committee reports as under:-

1.1 During the British regime, the Inland Vessels Act, 1917 was enacted to consolidate the enactment relating to inland vessels. It is a comprehensive central legislation on regulation of inland vessels and deals with all aspects concerned therewith, namely inland water limits, registration, survey, certificates of competency and licensing of Masters and Engineers including Engine Drivers, removal of obstructions and similar hazards in navigation, investigation into casualties, protection of and carriage of passengers in inland mechanically propelled vessels, insurance of mechanically propelled vessels against third party risks etc. The State Governments are vested with the executive powers under the Act. The Statement of Objects & Reasons of the Bill *inter alia* states that the Inland Vessels Act, 1917 was last amended in the year 1977. Since then, several major developments have taken place in the inland water transport sector. Some of the important developments are:

declaration of three waterways as National Waterways, viz. the Allahabad-Haldia stretch of the Ganga-Bhagirathi-Hooghly rivers (National Waterway No. 1), the Sadiya-Dhubri stretch of the Brahmaputra

river (National Waterway No. 2) and the Kollam-Kottapuram stretch of West Coast Canal and Champakara and Udyogmandal Canals (National Waterway No. 3);

establishment of the Inland Waterways Authority of India for regulation and development of inland waterways; and

considerable increase in inland water transport activity and consequently increase in demand for trained personnel for manning of vessels. In view of the expanding inland water transport activities, it is proposed to amend the Inland Vessels Act, 1917.

2. The Inland Vessels (Amendment) Bill, 2005 (Annexure) seeks to amend the Inland Vessels Act, 1917 with a view to taking into account the operational difficulties, present scenario of inland water transport, growing safety concern about inland water transport operations, compatibility of insurance for mechanically propelled vessels against third party risks in line with the provisions of the Motor Vehicles Act 1988, prevention and control of pollution in Inland Waters.

3. According to the Statement of Objects & Reasons of the Bill, the Bill proposes various amendments to the Inland Vessels Act, 1917, which include:-

extension of inland water limits, by amending the definition of inland water, which would result in extensive use of inland waters by inland vessels which otherwise are not permitted to go beyond prescribed limits;

inclusion of dumb barges in the definition of mechanically propelled vessels, which are currently outside the ambit of the Inland Vessels Act, 1917;

dividing the inland water area into three zones based on maximum significant wave height criteria through notification by the respective State Governments to facilitate safety of vessels by providing for suitable construction and manning norms based on operating conditions and also to provide for the flexibility of classification of inland waters into different zones;

extending validity of certificate of registration, competency or licence of crew of inland vessels issued by one State Government to other States in order to provide relief to the vessel owners and the crew and issuance of temporary permit by the surveyor pending the issue of certificate of survey in the interest of overall development of inland water transport sector;

liberalising the criteria for transfer of certificate of registration to avoid hassles to the owners carrying out inter-State operation;

to make provision for induction of suitable trained manpower from Army, Navy and Coast Guard into inland water transport fold to address the problem of shortage of manpower in inland water transport sector;

amendment of section 54C so as to make section 134 and Chapters X, XI and XII of the Motor Vehicles Act, 1988, applicable in relation to mechanically propelled vessels with certain modifications and also to provide insurance of vessels against third party risks, compensation for accidents and Claims Tribunal, etc.;

amendment of Section 52 of the said Act which empowers the State Governments for prescribing requirements of (i) hull, equipment and machinery in respect of inland mechanically propelled vessels, (ii) life saving appliances, and (iii) apparatus required for communication and navigation in the interest of enhanced safety;

insertion of new Chapter VIAB in the said Act which *inter alia* provides for prohibition of discharge of oil, oily mixture, etc., in the inland water, reception facility to discharge oil, oily mixture, hazardous chemical or obnoxious chemical at inland port, power of entry and inspection and power to Central Government for making rules for prevention and control of pollution. It also provides punishment for contravention of the provisions of this Chapter and rules made thereunder;

opportunity has also been taken to omit obsolete provisions of the said Act.

4. The Committee sought clarifications from the Department of Shipping regarding the necessity to amend the parent Act and reasons for bringing the piecemeal legislation instead of comprehensive review of the whole Act. The Department of Shipping in their written replies informed the Committee that the Inland Vessels Act, 1917 was enacted in February, 1917 to consolidate the enactments relating to mechanically propelled inland vessels. It is a Central Legislation. It is a comprehensive legislation relating to the regulation of inland vessels and deals with all aspects connected therewith, namely registration, survey, certificate of competency and license of master and other crew, investigation into casualties, protection and carriage of passenger, insurance against third party risks etc. The State Governments are vested with executive powers under the Act. The Inland Vessels Act, 1917 has been amended 13 times vide Act 6 of 1920, Act 38 of 1920, Act 11 of 1923, Act 12 of 1927, Act 13 of 1930, AO 1937 Adaptation of Indian Laws Order, 1937, Bengal Act 7 of 1940, AO 1948- Indian Independence (Adaptation of Central Acts and Ordinances) Order 1948, Act 58 of 1949, AO 1950- Adaptation of Laws Order 1950, Act 38 for 1950, Act 26 of 1951, Adaptation of Laws (No.3) Order, 1956 and Inland Steam Vessels Act, 1977 (Act 35 of 1977). The latest amendment in 1977 mainly pertained to providing for insurance of mechanically propelled vessels. The concept of national waterways was not envisioned prior to the commencement of the Constitution. After independence, the inland water transport has become a shared responsibility between the States and the Union. Many significant developments like declaration of certain rivers as National Waterways, establishment of IWAI, the growing awareness on safety of operation of vessels particularly in passenger transportation, increased emphasis on protection of waterways from pollution etc. have taken place in the recent past.

5. The Department of Shipping further informed that in view of the above mentioned developments, a thorough review of the existing statutory provision relating to the inland water transport including the Inland Vessels Act, 1917 was considered necessary. A Committee under the

Chairmanship of Joint Secretary (Transport) was set up in August, 1991 for the purpose. The Committee comprised members representing among others, concerned State Governments, namely West Bengal, Kerala, Bihar etc. The Committee recommended 128 amendments to the Inland Vessels Act, 1917 with a view to updating it having regard to the present day operational developments. Subsequently during the year 2002, another Group was constituted with the then Hydrographic Chief, Inland Waterways Authority of India as convener and comprising of representatives of State Government. of Kerala, West Bengal and Goa as members to review the recommendations of the 1992 Committee. The Group suggested deletion of 36 amendments proposed by the 1992 Committee and recommended 92 amendments to be carried out. On further review by the Ministry, 24 amendments were not felt necessary and were dropped. The remaining 68 amendments in 14 categories are being covered by the present Bill.

6. The Department of Shipping also informed that the amendments proposed now would cater to the immediate felt need of the Industry. As regards, replacement of existing Act with a new Act, the Department of Shipping submitted that it will be a long drawn process. Pending this, the amendments proposed need not be kept on hold. These amendments were made based on the requests from various IWT operators and State Government. These amendments are likely to facilitate increased IWT activity throughout the country.

7. During the course of the oral evidence on 12.01.2006, the Secretary, Department of Shipping deposed before the Committee that :  
'During the pre-independence days, inland waterways were actively in use in many parts of the country. That was dependent on the technology level of the first half of the 20<sup>th</sup> century. At that time, the vessels were small; the draught required was of small nature; the road and highways were not in existence in a big way; as a result, small vessels which could navigate in the nature's endowment of inland waterways were in use. But, unfortunately, when the size of the vessels increased and mechanisation took place in a big way, the draught required became deeper or higher. The kind of utilisation of our natural endowment in terms of inland waterways was not to its potential extent. I think, that was the intention of the Government in bringing that legislation and also making amendments from time to time. These amendments were based on the operational feedbacks and needs. Today, the Government desires that the utilisation of inland waterways should be given a very big impetus. We would, of course, take your guidance in every way. We are bringing out a National Maritime Policy Document and a National Maritime Development Programme has just been released, and in the scheme of things, which has been visualised, inland waterways occupy a prominent position.'

8. The Committee desired to know from the Department of Shipping whether major stakeholders and State Governments were consulted or their views were obtained or they were asked to submit their difficulties or apprehensions before the amendments in the parent Act were drafted, the Department of Shipping submitted that the major stakeholders and the State Governments were consulted and their views were obtained before finalization of the amendments. A Review Committee was constituted during the year 2002 consisting representative of three State Governments, namely Kerala, West Bengal, Goa and IWAI to review the amendments suggested by the Committee constituted during the

year 1992. This Review Committee met at Thiruvananthapuram (6<sup>th</sup> – 7<sup>th</sup> September 02), Kolkata (28<sup>th</sup> – 29<sup>th</sup> October' 02), Panjim (7<sup>th</sup> – 8<sup>th</sup> November 02) and finally at IWAI Head Office, Noida on 26<sup>th</sup> – 27<sup>th</sup> November 02 with IWT operators and gathered views and suggestions for modification of the existing Inland Vessels Act and finalized the amendments.

9. The Committee is not satisfied with the replies furnished by the Department of Shipping and is of the view that the Department of Shipping has not given any holistic thinking on the subject which is evident from the fact that Government is coming with piecemeal legislation due to which the Inland Water Transport is actually losing out as compared to other mode of transport. The Committee observes that the amendments are too little and too late for addressing the problems and development of modern inland waterways. The Committee feels that the inadequate interest and investment in the sector is only aggravating the problems of inland water transport. The Committee is of the strong opinion that the development of the inland water transport sector will ultimately depend on the flow of investments, both public and private, primarily public and a multi-pronged approach in which the Government takes the responsibility by putting in place the necessary infrastructure for the inland waterways. Therefore, the Committee desires that the amendments should *inter-alia* try to achieve a vibrant inland water transport and endeavour should be made to integrate it with National Maritime Development Programme. The Committee, therefore, recommends that the Department of Shipping should take a comprehensive review of the whole Act keeping in mind the future of inland water transport instead of bringing piecemeal legislation for the time being and again for facilitating increased inland water transport activities throughout the country, the law should be commensurate with the requirements of inland water transport, its infrastructure and ultimately its over all development.

10. The Committee asked the Department of Shipping on 14<sup>th</sup> December, 2005 to furnish a detailed background note giving reasons for the introduction of the Bill. The Department of Shipping furnished the background note to the Committee on 23<sup>rd</sup> December, 2005. The Committee in its meeting on 12<sup>th</sup> January, 2006 heard the views of the Secretary and other officials of the Department of Shipping and Ministry of Law & Justice on the Inland Vessels (Amendment) Bill, 2005 and sought replies to the queries on the subject. Thereafter, the Committee decided to invite the views of the individuals, Organisations, Associations and other stakeholders on the proposed Amendment Bill through advertisement in all major national dallities and vernacular newspapers all over the country. In response to the Committee's advertisement, the Committee received 15 Memoranda on the subject. The Committee also heard the views of various Associations/Stakeholders at its sitting held on 1<sup>st</sup> February, 2006. The representatives of Goa Barge Owner's Association and Inland Waterways Transport Federation and other Stakeholders while supporting the Bill have expressed their satisfaction that the provisions of the proposed amendment Bill appear to be consistent with the developing need of the Inland Water Transport activities except some of the provisions which deserve special consideration and recommendation by the Committee. The Committee in its meeting held on 17<sup>th</sup> March 2006 considered the Bill clause by clause. The details of the clause by clause consideration and Committee's consideration/recommendations have been given in the succeeding paragraphs:

## Clause 2 (Amendment of section-1 of the principal Act)

The clause 2 reads,

In section 1 of the Inland Vessels Act, 1917 (hereinafter referred to as the principal Act), in sub-section (2), the proviso shall be omitted.

12. The Clause was considered and adopted by the Committee without suggesting any change.

## Clause- 3 (Amendment of section-2 of the principal Act pertaining to Definitions)

13. In section 2 of the principal Act, in sub-section (1),-

14. Clause 3(i) (a) reads,-

for clauses (a), (b) and (c), the following clauses shall respectively be substituted, namely:-

‘(a) “inland vessel” or “inland mechanically propelled vessel” means a mechanically propelled vessel, which ordinarily plies on inland water, but does not include fishing vessel and a ship registered under the Merchant Shipping Act, 1958;

15. During the deliberations the Committee desired to know the reasons for not including the fishing vessels and the ship registered under the Merchant Shipping Act, 1958 under the category of inland vessel or inland mechanically propelled vessel, the Department of Shipping in their written replies informed the committee that a fishing vessel and a ship registered under Merchant Shipping Act 1958 are capable of plying in sea which is beyond the inland water limits as they have higher scantling enabling them to face higher wave heights. Since inland water is comparatively in shelter zone i.e within the waters declared to be smooth or partially smooth water and require lower scantling, hence fishing vessels and ships can ply in inland waters safely. Whereas in the case of inland vessels which are registered under Inland Vessels Act will be permitted to ply within the inland water limits with their comparatively lesser scantling. Hence, the fishing vessel and ship registered under Merchant Ship Act need not be included in the Inland Vessels Act.

16. The Committee takes note of the fact that the fishing vessels and vessels registered under the Merchant Shipping Act, 1958 are capable of plying in sea and have higher scantling which enable them to face higher wave heights, and thus, fishing vessels and ships can ply in inland water safely, whereas the inland vessels, registered under Inland Vessels Act are permitted to ply within the inland waters limits with their comparatively less scantling. The Committee feels that for the sake of uniformity there should be a clear definition of the inland vessels and recommends the Department of Shipping to clearly define inland vessels in the Bill itself as 'mechanically propelled vessels including dumb barge under tow and registered as such and not going to sea'.

17. Clause 3(i) (b)(i) reads,  
“inland water” means –



any canal, river, lake or other navigable water within a State,

18. The Committee pointed out that ‘other navigable water within a State’ has not been clearly defined, the Department of Shipping replied that the phrase “other navigable water within a state” has been used to cover navigable water other than a canal, river or lake like creek, estuaries, lagoon etc. as all such navigable water can not be specifically mentioned. It is the concerned state which will determine whether a particular waterway is navigable or not.

19. The Committee observes that the Department of Shipping has not clearly specified the other navigable water within a State as inland water and the concerned State Government has been at liberty to determine the waterways or its navigability. The Committee feels that there should be a uniform criteria throughout the country for defining the inland water. The criteria may include the depth of water, geography, weather conditions, wave height expected at any time, sand bars and banks, tides and bores, port links, available historical data of the areas, distance from safe haven etc. The Committee, therefore, recommends the Department of Shipping to reconsider the definition of the inland water so as to make the meaning more clear and uniform.

20. Clause 3 (i)(b)(ii) reads,-  
any area of any tidal water deemed to be inland water as defined by the Central Government under section 70,

21. The Committee notes that there is no mention of the significant wave height for a water deemed to be an inland water. The Committee feels that the tidal water should be defined based upon the significant wave height and recommends the Department of Shipping to declare the waters upto two meters significant wave height to be deemed as inland water under section 70 of Inland Vessels Act and an explanation on its use defining favourable weather and restricted period should also be included in the Bill itself.

22. Clause 3(i)(b)(iii) reads,  
waters declared by the Central Government to be smooth and partially smooth waters under clause (41) of section 3 of the Merchant Shipping Act, 1958;

23. The Committee desires that the waters declared by the Central Government to be smooth and partially smooth waters under clause (41) of section 3 of the Merchant Shipping Act, 1958 may coincide with the respective port limits where inland vessels operate.

24. Clause 3(i)(c) reads,  
“mechanically propelled vessel” means every description of vessel propelled wholly or in part by electricity, steam or other mechanical power including dumb vessel towed by the mechanically propelled vessel and vessel propelled by outboard motor’;

25. The Committee pointed out that the barges and tugs are not included for mechanically propelled

vessel used for inland water. The Department of Shipping informed that the word “dumb vessel” used in the proposed amendment means a barge or other vessel which can not move on its own, instead it is to be towed or pulled by a mechanically propelled vessel. Tug is a kind of vessel which is mechanically driven.

26. The Clause was considered and adopted by the Committee without suggesting any change.

27. Clause 3(i)(C)(ii)(ga) reads,  
after clause (g), the following clause shall be inserted, namely:-  
“tidal water” has the meaning assigned to it in clause (49) of section 3 of the Merchant Shipping Act, 1958;’.

28. During the course of the oral evidence on 12.01.2006, the Secretary, Department of Shipping submitted before the Committee that :

"Unfortunately, from the mouth of the river to the ship at some distance away from the mouth, the going of inland water vessels into the sea is an illegal activity because these inland water vessels have to be used effectively to cater to our commercial needs, we have to enable them through appropriate legislative measures to go into the sea, but in a safe and scientific manner."

29. The Committee observes that the definition of tidal water in clause (49) of section 3 of Merchant Shipping Act, 1958 does not include harbour water. The Committee recommends that the harbour water should also be included to facilitate lighterage operation by inland vessels for ship to shore and vice-versa operation.

30. The Clause was adopted subject to the above observations of the Committee.

Clause 4 (Amendment of section 3 of the principal Act-  
inland mechanically propelled vessel not to proceed on  
voyage or to be used for service without certificate of survey.)

31. Clause 4 (i) & (ii) reads,  
In section 3 of the Principal Act, in sub-section(1),-

for the words “and applicable to such voyage or service”, the words “in the zone intended for operation and applicable to such voyage or service in such zone” shall be substituted;

the following *Explanation* shall be inserted at the end, namely:-

‘Explanation- For the purposes of this sub-section, “zone” means any such inland water area as the State Government may, depending on the maximum significant wave height criteria, by notification in the Official Gazette, specify for the purposes of this Act.’.

32. The Committee pointed out that the Clause 4, Sub-Clause (i), the term 'such voyage or service in such zone' appears to be vague. The Department of Shipping informed that a vessel is built and certified for specific purpose like carrying passengers or carrying cargo. Before proceeding on a voyage or a regular service it is necessary to ensure that vessel is registered under Inland Vessel Act and in possession of the survey certificate which is valid for a specific purpose and zones.

33. During the course of the oral evidence on 12.01.2006, the Secretary, Department of Shipping informed the Committee that :

"The third item is dividing the inland water area into three zones. Actually, once you enter into the sea portion, the height of the wave must be hospitable enough to inland water vessels to ply. We are dividing it into three zones on the basis of the average height of the wave which will be consistent with the safety requirements of the inland vessels."

34. The Committee notes that the Department of Shipping is dividing the Inland water area into three zones on the basis of the average height of the wave which will be consistent with the safety requirement of the inland vessels and adopted the clause without suggesting any change.

Clause 5 (Inserting new section 9A in the principal Act, temporary permit)

35. After section 9 of the principal Act, the following section shall be inserted, namely:-

9A."The surveyor who conducted the survey may, without following the procedure laid down in section 9, grant a permit to be effective for a period which shall not in any case exceed thirty days, to authorize the inland mechanically propelled vessel to proceed on voyage or use in service temporarily pending the issue of the certificate of survey".

36. The Committee sought clarifications with regard to the procedure followed for issue of certificate of survey, the Department of Shipping informed that the State Government, appoints a competent authority to survey vessels on application, as prescribed in the rules framed under Inland Vessels Act. There are two types of survey carried out on a vessel. One is afloat survey which is generally carried out every year to inspect the engines, machineries, equipment, fire fighting appliances and life saving apparatus. The other is dry dock survey which is done once in every four years to inspect the under water hull and propelling gears including the engines machineries and other equipments on board. Survey is carried out by the surveyor appointed by the State Government. and the survey certificate is issued by the concerned department of State Government. It is expected that procedure associated with issuance of survey certificate will be completed in 30 days. Pending issue of Survey Certificate, grant of a permit will enable the vessel to ply. As the main requirement of carrying out the survey has been met prior to issue of the survey certificate, failure to issue the certificate by the State Government. will not need recalling the vessel on expiry of period of temporary permit. In case the survey certificate is not issued within 30 days the validity of permit may be extended for a further period of 30 days.

37. Regarding framing of rules/regulations to regulate the making of such survey the Department of Shipping informed that as per provisions of Clause 19 (R) the State Government may make rules to carry out the objects of survey of inland mechanically propelled vessel.

38. The Committee is not satisfied with the replies furnished by the Department of Shipping and is of the view that the provision for granting a temporary permit not exceeding 30 days is insufficient in order to facilitate the owner/master to complete the voyage pending the issue of certificate of survey. The Committee recommends the Department of Shipping to make suitable amendment in Clause 5 so as to enhance the period of validity of temporary permit to a reasonable extent and a provision should also be made for renewal of survey certificate of an Inland Vessels after its expiry in another State.

Clause 6 (Amendment of section 19-I of the principal Act,  
Prohibition Against Transfer Of Certificate Of Registration)

39. In section 19-I of the principal Act, in sub-section (3), for the words “twelve months”, the words “thirty-six months” shall be substituted.

40. The Committee desired to know the reasons for substituting the words thirty six months for the words twelve months for transfer of registry for an Inland mechanically propelled vessel, the Department of Shipping informed that an inland vessel registered in one State is permitted to operate in any other State also. Under such circumstances, a period of 12 months validity of registration is found to be too short and a reasonable time period of 36 months has therefore been suggested.

41. The Committee notes that an inland vessel registered in one State is permitted to operate in another State for a period of 36 months without transferring of registration certificate. The Committee feels that there is a need for simplification of registration procedure to avoid hassles to the owner carrying out inter-state operation and vessel can be surveyed any where in India at the place of operation irrespective of the place of registration. The Committee recommends that the Clause be amended suitably in consultation with the Ministry of Law & Justice.

Clause 7 (Amendment of section 22 of the principal Act - Grant of Masters', Serangs', Engineers' and Engine Drivers' Certificates of Service)

42. Clause 7 (i) & (ii) reads,

In section 22 of the principal Act,–

(i) in sub-section (1), for the words and figures “an inland mechanically propelled vessel for a period of three years before the first day of November, 1956”, the words “a vessel of the Coast Guard, Indian Navy or regular Army for a period as may be prescribed by the State Government in this behalf,” shall be substituted;

(ii) after sub-section (1), the following Explanation shall be inserted at the end, namely:-

*Explanation.*- For the purposes of this section, -

The expression “Coast Guard” shall have the meaning assigned to it in clause(d) of section 2 of the Coast Guard Act, 1978;

The expression “Indian Navy” shall have the meaning assigned to it in clause (10) of section 3 of the Navy Act, 1957;

The expression “Regular Army” shall have the meaning assigned to it in Clause (xxi) of section 3 of the Army Act, 1950.'.

43. The Committee pointed out that the term ‘for a period as may be prescribed by the State Government’ gives unbridled powers for grant of certificate of service and may be misused. The Department of Shipping informed the Committee that the period will be notified by the State Government while formulating the rules as it is a matter within the purview of the State Government. Department of Shipping does not propose to fix definite time limit for the purpose.

44. The Committee sought the information on the projected demand for trained personnel for manning the Inland Vessels and the efforts taken by the Department of Shipping in addressing the problem of shortage of manpower in Inland water transport Sector. In reply thereto, the Department of Shipping informed that IWT has been identified as a thrust area by the Prime Minister. The thrust area envisages gradual shift of domestic cargo from rail and road modes to IWT with a view to increasing its share from the present level of less than 1% to at least 2%. Considering that in terms of tonne km the present cargo movement by IWT in National Waterways and Goa waterways is of the order to 2 b.t. km (or 0.2% of the total inland cargo transportation of about 1000 b.t.km), the above target means an increase of ten folds. This will mean that number of inland vessels operating in the country will also increase considerably. It is estimated that for reaching a level of 20 b.t. km, there will be a requirement of about 1800 additional vessels. This will necessitate requirement of additional trained manpower for manning and operating the vessels. Considering an increase of 0.5 b.t. km per year, the level of cargo transportation may reach to a level of 4.5 b.t. km by 2010-2011 which will require about 250 additional vessels and 2,500 trained manpower. For meeting the demand of trained manpower, IWT training institutes available in the States of Goa, Assam and Orissa along with National Inland Navigation Institute at Patna would be utilized. Apart from that it is envisaged that with the increase in demand, more and more States/ private sector would come up for setting up such institutes/ crew training centres and the market forces (i.e. demand of manpower) will lead to meeting the problem of such shortage as and when it arises. The Government will act as a facilitator in this process. Further, the proposed amendments would also create enabling provision to utilize trained manpower available with Coast Guard, Navy and Army.

45. The Committee notes that matter pertains to delegated legislation and the period for issue of certificate of service will be notified by the respective State Government while formulating the rules. The Committee desires the Department of Shipping to impress upon the respective State Governments to issue relevant rules under the Act within stipulated time period besides ensuring that uniformity should also prevails in implementing the provision of said Act and rules made thereunder. The

Committee adopted the Clause without suggesting any change.

46. The Committee, however, recommends that to meet the demand of the shortage of qualified manpower and the increased trade in Inland Water Transport sector, the Department of Shipping should explore the possibility of increasing in BHP limit for manning of inland vessels with II class master/I class Engine driver/serang's as required under the Act besides induction of suitable trained manpower from Army, Navy and Coast Guard into inland water transport for plying inland vessels.

Clause 8 (Amendment of section 30 of the principal Act- Power For State Government To Make Rules As To Grant Of Certificates Of Service)

47. Clause 8(a) reads,

In section 30 of the principal Act, clause (a) shall be re-lettered as clause (aa), and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:-

“the period of service in the Coast Guard, Indian Navy or Regular Army which is required for a person to be granted a certificate without examination under section 22,”.

48. The committee pointed out that the period of service in Coast Guard, Indian Navy or regular Army has not been prescribed as required for a person granted a certificate without examination under Section 22. The Department of Shipping informed that the period will be notified by the State Govt. while formulating the rules as it is a matter within the purview of the State Government and Department of Shipping does not propose to fix definite time limit for the purpose.

49. The Committee notes that the subject is a matter of subordinate legislation and adopted the Clause without suggesting any change.

Clause 9 (Amendment of section 31 of the principal Act - Area In Which Certificates Of Competency Or Service And Licences Shall Have Effect)

50. Clause 9 reads,

For section 31 of the principal Act, the following section shall be substituted, namely:-

31. “A certificate of competency or service and licence granted under this Chapter shall have effect throughout India,”.

51. The clause was considered and adopted by the Committee without suggesting any change.

Clause 10 (Amendment of section 52 of the principal Act - Power For State Government To Make Rules For Protection Of Inland Mechanically Propelled Vessels From Accidents)

52. Clause 10(a) reads,

In section 52 of the principal Act, in sub-section (2),-

in clause (i), the word “and” occurring at the end shall be omitted;

53. The clause was considered and adopted by the Committee without suggesting any change.

Clause 10(b) reads,

(b) after clause (j), the following clauses shall be inserted, namely:-

prescribe the requirements that the hull, equipment and machinery of inland mechanically propelled vessel shall comply with;

prescribe the requirements of life saving appliances; and

prescribe the apparatus required for communication and navigation”.

55. The Committee recommends that clear enabling provisions with limited power of exemption should be prescribed in the Act for the rules to be made within a definite time frame for hull, construction, equipment, safety navigation and communication.

56. During the course of the oral evidence on 01.02.2006, the representatives from the Inland Water Transport Federation submitted before the Committee that:

"Communication means installation of VHF in inland vessels. During recent times the Department of Tele-Communication (Wing) have increased the license fees for each set from Rs. 500 to Rs. 5000 per year. This is having a deterring effect on the operators for using any wireless equipment. Although the necessity for such equipment is appreciated, we would request kindly to use your good office not to enhance the aforesaid licence fees and maintain the status quo. The inland vessels cannot be treated at par with the coastal vessels and rather the inland vessels should be treated at par with the fishing trawlers."

57. The Committee appreciates the necessity for installation of VHF in inland vessels. The Committee is, however of the view that increase in the licence fees for each set would have a deterring effect on the operators using any wireless equipment under Clause 10(b)(m). The Committee feels that inland vessel cannot be treated at par with the coastal vessels and therefore recommends the Department of Shipping to take up the matter with the Department of communication for maintaining the status-quo in the matter of licence fee and in the meantime the Committee directs the Department of Shipping to keep in abeyance the orders issued by the Director General, Shipping in this regard till the Inland Vessels (Amendment) Bill, 2005 comes into effect.

Clause 11(Substitution of section 54C of the principal Act - Application of Section 134, Chapters X, XI and XII of the Motor Vehicles Act, 1988 in relation to the insurance of mechanically propelled vessels. )

58. For section 54C of the principal Act, the following section shall be substituted, namely:-

54C. 'The provisions of section 134, Chapters X, XI and XII of the Motor Vehicles Act, 1988 shall as far as may be apply, in relation to the mechanically propelled vessels as they apply in relation to motor vehicles, subject to the following modifications, namely:-

in section 134 and throughout in Chapters X, XI and XII,-

references to "motor" or "motor vehicle" or "vehicle" shall be construed as references to "mechanically propelled vessel";

references to "public place" shall be construed as references to "inland water";

references to "public service vehicle" shall be construed as references to "public service vessel";

(iv) references to "goods vehicle" shall be construed as references to "goods service vessel";

references to "State Transport" shall be construed as references to "State Water Transport";

references to "driver" or "driver of a vehicle" shall be construed as references to "master of a vessel";

references to "driving licence" shall be construed as references to "a certificate granted under Chapter III of the Inland Vessels Act, 1917";

references to "permit" shall be construed as references to "a certificate of registration granted under section 19F of the Inland Vessels Act, 1917",

and such other consequential amendments as the rules of grammar may require, shall also be made;

(b) in section 145,-

after clause (a), the following clause shall be inserted, namely:-

'(aa) "goods service vessel" means any mechanically propelled vessel used or adapted to be used for carriage of cargo for hire or reward;';

(ii) after clause (d), the following clause shall be inserted, namely:-

'(da) "public service vessel" means any mechanically propelled vessel used or adapted to be used for the carriage of passengers for hire or reward;';

(iii) for clause (e), the following clause shall be substituted, namely:-

'(e) "property" includes goods carried in the inland vessel, bridges, landing facilities, navigation marks



and infrastructure’;

(iv) after clause (f), the following clause shall be inserted, namely:-

‘(fa) “route” means a line of travel which specifies the waterway which may be traversed by a mechanically propelled vessel between one terminal and another’;

(c) in section 149, in sub-section(2), in clause (a),-

(i) in sub-clause (i),-

in term (c), for the words “transport vehicle”, the words “public service vessel or goods service vessel” shall be substituted;

(B) item (d) shall be omitted;

(ii) in sub-clause (ii), for the words “not duly licensed”, the words and figures “not holding a certificate granted under Chapter III of the Inland Vessels Act, 1917” shall be substituted;

(d) in section 158,-

for the words “transport vehicle” wherever they occur, the words “public service vessel or goods service vessel” shall be substituted, and such other consequential amendments as the rules of grammar may require shall also be made;

(ii) in sub-section (1), for clause (d), the following clause shall be substituted namely:-

“(d) the certificate of survey granted under section 9 of the Inland Vessel Act, 1917,”;

(e) in section 161, in sub-section (3),-

in clause (a), for the words “twenty-five thousand rupees”, the words “fifty thousand rupees” shall be substituted;

in clause (b), for the words “twelve thousand and five hundred rupees”, the words “twenty-five thousand rupees” shall be substituted;

in section 165, in sub-section(1), for the words “Motor Accidents Claims Tribunals”, the words “Inland Vessel Accidents Claims Tribunals” shall be substituted’.

59. The Committee welcomes the insertion of the new provisions with respect to third party insurance based on the Motor Vehicles Act, 1988. The Committee considered and adopted the Clause without suggesting any change.

## Clause 12 (Insertion of new chapter VIAB)

60. After Chapter VIA of the principal Act, the following Chapter shall be inserted, namely:-

### Chapter VIAB

#### Prevention And Control Of Pollution And Protection Of Inland Water.

61. Clause 12 (54D) Definition reads,

In this Chapter, unless the context otherwise requires,-

(a) “hazardous chemical” or “obnoxious substance” means any chemical or substance, as the case may be, which has been designated as such by rules made under this chapter;

(b) “oil” means any persistent oil such as crude oil, heavy diesel oil, lubricating oil and white oil, whether carried on board a tanker as cargo or fuel;

(c) “oily mixture” means a mixture with any oil content.

62. The Committee wanted to know the authority to supervise and protect the inland water from pollution caused due to discharge of oil, oily mixture, hazardous chemical or obnoxious substances in inland water and the measures taken by them for minimizing the pollution caused to the inland water. The Department of Shipping in their written replies informed the Committee that the Surveyor or any person appointed as per proposed Section 54 G will supervise/ inspect the pollution level from any inland port, cargo or passenger terminal or the vessel. As per the proposed Section 54 E no oil, oil mixture hazardous chemical or obnoxious substances from mechanically propelled vessel shall be discharged into inland water. This is a step taken for minimizing the pollution caused to the inland water.

63. The Committee notes that the Surveyor or any other person so designated will supervise/inspect the pollution level from any inland port, cargo or passenger terminal or vessel as per Clause 12(54E) and decided to adopt the Clause without suggesting any change.

Clause 12 (54E)(Prohibition as to discharge of oil, oily mixture etc.  
in the Inland Water)

64. Clause 12(54E) reads,

No oil or oily mixture, hazardous chemical or obnoxious substance from a mechanically propelled vessel shall be discharged in inland water:

Provided that nothing in this section shall apply to the discharge of such oil or oily mixture, hazardous

chemical or obnoxious substance from a mechanically propelled vessel for the purpose of securing the safety of a mechanically propelled vessel, preventing damage to a mechanically propelled vessel, cargo or saving of life at inland water.

65. The Committee pointed out that the proviso to the section is contradictory and allows the vessels to discharge such oil, oily mixture etc. for the purpose of securing the safety/damage of a mechanically propelled vessel at inland water, in turn, the Department of Shipping informed that the proviso is not contradictory at all and it aimed to cover situations of accidents and threat to life at inland water. This determines priority between pollution control and life threatening situations. The Master of the vessel only will be in a position to take a decision in a situation of crisis.

66. The Committee notes that the provision determines the priority -between pollution control and life threatening situations and Master of the vessel will take a decision in the situation of crisis and adopted the Clause without suggesting any change.

Clause 12(54F)(1) (Reception facilities at Inland Ports etc. )

67. Clause 12(54F) (1) reads,

"The owner or operator of an inland port, a cargo or passenger terminal, as the case may be, shall provide reception facilities to discharge oil, oily mixture, hazardous chemical or obnoxious substance at such inland port, cargo or passenger terminal."

68. The Clause was considered and adopted by the Committee without suggesting any change.

69. Clause 12(54F)(2) reads,

"The owner or operator of an inland port, at cargo or passenger terminal, as the case may be, providing reception facilities at any inland port, a cargo or passenger terminal may make charges for the use of the facilities at such rates and may impose such conditions in respect of use thereof as may be approved by notification in the Official Gazette, by the State Government in respect of the inland port, cargo or passenger terminal."

70. The committee pointed out that such rates and such conditions are appears to be vague. The Department of Shipping in their written replies submitted that the State Government by notification in the official Gazette shall finalize the rates and terms and conditions for usage facilities/ reception facilities at an inland port.

71. The Committee notes that the respective State Government shall finalize the rates and terms & conditions for the usage facilities/reception facilities at an Inland port through notification and adopted the Clause without suggesting any change.

72. Clause 12(54F)(3) reads,

"For the purpose of minimizing the pollution already caused, or for preventing the pollution threatened to be caused, the State Government may direct, by order in writing, the owner or an operator of inland port, at cargo or passenger terminal to provide or arrange for the provision of such pollution containment equipments and pollutant removing materials at such inland port, cargo and passenger terminal as may be specified in the order."

73. The Clause was considered and adopted by the Committee without suggesting any change.

Clause 12(54G) (1) (2) & (3)(Power of entry, inspection etc.)

74. Clause 12(54G) (1) (2) & (3)read as under:

(1) Any surveyor or any person authorized under this Act in this behalf may, at any reasonable time, enter and inspect any inland port, at cargo or passenger terminal for the purposes of-

(a) ensuring that the provisions of this Chapter are complied with;

verifying whether such inland port, at cargo or passenger terminal is provided with the pollution containment equipment and pollutant removing materials in conformity with the order of the State Government or the rules made under this Chapter; and

(c) satisfying himself about the adequacy of the measures taken to prevent pollution.

(2) If the surveyor finds that the inland port, at cargo or passenger terminal is not provided with the aforesaid equipment and materials, he shall give notice to the owner or operator of such inland port, cargo or passenger terminal, as the case may be, a notice in writing pointing out the deficiency and also what in his opinion is requisite to remedy the said deficiency.

(3) No owner or operator of such inland port, at cargo or passenger terminal, as the case may be, served with the notice under sub-section (2), shall proceed with any work at such inland port, cargo or passenger terminal, as the case may be, until he obtains a certificate signed by the surveyor to the effect that the inland port, cargo or passenger terminal, as the case may be, is properly provided with the aforesaid equipment and materials in conformity with the rules made under this Chapter.

75. The Committee pointed out that the term at any reasonable time appears to be vague. The Department of Shipping in their written replies submitted that the State Government, while making the rules will have to indicate the reasonable time for the Surveyor to enter and inspect any inland port, at cargo or passenger terminal.

76. The Committee notes that the respective State Governments while framing the rules will indicate the reasonable time for the surveyor to enter and inspect any inland port at cargo or passenger terminal. The Committee desires that Department of Shipping to see that the uniform rules be made by the respective State Government expeditiously wherever necessary and adopted the Clause without suggesting any change.

Clause 12 (54H)(1)&(2) (Power of Central Government to make rules for prevention and control of pollution.)

77. Clause 12 (54H)(1)&(2) read as under:-

(1) The Central Government may make rules for the purposes of this Chapter.

In particular, and without prejudice to the generality of the foregoing power, such rules may -

prescribe the designated hazardous chemical and obnoxious substance under clause (a) of section 54D;

prescribe fitment of oily mixture treatment equipment on shore and on board at certain cases;

prescribe details of reception facilities at inland port, cargo or passenger terminal;

Prescribe the forms and record books for inland port, cargo or passenger terminal and the manner in which such books shall be maintained, the nature of entries to be made therein, the time and circumstances in which such entries shall be made, the custody and disposal thereof and all other matters relating thereto;

any other matter, which is to be, or may be prescribed'.

78. The Committee notes that the powers have been vested with the Central government for making rules for prevention and control of pollution under Clause 12(54H)(1)&(2). However, it also notes that the transportation of hazardous material is also covered under the Environment Protection Act, 1986 and the Hazardous Waste Management and Handling) Amendment Rules 2000. The committee is of the view that attempt should be made by the Department of Shipping to suitably establish the linkage with the provisions relating to prevention and control of pollution of such goods while making the rules for the purpose under Chapter VIAB *ibid* and adopted the Clause without suggesting any change.

Clause 13 - (Insertion of new sections 62D and 62E in the principal Act.)

79. Clause 13 reads, - After section 62C of the principal Act, the following sections shall be inserted, namely:-

Clause 13(62D) (Punishment for offences relating to pollution.)

80. Clause 13(62D) reads,

Whoever contravenes any provision of Chapter VIAB or of any rule made thereunder, shall be punishable with imprisonment which may extend to one year or with fine which may extend to fifty thousand rupees, or with both.

Clause 13(62E) (offences by companies.)

Clause 13(62E) reads,

(1) Where an offence under Chapter VIAB has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under Chapter VIAB has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.-* For the purposes of this section,-

“company” means any body corporate and includes a firm or other association of individual; and

“director”, in relation to a firm, means a partner in the firm’.

82. The Committee desired to know whether any remedy is available to a person or companies against punishment for offences relating to pollution as mentioned in Section 62 D and 62 E. The Department of Shipping informed that these are matter of details which could be taken care of by rules to be framed by the Central Government.

83. The Committee notes that no remedy is available to the person/company against punishment for the offences relating to the pollution under Clause 62D & 62E. The Committee feels that the provisions are against the principle of natural justice as enshrined in the Constitution and is of the view that nobody willfully violates the law prevailing at the place of operation therefore the time alone will serve the purpose. The Committee desires that proper procedure be followed for award of punishment and a person/company should not be denied the opportunity of being heard or make appeal to the appellate authority. The Committee therefore recommends the Department of Shipping to amend Clause 13 in consultation with the Ministry of Law & Justice suitably.

Clause 14 (1)&(2)(Power To Remove Difficulties)

84. Clause 14 (1)&(2)(reads,

If any difficulty arises in giving effect to the provisions of this Act the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of the said Act as amended by this Act or this Act as may appear to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date on which this Act comes into force.

Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

85. The Clause was considered and adopted by the Committee without suggesting any change.

Clause 1(1) & (2) (Short Title and Commencement and the Enacting Formula.)

86. The Clause 1(1) & (2) and the Enacting formula were considered and adopted by the Committee with following changes:-

Since the short title of the Bill depends on clause 1 of the Bill for changing the year "2005" in the short title the Committee recommends that in sub-clause (1) of clause 1 the figure "2005" be substituted by the figure "2006".

The Committee recommends that in the Enacting formula of the Bill the word "Fifty- sixth" be substituted by the word "Fifty-seventh".

87. The Committee recommends that the Bill be passed after incorporating official amendments and taking into account its recommendations in respect of Clause 1(1)& (2), 3(i)(a), 3(i)(b)(i), 3 (i)(b) (ii), 3(i)(b)(iii), 3(i)(c)(ii)(ga), Clause 5, Clause 6, Clause 7, Clause 10, Clause 12 (54H)(1)&(2), Clause 12(54H) (1) & (2) and Clause 13 along with the recommendations contained in para 9 above.

---

### **OBSERVATIONS/CONCLUSIONS/RECOMMENDATIONS - AT A GLANCE**

The Committee is not satisfied with the replies furnished by the Department of Shipping and is of the view that the Department of Shipping has not given any holistic thinking on the subject which is evident from the fact that Government is coming with piecemeal legislation due to which the Inland Water Transport is actually losing out as compared to other mode of transport. The Committee observes that the amendments are too little and too late for addressing the problems and development of modern inland waterways. The Committee feels that the inadequate interest and investment in the sector is only aggravating the problems of inland water transport. The Committee is of the strong opinion that the development of the inland water transport sector will ultimately depend on the flow of investments, both public and private, primarily public and a multi-pronged approach in which the

Government takes the responsibility by putting in place the necessary infrastructure for the inland waterways. Therefore, the Committee desires that the amendments should *inter-alia* try to achieve a vibrant inland water transport and endeavour should be made to integrate it with National Maritime Development Programme. The Committee, therefore, recommends that the Department of Shipping should take a comprehensive review of the whole Act keeping in mind the future of inland water transport instead of bringing piecemeal legislation for the time being and again for facilitating increased inland water transport activities throughout the country, the law should be commensurate with the requirements of inland water transport, its infrastructure and ultimately its over all development.

(para 9)

## Clause 2

The Clause was considered and adopted by the Committee without suggesting any change.

(para 12)

## Clause 3(i) (a)

The Committee takes note of the fact that the fishing vessels and vessels registered under the Merchant Shipping Act, 1958 are capable of plying in sea and have higher scantling which enable them to face higher wave heights, and thus, fishing vessels and ships can ply in inland water safely, whereas the inland vessels, registered under Inland Vessels Act are permitted to ply within the inland waters limits with their comparatively less scantling. The Committee feels that for the sake of uniformity there should be a clear definition of the inland vessels and recommends the Department of Shipping to clearly define inland vessels in the Bill itself as 'mechanically propelled vessels including dumb barge under tow and registered as such and not going to sea'.

(para 16)

## Clause 3(i) (b) (i)

The Committee observes that the Department of Shipping has not clearly specified the other navigable water within a State as inland water and the concerned State Government has been at liberty to determine the waterways or its navigability. The Committee feels that there should be a uniform criteria throughout the country for defining the inland water. The criteria may include the depth of water, geography, weather conditions, wave height expected at any time, sand bars and banks, tides and bores, port links, available historical data of the areas, distance from safe heaven etc. The Committee, therefore, recommends the Department of Shipping to reconsider the definition of the inland water so as to make the meaning more clear and uniform.

(para 19)

## Clause 3(i) (b)(ii)

The Committee notes that there is no mention of the significant wave height for a water deemed to be an inland water. The Committee feels that the tidal water should be defined based upon the significant wave height and recommends the Department of Shipping to declare the waters upto two meters significant wave height to be deemed as inland water under section 70 of Inland Vessels Act and an explanation on its use defining favourable weather and restricted period should also be included in the Bill itself.

(para 21)



### Clause 3(i) (b)(iii)

The Committee desires that the waters declared by the Central Government to be smooth and partially smooth waters under clause (41) of section 3 of the Merchant Shipping Act, 1958 may coincide with the respective port limits where inland vessels operate.

(para 23)

### Clause 3(i)(c)

The Clause was considered and adopted by the Committee without suggesting any change.

(para 26)

### Clause 3(i) (c) (ii)(ga)

The Committee observes that the definition of tidal water in clause (49) of section 3 of Merchant Shipping Act, 1958 does not include harbour water. The Committee recommends that the harbour water should also be included to facilitate lighterage operation by inland vessels for ship to shore and vice-versa operation.

The Clause was adopted subject to the above observations of the Committee.

(paras 29&30)

### Clause 4 (i)&ii)

The Committee notes that the Department of Shipping is dividing the Inland water area into three zones on the basis of the average height of the wave which will be consistent with the safety requirement of the inland vessels and adopted the clause without suggesting any change.

(para 34)

### Clause 5

The Committee is not satisfied with the replies furnished by the Department of Shipping and is of the view that the provision for granting a temporary permit not exceeding 30 days is insufficient in order to facilitate the owner/master to complete the voyage pending the issue of certificate of survey. The Committee recommends the Department of Shipping to make suitable amendment in Clause 5 so as to enhance the period of validity of temporary permit to a reasonable extent and a provision should also be made for renewal of survey certificate of an Inland Vessels after its expiry in another State.

(para 38)

### Clause 6

The Committee notes that an inland vessel registered in one State is permitted to operate in another State for a period of 36 months without transferring of registration certificate. The Committee feels that there is a need for simplification of registration procedure to avoid hassles to the owner carrying out inter-state operation and vessel can be surveyed any where in India at the place of operation irrespective of the place of registration. The Committee recommends that the Clause be amended suitably in consultation with the Ministry of Law & Justice.

(para 41)

## Clause 7(i)&(ii)

The Committee notes that matter pertains to delegated legislation and the period for issue of certificate of service will be notified by the respective State Government while formulating the rules. The Committee desires the Department of Shipping to impress upon the respective State Governments to issue relevant rules under the Act within stipulated time period besides ensuring that uniformity should also prevails in implementing the provision of said Act and rules made thereunder. The Committee adopted the Clause without suggesting any change.

The Committee, however, recommends that to meet the demand of the shortage of qualified manpower and the increased trade in Inland Water Transport sector, the Department of Shipping should explore the possibility of increasing in BHP limit for manning of inland vessels with II class master/I class Engine driver/serang's as required under the Act besides induction of suitable trained manpower from Army, Navy and Coast Guard into inland water transport for plying inland vessels.

(paras 45&46)

## Clause 8(a)

The Committee notes that the subject is a matter of subordinate legislation and adopted the Clause without suggesting any change.

(para 49)

## Clause 9

The clause was considered and adopted by the Committee without suggesting any change.

(para 51)

## Clause 10(a)

The clause was considered and adopted by the Committee without suggesting any change.

(para 53)

## Clause 10(b)

The Committee recommends that clear enabling provisions with limited power of exemption should be prescribed in the Act for the rules to be made within a definite time frame for hull, construction, equipment, safety navigation and communication.

The Committee appreciates the necessity for installation of VHF in inland vessels. The Committee is, however of the view that increase in the licence fees for each set would have a deterring effect on the operators using any wireless equipment under Clause 10(b)(m). The Committee feels that inland vessel cannot be treated at par with the coastal vessels and therefore recommends the Department of Shipping to take up the matter with the Department of communication for maintaining the status-quo in the matter of licence fee and in the meantime the Committee directs the Department of Shipping to keep in abeyance the orders issued by the Director General, Shipping in this regard till the Inland Vessels (Amendment) Bill, 2005 comes into effect.

(paras 55 &57)

## Clause 11

The Committee welcomes the insertion of the new provisions with respect to third party insurance based on the Motor Vehicles Act, 1988. The Committee considered and adopted the Clause without suggesting any change.

(para 59)

#### Clause 12(54D)

The Committee notes that the Surveyor or any other person so designated will supervise/inspect the pollution level from any inland port, cargo or passenger terminal or vessel as per Clause 12(54E) and decided to adopt the Clause without suggesting any change.

(para 63)

#### Clause 12(54E)

The Committee notes that the provision determines the priority -between pollution control and life threatening situations and Master of the vessel will take a decision in the situation of crisis and adopted the Clause without suggesting any change.

(para 66)

#### Clause 12(54F)(1)

The Clause was considered and adopted by the Committee without suggesting any change.

(para 68)

#### Clause 12(54F)(2)

The Committee notes that the respective State Government shall finalize the rates and terms & conditions for the usage facilities/reception facilities at an Inland port through notification and adopted the Clause without suggesting any change.

(para 71)

#### Clause 12(54F)(3)

The Clause was considered and adopted by the Committee without suggesting any change.

(para 73)

#### Clause 12(54G) (1) (2) & (3)

The Committee notes that the respective State Governments while framing the rules will indicate the reasonable time for the surveyor to enter and inspect any inland port at cargo or passenger terminal. The Committee desires that Department of Shipping to see that the uniform rules be made by the respective State Government expeditiously wherever necessary and adopted the Clause without suggesting any change.

(para 76)

#### Clause 12(54H)(1)&(2)

The Committee notes that the powers have been vested with the Central government for making

rules for prevention and control of pollution under Clause 12(54H)(1)&(2). However, it also notes that the transportation of hazardous material is also covered under the Environment Protection Act, 1986 and the Hazardous Waste Management and Handling) Amendment Rules 2000. The committee is of the view that attempt should be made by the Department of Shipping to suitably establish the linkage with the provisions relating to prevention and control of pollution of such goods while making the rules for the purpose under Chapter VIAB *ibid* and adopted the Clause without suggesting any change.  
(para 78)

#### Clause 13(62D&62E)

The Committee notes that no remedy is available to the person/company against punishment for the offences relating to the pollution under Clause 62D & 62E. The Committee feels that the provisions are against the principle of natural justice as enshrined in the Constitution and is of the view that nobody willfully violates the law prevailing at the place of operation therefore the time alone will serve the purpose. The Committee desires that proper procedure be followed for award of punishment and a person/company should not be denied the opportunity of being heard or make appeal to the appellate authority. The Committee therefore recommends the Department of Shipping to amend Clause 13 in consultation with the Ministry of Law & Justice suitably.  
(para 83)

#### Clause 14 (1)&(2)

The Clause was considered and adopted by the Committee without suggesting any change.  
(para 85)

#### Clause 1(1)&(2)

The Clause 1(1) & (2) and the Enacting formula were considered and adopted by the Committee with following changes:-

Since the short title of the Bill depends on clause 1 of the Bill for changing the year "2005" in the short title the Committee recommends that in sub-clause (1) of clause 1 the figure "2005" be substituted by the figure "2006".

The Committee recommends that in the Enacting formula of the Bill the word "Fifty- sixth" be substituted by the word "Fifty-seventh".  
(para 86)

The Committee recommends that the Bill be passed after incorporating official amendments and taking into account its recommendations in respect of Clause 1(1)& (2), 3(i)(a), 3(i)(b)(i), 3 (i)(b) (ii), 3(i)(b)(iii), 3(i)(c)(ii)(ga), Clause 5, Clause 6, Clause 7, Clause 10, Clause 12 (54H)(1)&(2), Clause 12(54H) (1) & (2) and Clause 13 along with the recommendations contained in para 9 above.  
(para 87)

---

## MINUTES X TENTH MEETING

The Committee met at 2.00 p.m. on Tuesday, the 27<sup>th</sup> December 2005 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

Shri Nilotpal Basu – *Chairman*

**RAJYA SABHA**

Shri Janardhana Poojary

Shri Rama Muni Reddy Sirigireddy

**LOK SABHA**

Shri Sartaj Singh Chhatwal

Dr. Dhanaraju

Dr. Ramkrishna Kusmaria

Shri Samik Lahiri

Shri Alok Kumar Mehta

Shri Umakant Yadav

**SECRETARIAT**

Shri Jagdish Kumar, Under Secretary

Shrimati Subhashree Panigrahi, Committee Officer

2. At the outset, the Committee held preliminary discussion on (i) the Carriage by Road Bill, 2005 and (ii) the Inland Vessels (Amendment) Bill, 2005, which had been referred to the Committee for consideration and report. After some discussion the Committee decided to hear the Secretaries of the Departments of Road Transport & Highways and Shipping, respectively, on the said Bills in its next meeting to be held on 12<sup>th</sup> January 2006. The Committee also decided to invite comments/suggestions from interested individuals/organisations on the above Bills and directed the Secretariat to issue Press Communiqués accordingly.

3. \* \* \*

4. \* \* \*

5. The meeting of the Committee then adjourned at 2.30 P.M.

\* Relates to other matter.

---

**XI**  
**ELEVENTH MEETING**

The Committee met at 12.30 p.m. on Thursday, the 12<sup>th</sup> January 2006 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Shri Nilotpal Basu – *Chairman*

## RAJYA SABHA

Shri Kamal Akhtar

Shri S.S. Chandran

Shri Janardhana Poojary

Shri Shatrughan Sinha

Shri Rama Muni Reddy Sirigireddy

Shrimati Ambika Soni

## LOK SABHA

Shri Ramdas Athawale

Shri Sartaj Singh Chhatwal

Shri Adhir Chowdhury

Shri Ravindra Naik Dharavath

Shri Vijay Kumar Khandelwal

Shri Samik Lahiri

Shri Alok Kumar Mehta

Shri Manabendra Shah

## SECRETARIAT

Shri Sham Sher Singh, Joint Secretary

Smt. Agnes Momin George, Director

Shri Jagdish Kumar, Under Secretary

Smt. Subhashree Panigrahi, Committee Officer

(i) Representatives of the Department of Shipping:

Shri A.K. Mohapatra, Secretary

Shri C. Balakrishanan, Additional Secy. & F.A.

Shri Sushil Kumar, J.S. (S&IWT)

Shri S.C. Srivastava, Member (Cargo)

(ii) Ministry of Law and Justice (Legislative Department):

Shri P.B. Singh, Joint Secretary & Legal Counsel

(iii) Ministry of Law and Justice (Department of Legal Affairs):

Shri R. Ragupathi, Joint Secretary & Legal Advisor

II. (i) Representatives of the Department of Road, Transport and Highways:

Shri L.K. Joshi, Secretary

Shri S.K. Das, Joint Secretary (T&A)

Shri S.K. Mishra, Director (RT)

(ii) Ministry of Law and Justice (Legislative Department):

Dr. Sanjay Singh, Joint Secretary & Legal Counsel

(iii) Ministry of Law and Justice (Department of Legal Affairs):

Shri R.L. Koli, Joint Secretary & Legal Advisor

2. At the outset, the Committee took up the Inland Vessels (Amendment) Bill, 2005 for consideration and heard the views of the Secretary, Department of Shipping on the Bill. The Chairman and Members of the Committee desired to know as to how the proposed amendments would benefit Inland Water Transport in the country. The Secretary, Department of Shipping stated that they will make a power point presentation on the Bill in its next meeting incorporating all the queries raised during this meeting.

3. The meeting of the Committee then adjourned at 1.30 p.m. for tea break.

4. \* \* \*

5. The Chairman of the Committee also directed the Secretariat to prepare a Questionnaire on each of the above two bills and send it to the respective Departments for obtaining replies thereto.

6. A verbatim record of the proceedings was kept.

7. The meeting of the Committee then finally adjourned at 3.00 P.M. to meet again on the 23<sup>rd</sup> January, 2006.

\* Relates to other matters.

---

### XIII THIRTEENTH MEETING

The Committee met at 2.00 p.m. on Wednesday, the 1<sup>st</sup> February 2006 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

#### MEMBERS PRESENT

1. Shri Nilotpall Basu – *Chairman*

RAJYA SABHA

Shri Kamal Akhtar

Prof. Ram Deo Bhandary

Shri S.S. Chandran

Shri Shatrughan Sinha

LOK SABHA

Shri Ramdas Athawale

Shri Raj Babbar

Shri N.S.V. Chitthan  
Dr. K. Dhanaraju  
Shri W. Wangyuh Konyak  
Shri Samik Lahiri  
Shri Alok Kumar Mehta  
Shri Chengara Surendran  
SECRETARIAT

Smt. Agnes Momin George, Director  
Shri Jagdish Kumar, Under Secretary  
Smt. Subhashree Panigrahi, Committee Officer

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE  
(LEGISLATIVE DEPARTMENT)

Dr. Sanjay Singh, Joint Secretary and Legislative Counsel

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE  
(LEGAL AFFAIRS)

Shri R. Ragupathi, Joint Secretary and Legal Advisor  
REPRESENTATIVES OF ASSOCIATION/STAKEHOLDERS

(i) GOA BARGE OWNERS ASSOCIATION, GOA:

Shri Atul Jadhav, President  
Shri Jairam I. Dialani, Executive Member

(ii) M/S SANGHI BROTHERS (INDORE) LTD., GOA:

Shri Ashok Deshprabhu, Chief Executive

(iii) M/S GANGA WATER TRANSPORT CO. PVT. LTD., KOLKATA:

Shri Shankar Lal Jain, Director

(iv) M/S EASTERN NAVIGATION PRIVATE LTD., KOLKATA:

Shri Y.K. Singhi, President

(v) M/S VIVADA INLAND WATERWAYS LTD., KOLKATA:

Shri S. Rakshit, Director



(vi) CENTRAL INLAND WATER TRANSPORT CORPORATION LTD., KOLKATA:

Shri Praful Tayal, Managing Director

Shri D. Sengupta, Dock Master

2. The Committee heard the views of the above-mentioned representatives of various Association/ stakeholders on the Inland Vessels (Amendment) Bill, 2005. The representatives have submitted written Memoranda on the said Bill for consideration of the Committee. The Members raised queries on various provisions of the Bill and the stakeholders explained their position thereon.

3. A verbatim record of the proceedings of the Meeting was kept.

4. \* \* \*

5. The meeting of the Committee then adjourned at 3.30 P.M.

\* Relates to other matters.

---

**XV**  
**FIFTEENTH MEETING**

The Committee met at 10.00 a.m. on Friday, the 17<sup>th</sup> March 2006 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Shri Nilotpal Basu – *Chairman*

**RAJYA SABHA**

Shri Kamal Akhtar

Prof. Ram Deo Bhandary

Shri Janardhana Poojary

Shri Rama Muni Reddy Sirigireddy

**LOK SABHA**

Shri Raj Babbar

Shri N.S.V. Chitthan

Shri Ravindra Naik Dharavath

Shri W. Wangyuh Konyak

Shri Madan Lal Sharma

Shri Umakant Yadav

**SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary

Shrimati Agnes Momin George, Director

Shri Jagdish Kumar, Under Secretary

Shrimati Subhashree Panigrahi, Committee Officer

2. \* \* \*

3. The Committee then took up clause-by-clause consideration of the Admiralty Bill, 2005; the Inland Vessels (Amendment) Bill, 2005; and the Carriage by Road Bill, 2005. The Committee also considered the draft Report on the said Bills and adopted the same with minor modifications.

4. The Committee also authorized the Chairman to nominate the Members for presentation of all the four reports to the Parliament on 21<sup>st</sup> March, 2006.

5. \* \* \*

6. The meeting of the Committee then adjourned at 10.30 a.m.

---

\* Relates to other matter.