

**AIDS TO NAVIGATION ACT**

A

BILL

*to provide for development, maintenance and management of aids to navigation in India, for training and certification of operator of aids to navigation, development of historical, educational and cultural value of aids to navigation, to ensure compliance with the country's obligation under the maritime treaties and International Instruments to which India is a party for matters connected therewith or incidental thereto.*

WHEREAS it is expedient to provide for development, maintenance and management of aids to navigation in India

AND WHEREAS it is necessary to create a framework for the development, maintenance and management of vessel traffic services in India

AND WHEREAS it is necessary to create a framework for the training and certification of operators of aids to navigation

AND WHEREAS it is necessary to create a framework for the development of the historical educational and cultural value of aids to navigation

AND WHEREAS India is signatory to maritime treaties and international instruments such as International Convention for the Safety of Life at Sea, 1974, as amended; and IALA Maritime Buoyage System.

AND WHEREAS it is considered necessary to give effect to the said treaties and instruments in relation to, *inter alia*, aids to navigation, vessel traffic services and marking of wrecks.

AND WHEREAS it is necessary to create framework for the levy and collection of aids to navigation cess for development, maintenance and management of aids to navigation and vessel traffic services in India for raising funds to meet the costs incurred on aids to navigation established and maintained by Government, and for matters connected herewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

<b>CHAPTER I PRELIMINARY</b>			
1.	<i>Short title, extent and commencement</i>	(1) This Act may be called the Aids to Navigation Act, 2020 (2) It extends to the whole of India. (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and	

		<p>any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision..</p>	
<p>2.</p>	<p><i>Definitions</i></p>	<p>In this Act, unless the context otherwise requires, --</p> <ol style="list-style-type: none"> <li>(1) "<i>accredited training organization</i>" means any organization which has been accredited by the Director General and qualified to impart training or conduct assessments as under section 20;</li> <li>(2) "<i>aids to navigation</i>" means a device, system or service, external to vessels, designed and operated to enhance safe and efficient navigation of individual vessels and vessel traffic; <i>Explanation:</i> No reference to an Aid to navigation in this Act shall be construed to include a reference to vessel traffic services unless otherwise stated;</li> <li>(3) "<i>aids to navigation cess</i>" or "<i>cess</i>" means a cess levied under section 24 of this Act;</li> <li>(4) "<i>Director General</i>" refers to the Director General of Aids to Navigation appointed under section 4;</li> <li>(5) "<i>district</i>" means an area defined as a district for the purposes of this Act, under Section (4)</li> <li>(6) "<i>general aids to navigation</i>" means any aid to navigation which the Central Government may, by notification in the Official Gazette, declare to be general aid to navigation for the purposes of this Act;</li> <li>(7) "<i>heritage lighthouse</i>" means an aid to navigation designated as a heritage lighthouse under section 23;</li> <li>(8) "<i>local aids to navigation</i>" means any aid to navigation which is not a general aid to navigation;</li> <li>(9) "<i>local authority</i> " means a State Government or other person having the superintendence and management of a local aids to navigation;</li> <li>(10) "<i>owner</i>" means the owner of the</li> </ol>	

		<p>vessel, including the registered owner, a person to whom a share in the vessel belongs, bareboat charterer, manager and operator of the vessel;</p> <p>(11) "port" means any port as defined in the Indian Ports Act, 1908,;</p> <p>(12) "prescribed" means prescribed by rules made under this Act;</p> <p>(13) "Proper Officer" in relation to any functions to be performed under this Act, means the officer of Customs who is assigned those functions by the Central Board of Indirect Taxes and Customs (CBIC) constituted under the Central Board of Revenue Act, 1963 (54 of 1963), and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;</p> <p>(14) "rule" means rules made by the Central Government under this Act;</p> <p>(15) "Ship" includes a sailing vessel;</p> <p>(16) "vessel traffic service" means a service implemented under this Act to improve the safety and efficiency of vessel traffic and to protect the environment; and</p> <p>(17) Words and expressions used but not defined in this Act and defined in the Indian Merchant Shipping Act 1958 shall have the same meanings respectively assigned to them in that Act.</p>	
<b>CHAPTER II DESIGNATION OF GENERAL AIDS TO NAVIGATION</b>			
3.	<i>Power to Designate General aids to navigation</i>	The Central Government may, by notification in the Official Gazette, designate any aids to navigation to be general aids to navigation.	
<b>CHAPTER III DIRECTOR GENERAL OF AIDS TO NAVIGATION</b>			
4.	<i>Appointment of Director General, Deputy Director General and Director</i>	<p>(1) The Central Government shall, by notification in Official Gazette,</p> <p>(a) appoint a person as the Director General to carry out such functions as may be specified under this Act or any other law for the time being in force;</p> <p>(b) appoint persons as the Deputy Director General;</p> <p>(c) Appoint persons as the Director for districts;</p>	

		<p>and</p> <p>(d) Define areas to be districts for the purposes of this Act.</p> <p>(2) Every officer appointed under this Act shall discharge his functions under the general superintendence and control of the Director General appointed under subsection (1)</p>	
5.	<i>Functions of the Director General</i>	<p>In addition to such other functions that may be specified elsewhere in this Act or any other law for the time being in force, the Director General shall carry out the following functions under this Act, :</p> <p>(a) advisor to the Central Government on matters related to Aids to Navigation</p> <p>(b) development, maintenance and management of general aids to navigation;</p> <p>(c) regulation, development, maintenance and management of vessel traffic services;</p> <p>(d) Inspection of local aids to navigation and advise thereof ;</p> <p>(e) Development of heritage lighthouses;</p> <p>(f) Marking of wrecks.</p>	
6.	<i>Appointment of Officers</i>	<p>(1) The Director General may appoint such number of officers as he thinks fit for the purpose of carrying out all or any of the functions conferred on him by this Act subject to such rules as may be prescribed in this behalf.</p> <p>(2) The Director General may delegate to any officer appointed under this section all or any of the powers conferred on the Director General by this Act subject to such rules as may be prescribed in this behalf.</p>	
7.	<i>General Powers of the Director General</i>	<p>(1) In addition to any other powers conferred on it by this or any other Act, the Director General has, subject to this Act, power to issue such directions and do such things as may be necessary or convenient to be done for or in connection with the performance of its functions specified in section 5 or elsewhere in this Act.</p>	

		<p>(2) Without prejudice to the generality of the foregoing and other powers under this Act, the powers of the Director General shall include the power to —</p> <ul style="list-style-type: none"> <li>(a) enter into contracts;</li> <li>(b) acquire, hold and dispose of property;</li> <li>(c) develop and maintain infrastructures required for the purpose of this Act;</li> <li>(d) do anything incidental to any of the powers specified in this subsection or otherwise conferred on the Director General.</li> </ul>	
<p>8.</p>	<p><i>Advisory Committees</i></p>	<p>(1) The Central Government shall appoint a Central Advisory Committee and shall consult it in regard to---</p> <ul style="list-style-type: none"> <li>(a) the establishment or position of aids to navigation or of any works appertaining thereto;</li> <li>(b) additions to or the alteration or removal of , aids to navigation;</li> <li>(c) the variations to any aids to navigation or of the mode of use thereof;</li> <li>(d) the cost of any proposals relating to aids to navigation ; or</li> <li>(e) the making or alteration of any rules or rates of aids to navigation cess under this Act.</li> </ul> <p>(2) The Central Government may, if it thinks fit, appoint a sub-committee for any purpose of advising it in regard to any of the matters specified in sub-section (1).</p> <p>(3) Advisory Committees shall consist of persons representing interests affected by this Act or having special knowledge of the subject-matter thereof.</p>	

		<p>(4) No act or proceeding of the Advisory Committee shall be invalidated merely by reason of—</p> <ul style="list-style-type: none"> <li>(a) any vacancy in, or any defect in constitution of, the Advisory Committee;</li> <li>(b) any defect in appointment of a person acting as a member of the Advisory Committee; or</li> <li>(c) any irregularity in the procedure of the Advisory Committee not affecting the merits of the case.</li> </ul>	
<b>CHAPTER IV MANAGEMENT OF GENERAL AIDS TO NAVIGATION</b>			
9.	<i>Management of general aids to navigation</i>	The development, maintenance and management of all general aids to navigation shall be vested in the Director General.	
10.	<i>Powers of the Director General relating to aids to navigation</i>	<p>The Director General, shall have the following powers relating to the development, maintenance and management of general aids to navigation :</p> <ul style="list-style-type: none"> <li>(a) establish and maintain aids to navigation; and</li> <li>(b) add to, alter or remove any aids to navigation;</li> <li>(c) alter or vary any aids to navigation</li> <li>(d) inspect any aids to navigation which may affect the safety of navigation,</li> <li>(e) enter any property, whether public or private, for the purposes of an inspection of any aids to navigation;</li> <li>(f) transport, or cause to be transported, any goods through any property, whether public or private, for any purpose in connection with: <ul style="list-style-type: none"> <li>(i) the maintenance of an aid to navigation; or</li> <li>(ii) the establishment of any aid to navigation.</li> </ul> </li> <li>(g) acquire any land which may be necessary for— <ul style="list-style-type: none"> <li>(i) the exercise of his powers under this</li> </ul> </li> </ul>	

		<p>Act;</p> <p>(ii) the maintenance of his works</p> <p>Provided that the Director General shall not exercise his powers under clauses (a), (b) and (c) above without consulting the Central Advisory Committee appointed under section 8 above.</p>	
<b>CHAPTER V MANAGEMENT OF VESSEL TRAFFIC SERVICES</b>			
11.	<i>Management of Vessel Traffic Services</i>	The Central Government shall, by notification in the Official Gazette, appoint the Director General of Aids to Navigation as the Competent Authority for Vessel Traffic Services.	
12.	<i>Standards for establishment and operation of Vessel Traffic Services</i>	The Central Government shall prescribe standards for establishing and operating Vessel Traffic Services in India.	
13.	<i>Functions of Competent Authority of Vessels Traffic Services</i>	<p>The Competent Authority for the Vessel Traffic Services shall:</p> <p>(a) Declare and authorize vessel traffic services provider to operate a vessel traffic service within an authorized area;</p> <p>(b) accredit and approve vessel traffic services training and certification;</p> <p>(c) establish and operate vessel traffic services where it deems necessary;</p> <p>(d) add to or alter or require any person to add to or alter any aspect of a vessel traffic service.</p> <p>Explanation: "vessel traffic service provider" is any person authorized by the competent authority</p>	
<b>CHAPTER VI INSPECTION AND MANAGEMENT OF LOCAL AIDS TO NAVIGATION</b>			
14.	<i>Power to inspect local aids to navigation</i>	(1) The Director General or any officer, authorized by him, may, at any time enter upon and inspect any local aids to navigation and make such inquiries in respect thereof or of the management thereof as he thinks fit.	

		<p>(2) Every person having the charge of, or concerned in the management of, any aids to navigation shall be bound to furnish to any officer authorized under sub-section (1) to inspect the aid to navigation all such information regarding the same as the officer may require.</p> <p>(3) Every local authority shall furnish to the Central Government all such returns and other information in respect of the aids to navigation under its supervision and management, or of any of them, as the Central Government may require.</p>	
<p>15.</p>	<p><i>Control of local aids to navigation by the Director General</i></p>	<p>(1) If, after an inspection under section 14 or such other inquiry as deemed fit, the Central Government is satisfied that a direction under this sub-section is necessary or expedient for the safety, or otherwise in the interests, of shipping, it may direct any local authority--</p> <p style="padding-left: 40px;">(a) to remove or discontinue or to refrain from moving or discontinuing any aids to navigation under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such aids to navigation, or</p> <p style="padding-left: 40px;">(b) to erect, place or maintain, or to refrain from erecting, placing or maintaining any aids to navigation within the local limits within which the local authority exercises its powers.</p> <p>(2) A local authority shall not erect , place , remove or discontinue any aids to navigation or vary the character or mode of use of any aid to navigation, unless it has given to the Central Government at least one month's notice in writing of its intention so to do.</p> <p>Provided that, in cases of emergency, a local authority may take such action as it deems necessary and shall give immediate notice of the</p>	



		<p>same to the Central Government and, so far as is possible, to all shipping approaching or in the vicinity of the aid to navigation.</p> <p>(3) If a local authority---</p> <ul style="list-style-type: none"> <li>(a) fails to comply with any direction made under sub-section (1), or</li> <li>(b) fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of any aid to navigation conferred or imposed upon it by or under any law for the time being in force, or</li> <li>(c) fails to make adequate financial provision for the performance of any such duty,</li> </ul> <p>the Central Government may, by order in writing, require the local authority to comply with the direction, or to make arrangements to the satisfaction of the Central Government for the proper exercise of the power or performance of the duty or to make financial provision to the satisfaction of the Central Government for the performance of the duty as the case may be within such period as the Central Government may specify.</p> <p>(4) If the local authority fails to comply with an order made under sub-section (3) within the specified period or within such further time as the Central Government may allow, the Central Government may exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local authority shall be liable to repay to the Central Government any expenditure incurred by it in so doing.</p>	
<p>16.</p>	<p><i>Management of local aids to navigation by the Central Government</i></p>	<p>The Central Government may, at the request of a local authority, undertake the superintendence and management of any local aids to navigation on its behalf, and the local authority shall pay to the Central Government such sums to defray the cost of</p>	

		superintendence and management as may be agreed	
<b>CHAPTER VII OBSTRUCTIONS TO FUNCTIONING OF AIDS TO NAVIGATION</b>			
17.	<i>Power of Central Government to remove or alter obstructions</i>	<p>(1) The Central Government, by notification in the Official Gazette, specify restrictions on activities that interfere with or obstruct the operation of aids to navigation within the specified distance of such aids to navigation.</p> <p>(2) Notwithstanding anything else contained in any law for the time being in force, where the functioning of any aids to navigation or vessel traffic service is being obstructed, directly or indirectly, the Central Government may, if it deems fit, issue such directions that it deems necessary for the removal or alteration of such obstruction.</p>	
<b>CHAPTER VIII TRAINING AND CERTIFICATION</b>			
18.	<i>Power of Central Government to train and certify operators of Aids to navigation and vessel traffic services</i>	<p>(1) No person shall be allowed to operate or work on, including any ancillary activities as may be specified, any aids to navigation in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of aids to navigation.</p> <p>(2) No person shall be allowed to operate or work on, , including any ancillary activities as may be specified, a vessel traffic service in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of vessel traffic services.</p> <p>(3) A certificate of training issued under this Act shall be valid and effective throughout the territory of India.</p>	
19.	<i>Certification</i>	<p>(1) A certificate mentioned in sub-sections (1) and (2) of section 18 above shall be issued by the accredited training organization and validated by the Director General in such form, subject to such conditions and in such manner as may be prescribed.</p> <p>(2) No certification under sub sections (1) and (2) of section 18 shall be granted to any person unless</p>	

		he holds the required qualification from an accredited training organization.	
20.	<i>Establishment and Accreditation of Training organizations</i>	<p>(1) The Central Government shall appoint the Director General to accredit organizations for imparting training to persons in the operation of aids to navigation and vessel traffic services.</p> <p>(2) The Director General will accredit such organizations who meet such criteria as may be prescribed for imparting training to trainees or conduct assessment of persons in the operation of aids to navigation and vessel traffic services in accordance with such rules as may be prescribed in this behalf.</p>	
<b>CHAPTER IX MARKING OF WRECKS</b>			
21.	<i>Marking of wrecks</i>	The Central Government may, if considers necessary, give directions to the Director-General to mark the wreck within his jurisdiction in such manner as may be prescribed.	
22.	<i>Reimbursement for marking wrecks</i>	The cost for marking the wreck shall be borne by or recovered from the owner or the operator of such a vessel in a manner prescribed by the Central Government.	
<b>CHAPTER X DEVELOPMENT OF HERITAGE LIGHTHOUSES</b>			
23.	<i>Power of Central Government to designate any aids to navigation as heritage lighthouses</i>	<p>(1) The Central Government may, by notification in the Official Gazette, designate any aid to navigation under its control as a "heritage lighthouse".</p> <p>(2) Such heritage lighthouses designated under subsection (1) shall be developed for, in addition to their function as aids to navigation or otherwise, educational, cultural and tourism purposes by the Central Government, in such manner as may be prescribed.</p>	
<b>CHAPTER XI – AIDS TO NAVIGATION CESS</b>			
24.	<i>Levy and collection of Aids to navigation cess</i>	(1) There shall be levied and collected a cess for the purposes of the Aids to Navigation Act 2020 (Act [] of 2020), at such rate as the Central Government may, by notification in the Official Gazette, from time to time specify.	

		<p>(2) The cess levied under sub-section (1) shall be collected in respect of every ship arriving at or departing from any port in India, from such person, in such manner and at such time, as may be prescribed by the Directorate General from time to time.</p> <p>(3) The proceeds of the cess collected under sub-Section (1) shall be paid by the Proper Officer collecting the cess to the Director General after deducting the cost of collection of such cess not exceeding half percent of the amount collected.</p> <p>(4) Every Owner causing any Ship to arrive at or depart from any port in India shall file a return before the Proper Officer self-assessing its liability to pay cess, in such form and manner as may be prescribed by the Directorate General, by way of a notification, from time to time.</p>	
25.	<i>Application of Aids to navigation cess</i>	Aids to navigation cess levied under this Act shall be utilized to fulfill the obligations under this Act.	
26.	<i>Receipts</i>	<p>(1) The aids to navigation cess shall be paid to the Central Government by the owner in the manner prescribed and notified in the Official Gazette.</p> <p>(2) To grant clearance, the payment shall be verified by the proper officer in respect of:</p> <ol style="list-style-type: none"> <li>(a) the port at which the aids to navigation cess has been paid;</li> <li>(b) the amount of the payment;</li> <li>(c) the date on which the aids to navigation cess became payable; and</li> <li>(d) the name, tonnage and other proper description of the ship in respect of which the payment is made.</li> </ol>	
27.	<i>Assessment of Cess and Ascertainment of Tonnage</i>	(1) The Proper Officer to whom the return has been furnished under Section 24 shall, after making or causing to be made such inquiry as he thinks fit and after satisfying himself that the particulars stated in the return are	

		<p>correct, by order, assess the amount of Cess payable by the owner or the Master of the Ship.</p> <p>(2) If the return has not been furnished to the Proper Officer under Section 30, he shall, after making or causing to be made such inquiry as he or it thinks fit, by order, assess the amount of Cess payable by the Owner or the Master of the Ship.</p> <p>(3) For the purposes of levy of aids to navigation-cess, the tonnage of a ship or sailing vessel shall be reckoned as under the Merchant Shipping Act, 1958, for cess payable on a ship's tonnage including the tonnage of any space added under the said Act to the tonnage of ships by reason of such space being utilized for carrying cargo.</p> <p>(4) In order to ascertain the tonnage of any ships for the purpose of levying aids to navigation-cess, the proper Officer may, if he deems it fit, require the production of any documents, the appearance of any person and the inspection of any vessel in accordance with such rules as may be prescribed.</p>	
<p>28.</p>	<p><i>Recovery of aids to navigation cess.</i></p>	<p>(1) If the owner of any ship refuses or neglects to pay the amount of aids to navigation cess payable under this Act in respect of the Ship, the proper officer may seize the ship and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of the aids to navigation cess, together with the costs of the seizure and detention is paid.</p> <p>(2) If any part of such aids to navigation cess remains unpaid after the expiry of five days following the date of the seizure, the proper officer may cause the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the</p>	

		aids to navigation cess remaining unpaid, together with the costs of the sale and shall repay the surplus, if any, to the person by whom the same were payable.	
29.	<i>Refusal of port-clearance</i>	The officer whose duty it is to grant a port-clearance for any ship shall not grant the port-clearance until the amount of aids to navigation cess payable in respect of the ship under this Act and of any fines imposed thereunder has been paid, or until security for the payment thereof has been given to his satisfaction.	
30.	<i>Determination of disputes as to liability for payment</i>	If any dispute arises as to whether aids to navigation-cess, expenses or costs are payable in respect of any ship under this Act or as to the amount of such cess, expenses or costs, the dispute shall, on application made in this behalf by either of the disputing parties, be heard and determined by a judicial magistrate having jurisdiction at the place where the dispute arises, and the decision of such Magistrate shall be final.	
31.	<i>Aids to navigation cess payable at one port recoverable at another</i>	(1) If the master of any ship in respect of which aids to navigation cess is payable at any causes the ship to leave such port without having paid the same, the proper officer at that port may by writing require the proper officer at any other port in India to which the ship may proceed or in which she may be recover the aids to navigation cess remaining unpaid.  (2) Any proper officer to whom such a requisition is directed shall proceed to levy such sum as if it were payable under this Act at the port at which he is the proper officer, and a certificate by the proper officer at the port at which the aids to navigation cess first became payable, stating the amount payable, shall be sufficient proof in any proceeding under this Act that such amount is payable.	
32.	<i>Exemption</i>	The Central Government may, by notification in the Official Gazette, exempt any ship, or classes of ships or ships performing specified voyages from such payment either wholly or to such extent only as may be specified in the notification.	
33.	<i>Refund of excess</i>	Where the aids to navigation cess has been paid in	

	<i>payments</i>	respect of any ship in excess of the amount payable under this Act, no claim to refund of such excess payment shall be admissible, unless it is made within six months from the date of each payment.	
34.	<i>Fees</i>	Fees may be charged for providing assistance to ships for rendering special services to vessels, at such rates as the Central Government may prescribe in the rules made under this Act.	
<b>CHAPTER XII FINANCE, ACCOUNT AND AUDIT</b>			
35.	<i>Receipt and Expenditure</i>	The Central Government shall cause to be maintained a separate account of all amounts received by way of aids to navigation-cess, expenses, costs and fines under this Act and of all expenditure incurred for the purposes of this Act, and shall cause such account to be laid before the Central Advisory Committee as soon as possible after the close of each financial year.	
36.	<i>Annual Report</i>	The Central Government shall cause to be laid before the Central Advisory Committee before the close of each financial year a statement of the estimated receipts under, and expenditure for the purpose of this Act during the forthcoming year.	
<b>CHAPTER XIII OFFENCES AND PENALTIES</b>			
37.	<i>Penalties</i>	<p>(1) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence committed under this Act.</p> <p>(2) The offences mentioned in column (2) of the Table below shall be punishable to the extent mentioned in column (4) of the said Table with reference to such offence respectively.</p> <p>(3) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence, and if in respect of any such offence, no penalty is specially provided in sub-section (2), he shall be punishable with fine which may extend to fifty thousand rupees.</p>	
38.	<i>Place of trial and jurisdiction of court</i>	Any person committing any offence under this Act or any rules made thereunder, may be tried for such offence before any place in which he may be found,	

		or in any Court which the Central Government may, by notification, direct in this behalf, or in any Court in which he might be tried in any other law for time being in force.	
<b>CHAPTER XIV RULES</b>			
39.	<i>Power to make rules</i>	<p>(1) The Central Government may make rules consistent with this Act to carry into effect the purposes thereof.</p> <p>(2) In Particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-</p> <ul style="list-style-type: none"> <li>(a) Powers and duties of the Director-General and other officers appointed under this Act;</li> <li>(b) Procedure and conduct of business of Advisory Committees constituted under this Act;</li> <li>(c) Appointment of officers by the Director General under section 6;</li> <li>(d) Manner of Delegation of powers and functions to officers appointed under section 6;</li> <li>(e) Standards for establishment and operation of vessel traffic services under section 12;</li> <li>(f) Form of training certificate under section 19;</li> <li>(g) Manner of and criteria for accreditation of training organization under section 20;</li> <li>(h) Manner of marking wrecks under section 21;</li> <li>(i) Manner of recovering cost from the owner of the vessel for marking the wreck under section 22;</li> <li>(j) Development of heritage lighthouses designated under section 23;</li> <li>(k) Manner of levy, payment, recovery and other matters relating to aids to navigation cess under this Act;</li> <li>(l) Manner and rate of payment of fees for special services under section 34.</li> </ul>	
40.	<i>Rules to be laid before Parliament.</i>	Every rule made and every notification issued under this Act shall be laid, as soon as may be after it is	



		made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation scheme or notification or both Houses agree that the rule, regulation or scheme should not be made or the notification should not be issued, the rule, regulation or scheme or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, regulation, scheme or notification.	
<b>CHAPTER XV MISCELLANEOUS</b>			
41.	<i>Delegation of powers by Central Government</i>	The Central Government may delegate to any of its officers all or any of these functions and powers conferred on the Central Government by this Act.	
42.	<i>Power to issue directions of the Central Government</i>	(1) Notwithstanding anything else contained in this Act, the Director General shall, in the discharge of his functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give to it in writing from time to time. (2) The decision of the Central Government whether a question is one of policy or not shall be final.	
43.	<i>Power to remove difficulties</i>	(1) 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 this Act as may appear to be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this section after the expiry of five years from the commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament..	

44.	<i>Protection of Action taken in good faith</i>	No suit, prosecution or other proceedings shall lie against the Central Government, the Director General under this Act or any officer or employee thereof, for anything done or in good faith purporting to be done under this Act or the rules or regulations made thereunder.	
45.	<i>Repeal and Savings</i>	<p>(1) The Lighthouse Act, 1927 is hereby repealed.</p> <p>(2) Notwithstanding the repeal of any enactment by sub-section (1),-</p> <p>(a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under any enactment hereby repealed shall, until revoked, have effect as if it had been issued, made or granted under the provisions of this Act;</p> <p>(b) any office established or created, officer appointed and anybody elected or constituted under any enactment hereby repealed shall continue and shall be deemed to have been established, created, appointed, elected, or constituted, as the case maybe, under this Act;</p> <p>(c) any document referring to any enactment hereby repealed shall be construed as referring to this Act or to the provision of this Act;</p> <p>(d) any fine levied under any enactment hereby repealed may be recovered as if it had been levied under this Act;</p> <p>(e) any offence committed under any enactment hereby repealed may be prosecuted and punished as if it had been committed under this Act;</p> <p>(f) any proceeding pending before any court under any enactment here by repealed may be tried or disposed of under the corresponding provisions of this Act;</p> <p>(g) the officers existing under the commencement of this Act shall continue as if they have been established under this Act;</p> <p>(h) any person appointed under or by virtue of</p>	

		<p>any repealed enactment shall be deemed to have been appointed to that office under or by virtue of this Act;</p> <p>(i) any inspection, investigation or inquiry ordered to be done under the provisions of any repealed enactment shall continue to be proceeded with as if such inspection, investigation or inquiry ordered to be done under the corresponding provisions of this Act.</p>	
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### TABLE OF OFFENCES AND PUNISHMENT

Serial No	Offence	Section of this Act to which this refers	Penalties (to be described)	By whom the offence triable and penalty imposed	
(1)	(2)	(3)	(4)	(5)	
(i)	<i>Intentionally obstructing the aids to navigation or vessel traffic services</i>	Any person who intentionally commits an or omits to do an act results in obstruction of, or reduction in or limitation of the effectiveness of, any aid to navigation or vessel traffic service shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that <ul style="list-style-type: none"> <li>(a) the act or omission was necessary to save a life or a vessel,; and</li> <li>(b) the person took all reasonable steps to avoid the obstruction, reduction or limitation.</li> </ul>	General	Fine which may extend to one Lakh rupees or Imprisonment for a term which may extend to six months or with both	Court
(ii)	<i>Negligently obstructing the aids to navigation or vessel traffic</i>	Any person who, through negligence, commits an or omits to do an act results in obstruction of, or reduction in or limitation of the effectiveness of, any aid to navigation or vessel traffic	General	Fine which may extend to fifty thousand rupees or	Court

	<i>services</i>	<p>service shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that</p> <ul style="list-style-type: none"> <li>(a) the act or omission was necessary to save a life or a vessel;; and</li> <li>(b) the person took all reasonable steps to avoid the reduction or limitation.</li> </ul>		imprisonment for a term which may extend to three months or with both	
(iii)	<i>Negligently destroying or damaging aids to navigation or vessel traffic services</i>	<p>Any person who, through negligence, commits an or omits to do an act results in damage to or destruction of any aid to navigation or vessel traffic services shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that</p> <ul style="list-style-type: none"> <li>(a) the act or omission was necessary to save a life or a vessel;; and</li> <li>(b) the person took all reasonable steps to avoid the damage or destruction.</li> </ul>	General	Fine which may extend to one lakh rupees or imprisonment for a term which may extend to six or with both	Court
(iv)	<i>Intentionally destroying or damaging aids to navigation or vessel traffic services</i>	<p>Any person who intentionally commits an or omits to do an act results in damage to or destruction of any aid to navigation or vessel traffic service shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that</p> <ul style="list-style-type: none"> <li>(a) the act or omission was necessary to save a life or a vessel;; and</li> <li>(b) the person took all reasonable steps to avoid the damage or destruction.</li> </ul>	General	Fine which may extend to five lakh rupees or imprisonment for a term which may extend to twelve months or with both	Court

(v)	<i>Causing damage to heritage lighthouse</i>	Any person who commits an or omits to do an act results in damage to or destruction of any heritage lighthouse shall be liable for such punishment unless it can be shown that: (a) the act or omission was necessary to save a life or a vessel;; and (b) the person took all reasonable steps to avoid the destruction, fouling, damage, reduction or limitation.	General	Fine which may extend to one lakh rupees or imprisonment for a term which may extend to six months or with both	Court
(vi)	<i>Evading payment of aids to navigation cess</i>	If the owner or master of a ship evades or attempts to evade the payment of any cess, expenses or costs payable in respect of the ship under this Act, he shall be deemed to have committed an offence and shall be liable for punishment		Fine which may extend to five times the amount of the sum payable.	Described in chapter of aids to navigation cess.
(vii)	<i>Non-compliance with directions issued by a VTS provider</i>	If the owner or master of a ship fails to comply with any direction issued by a VTS provider relating to a vessel traffic service under this Act, he shall be deemed to have committed an offence and shall be liable for punishment	General	Fine which may extend to one Lakh rupees	Court

**AIDS TO NAVIGATION ACT**

A

BILL

*to provide for development, maintenance and management of aids to navigation in India, for training and certification of operator of aids to navigation, development of historical, educational and cultural value of aids to navigation, to ensure compliance with the country's obligation under the maritime treaties and International Instruments to which India is a party for matters connected therewith or incidental thereto.*

WHEREAS it is expedient to provide for development, maintenance and management of aids to navigation in India

AND WHEREAS it is necessary to create a framework for the development, maintenance and management of vessel traffic services in India

AND WHEREAS it is necessary to create a framework for the training and certification of operators of aids to navigation

AND WHEREAS it is necessary to create a framework for the development of the historical educational and cultural value of aids to navigation

AND WHEREAS India is signatory to maritime treaties and international instruments such as International Convention for the Safety of Life at Sea, 1974, as amended; and IALA Maritime Buoyage System.

AND WHEREAS it is considered necessary to give effect to the said treaties and instruments in relation to, *inter alia*, aids to navigation, vessel traffic services and marking of wrecks.

AND WHEREAS it is necessary to create framework for the levy and collection of aids to navigation cess for development, maintenance and management of aids to navigation and vessel traffic services in India for raising funds to meet the costs incurred on aids to navigation established and maintained by Government, and for matters connected herewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice	
<b>CHAPTER I PRELIMINARY</b>					
1.	<i>Short title, extent and commencement</i>	<p>(1) This Act may be called the Aids to Navigation Act, 2020</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision..</p>	<p>(1) This Act may be called the Lighthouse Act, 1927.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>	<p>This clause seeks to provide for short title and commencement of the Act. Further sub-section (3) also allows for the different provisions of the Act to be brought into force at different times, as may be deemed appropriate by the Central Government.</p>	<p>Competition Act 2002 (India)</p>
2.	<i>Definitions</i>	<p>In this Act, unless the context otherwise requires, --</p> <p>(1) "<i>accredited training organization</i>" means any organization which has been accredited by the Director General and qualified to impart training or conduct assessments as under section 20;</p> <p>(2) "<i>aids to navigation</i>" means a device, system or service, external to vessels, designed and operated to enhance safe</p>	<p>In this Act, unless there is anything repugnant in the subject or context,— (b) "district" means an area defined as a district for the purposes of this Act under section 3;</p> <p>(c) "general lighthouse" means any lighthouse which the Central Government may, by notification in the Official Gazette, declare to be a general lighthouse for the purposes of this Act;</p> <p>(d) "lighthouse" includes any</p>	<p>The following definitions have been added:</p> <ol style="list-style-type: none"> <li>1. Accredited training organization</li> <li>2. Aids to navigation in lieu of lighthouse</li> <li>3. Aids to navigation</li> </ol>	<p>Lighthouse Act, 1927 (India)</p> <p>Navigation Act 2012 (Australia)</p>

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
	<p>and efficient navigation of individual vessels and vessel traffic including lighthouses, lightships, beacons, digital aids; <i>Explanation:</i> No reference to an Aid to navigation in this Act shall be construed to include a reference to vessel traffic services unless otherwise stated;</p> <p>(3) "aids to navigation cess" or "cess" means a cess levied under section 24 of this Act;</p> <p>(4) "Director General" refers to the Director General of Aids to Navigation appointed under section 4;</p> <p>(5) "district" means an area defined as a district for the purposes of this Act, under Section (4)</p> <p>(6) "general aids to navigation" means any aid to navigation which the Central Government may, by notification in the Official Gazette, declare to be general aid to navigation for the purposes of this Act;</p> <p>(7) "heritage lighthouse" means an aid to navigation designated as</p>	<p>light-vessel, fog-signal, buoy, beacon, or any mark, sign or apparatus exhibited or used for the guidance of ships;</p> <p>(e) "local lighthouse" means any lighthouse which is not a general lighthouse;</p> <p>(f) "local lighthouse authority" means a State Government, local authority or other person having the superintendence and management of a local lighthouse;</p> <p>(g) "owner" includes any part-owner, charterer, or mortgagee in possession and any agent to whom a ship is consigned;</p> <p>(h) "port" means any port, as defined in the Indian Ports Act, 1908 (15 of 1908), to which that Act extends; (hh) "proper officer", in relation to any functions to be performed under this Act, means the officer of Customs who is assigned those functions by the Central Board of Excise and Customs constituted under the Central Boards of Revenue</p>	<p>cess</p> <p>4. Appropriate Government</p> <p>5. Director General</p> <p>6. Heritage lighthouse</p> <p>7. Rule</p> <p>8. Vessel Traffic services</p>	



Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
	<p>a heritage lighthouse under section 23;</p> <p>(8) "<i>local aids to navigation</i>" means any aid to navigation which is not a general aid to navigation;</p> <p>(9) "<i>local authority</i> " means a State Government or other person having the superintendence and management of a local aids to navigation;</p> <p>(10) "<i>owner</i>" means the owner of the vessel, including the registered owner, a person to whom a share in the vessel belongs, bareboat charterer, manager and operator of the vessel;</p> <p>(11) "<i>port</i>" means any port as defined in the Indian Ports Act, 1908,;</p> <p>(12) "<i>prescribed</i>" means prescribed by rules made under this Act;</p> <p>(13) "<i>Proper Officer</i>" in relation to any functions to be performed under this Act, means the officer of Customs who is assigned those functions by the Central</p>	<p>Act, 1963(54 of 1963), and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;</p> <p>(hha)"Ship" includes a sailing vessel;](i) words and expressions used in this Act and not otherwise defined have the same meanings respectively as in the Merchant Shipping Act , 1958 ( 44 of 1958) ] .</p>		

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice	
		<p>Board of Indirect Taxes and Customs (CBIC) constituted under the Central Board of Revenue Act, 1963 (54 of 1963), and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;</p> <p>(14) "rule" means rules made by the Central Government under this Act;</p> <p>(15) "Ship" includes a sailing vessel;</p> <p>(16) "vessel traffic service" means a service implemented under this Act to improve the safety and efficiency of vessel traffic and to protect the environment; and</p> <p>(17) Words and expressions used but not defined in this Act and defined in the Indian Merchant Shipping Act 1958 shall have the same meanings respectively assigned to them in that Act.</p>			
<b>CHAPTER II DESIGNATION OF GENERAL AIDS TO NAVIGATION</b>					
3.	<i>Power to Designate General</i>	The Central Government may, by notification in the Official Gazette,	Under Section 2 (c), "general lighthouse" means any lighthouse	This clause provides a separate section	Lighthouse Act 1927

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
	<i>aids to navigation</i>	designate any aids to navigation to be general aids to navigation.	which the Central Government may, by notification in the Official Gazette, declare to be a general lighthouse for the purposes of this Act;	empowering the Central Government to designate aids to navigation as general aids to navigation. (India)
<b>CHAPTER III DIRECTOR GENERAL OF AIDS TO NAVIGATION</b>				
4.	<i>Appointment of Director General, Deputy Director General and Director</i>	(1)The Central Government shall, by notification in Official Gazette, (a) appoint a person as the Director General to carry out such functions as may be specified under this Act or any other law for the time being in force; (b) appoint persons as the Deputy Director General; (c) Appoint persons as the Director for districts; and (d) Define areas to be districts for the purposes of this Act. (2)Every officer appointed under this Act shall discharge his functions under the general superintendence and control of the Director General appointed under subsection (1)	Appointment of officers. The Central Government may, by notification in the Official Gazette,- - (a) define areas to be district for the purposes of this Act; (b) appoint a person to be the Director of Lighthouses and Lightships in each district; (c) appoint persons to be Deputy Directors- General of Lighthouses and Lightships; and (d) appoint a person to be the Director- General of Lighthouses and Lightships.	Specific provision (subsection (2)) providing for the control and superintendence by DG over other officers appointed under this section inserted  Lighthouse Act 1927, Customs Act 1962, The Ancient Monuments and Archaeological Sites and Remains Act, 1958
5.	<i>Functions of the Director General</i>	In addition to such other functions that may be specified elsewhere in this Act or any other law for the time being in	The superintendence and management of all general lighthouses are vested in the	This clause enumerates the various functions  Customs Act 1962 (India)

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice	
	<p>force, the Director General shall carry out the following functions under this Act, :</p> <ul style="list-style-type: none"> <li>(a) Advisor to the Central Government on matters related to Aids to Navigation</li> <li>(b) development, maintenance and management of general aids to navigation;</li> <li>(c) regulation, development, maintenance and management of vessel traffic services;</li> <li>(d) Inspection of local aids to navigation and advise thereof ;</li> <li>(e) Development of heritage lighthouses;</li> <li>(f) Marking of wrecks.</li> </ul>	Central Government	that the Director General shall statutorily be required to fulfill under this Act in an inclusive list. The enumerated items reflect the existing responsibilities of the Director General, as well as additional ones sought to be imposed under this Bill. Further, it is an inclusive list in order to enable the Central Government to allocate further functions to the DG in the future, should it deem appropriate to do so.	NHAI Act 1988 (India)	
6.	<i>Appointment of Officers</i>	(1) The Director General may appoint such number of officers as he thinks fit for the purpose of carrying out all or any of the functions conferred on him by this Act subject to such rules	NA	Power to appoint officers. An inherent power, given the status of the Directorate as a subordinate office	NA

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		as may be prescribed in this behalf. (2) The Director General may delegate to any officer appointed under this section all or any of the powers conferred on the Director General by this Act subject to such rules as may be prescribed in this behalf.		which has been given statutory recognition here. The power is subject to such rules as may be made in this behalf by the Central Government.
7.	<i>General Powers of the Director General</i>	(1) In addition to any other powers conferred on it by this or any other Act, the Director General has, subject to this Act, power to issue such directions and do such things as may be necessary or convenient to be done for or in connection with the performance of its functions specified in section 5 or elsewhere in this Act. (2) Without prejudice to the generality of the foregoing and other powers under this Act, the powers of the Director General shall include the power to — (a) enter into contracts; (b) acquire, hold and dispose of property; (c) develop and maintain	NA	This clause explicitly sets out the powers which the Director General may exercise in the pursuit of fulfilment of his functions. NHAI Act 1988(India), AMSA Act 1990(Australia )

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		<p>infrastructures required for the purpose of this Act;</p> <p>(d) do anything incidental to any of the powers specified in this subsection or otherwise conferred on the Director General.</p>		
8.	<i>Advisory Committees</i>	<p>(1) The Central Government shall appoint a Central Advisory Committee and shall consult it in regard to---</p> <p>(a) the establishment or position of aids to navigation or of any works appertaining thereto;</p> <p>(b) additions to or the alteration or removal of , aids to navigation;</p> <p>(c) the variations to any aids to navigation or of the mode of use thereof;</p> <p>(d) the cost of any proposals relating to aids to navigation ; or</p> <p>(e) the making or alteration of any rules or rates of aids to</p>	<p>Advisory Committees.</p> <p>(1) The Central Government shall appoint a Central Advisory Committee and shall consult it in regard to--</p> <p>(a) the erection or position of lighthouses or of any works appertaining thereto;</p> <p>(b) additions to, or the alteration or removal of, lighthouses;</p> <p>(c) the variation of the character of any lighthouse or of the mode of use thereof;</p> <p>(d) the cost of any proposals relating to lighthouses; or</p> <p>(e) the making or alteration of any rules or rates of dues under this</p>	<p>Substituted Aids to Navigation for lighthouse (universal change)</p>

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
	<p>navigation cess under this Act.</p> <p>(2) The Central Government may, if it thinks fit, appoint a sub-committee for any purpose of advising it in regard to any of the matters specified in sub-section (1).</p> <p>(3) Advisory Committees shall consist of persons representing interests affected by this Act or having special knowledge of the subject-matter thereof.</p> <p>(4) No act or proceeding of the Advisory Committee shall be invalidated merely by reason of—</p> <p>(a) any vacancy in, or any defect in constitution of, the Advisory Committee;</p> <p>(b) any defect in appointment of a person acting as a member of the Advisory Committee; or</p> <p>(c) any irregularity in the procedure of the Advisory Committee not affecting the merits of the case.</p>	<p>Act.</p> <p>(2) The Central Government may, if it thinks fit, appoint an Advisory Committee for any district for the purpose of advising in regard to any of the matters specified in sub-section (1) in so far as the interests of the district are affected thereby.</p> <p>(3) Advisory Committees shall consist of persons representing interests affected by this Act or having special knowledge of the subject- matter thereof.</p> <p>(4) No act or proceeding of the Advisory Committee shall be invalidated merely by reason of--</p> <p>(a) any vacancy in, or any defect in constitution of, the Advisory Committee;</p> <p>(b) any defect in appointment of a person acting as a member of the Advisory Committee; or</p> <p>(c) any irregularity in the procedure of the Advisory Committee not affecting the merits of the case.</p>		

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
<b>CHAPTER IV MANAGEMENT OF GENERAL AIDS TO NAVIGATION</b>					
9.	<i>Management of general aids to navigation</i>	The development, maintenance and management of all general aids to navigation shall be vested in the Director General.	Management of general lighthouses by the Central Government and delegation of management. (1) The superintendence and management of all general lighthouses are vested in the Central Government. (2) The Central Government may require any local lighthouse authority to undertake the superintendence and management of any general lighthouse situated in or adjacent to the local limits within which the authority exercises its powers, and shall pay to the authority such sums to defray the cost of superintendence and management as the Central Government may determine	This clause provides statutory recognition for the role of the DG as the primary regulatory authority for aids to navigation in India.	NA
10.	<i>Powers of the Director General relating to aids to navigation</i>	The Director General, shall have the following powers relating to the development, maintenance and management of general aids to navigation : (a) establish and maintain aids to navigation; and	NA	This clause sets out the powers which the Director General may exercise in the pursuit of fulfilment of his functions with regard to aids to	Navigation Act 2012 (Australia)



Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
	<p>(b) add to, alter or remove any aids to navigation;</p> <p>(c) alter or vary any aids to navigation</p> <p>(d) inspect any aids to navigation which may affect the safety of navigation,</p> <p>(e) enter any property, whether public or private, for the purposes of an inspection of any aids to navigation;</p> <p>(f) transport, or cause to be transported, any goods through any property, whether public or private, for any purpose in connection with:</p> <p style="padding-left: 40px;">(i) the maintenance of an aid to navigation; or</p> <p style="padding-left: 40px;">(ii) the establishment of any aid to navigation.</p> <p>(g) acquire any land which may be necessary for—</p> <p style="padding-left: 40px;">(i) the exercise of his powers under this Act;</p>		navigation.	

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		(ii) the maintenance of his works  Provided that the Director General shall not exercise his powers under clauses (a), (b) and (c) above without consulting the Central Advisory Committee appointed under section 8 above.			
<b>CHAPTER V MANAGEMENT OF VESSEL TRAFFIC SERVICES</b>					
<b>11.</b>	<i>Management of Vessel Traffic Services</i>	The Central Government shall, by notification in the Official Gazette, appoint the Director General of Aids to Navigation as the Competent Authority for Vessel Traffic Services.	Ministry F.No.LH-1 1O 1 1/2 /2012-SL, dated 19.02.2019 conveying the 'In-Principle' approval of the Competent Authority for declaring DGLL as the National Competent Authority for VTS in India."	This clause provides for statutory recognition of existing responsibilities for Director General Aids to Navigation with regard to vessel traffic services	NA
<b>12.</b>	<i>Standards for establishment and operation of Vessel Traffic Services</i>	The Central Government shall prescribe standards for establishing and operating Vessel Traffic Services in India.	NA	This clause enables the Central Government to make rules for standards of establishment and operation of vessel traffic services in India.	NA

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
13.	<i>Functions of Competent Authority of Vessels Traffic Services</i>	<p>The Competent Authority for the Vessel Traffic Services shall:</p> <ul style="list-style-type: none"> <li>(a) Declare and authorize vessel traffic services provider to operate a vessel traffic service within an authorized area;</li> <li>(b) accredit and approve vessel traffic services training and certification;</li> <li>(c) establish and operate vessel traffic services where it deems necessary;</li> <li>(d) add to or alter or require any person to add to or alter any aspect of a vessel traffic service.</li> </ul> <p>Explanation: "vessel traffic service provider" is any person authorized by the competent authority</p>	NA	This clause explicitly sets put the functions of the Competent Authority for vessel traffic services.	Navigation Act 2012 (Australia)
<b>CHAPTER VI INSPECTION AND MANAGEMENT OF LOCAL AIDS TO NAVIGATION</b>					
14.	<i>Power to inspect local aids to navigation</i>	<p>(1) The Director General or any officer, authorized by him, may, at any time enter upon and inspect any local aids to navigation and make such inquiries in respect thereof or of the management thereof as he thinks fit.</p> <p>(2) Every person having the charge of,</p>	<p>Power to inspect local lighthouses.</p> <p>(1) The 1 Director- General of Lighthouses and Lightships] may, at any time, and any 2 Director or Deputy Director- General of Lighthouses and Lightships] may, if authorized in this behalf by a general or special order in writing</p>	Substituted Aids to Navigation for lighthouse (universal change)	General Lighthouse Authority (United Kingdom)

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
	<p>or concerned in the management of, any aids to navigation shall be bound to furnish to any officer authorized under sub-section (1) to inspect the aid to navigation all such information regarding the same as the officer may require.</p> <p>(3) Every local authority shall furnish to the Central Government all such returns and other information in respect of the aids to navigation under its supervision and management, or of any of them, as the Central Government may require.</p>	<p>of the Central Government, enter upon and inspect any local lighthouse and make such inquiries in respect thereof or of the management thereof as he thinks fit.</p> <p>(2) Every person having the charge of, or concerned in the management of, any lighthouse shall be bound to furnish to any officer authorized by or under sub-section (1) to inspect the lighthouse all such information regarding the same as the officer may require.</p> <p>(3) Every local lighthouse authority shall furnish to the Central Government all such returns and other information in respect of the lighthouses under its supervision and management, or of any of them, as the Central Government may require.</p>		
15.	<p><i>Control of local aids to navigation by the Director General</i></p>	<p>(1) If, after an inspection under section 14 or such other inquiry as deemed fit, the Central Government is satisfied that a direction under this sub-section is necessary or expedient for the safety, or</p>	<p>Control of local lighthouses by the Central Government.</p> <p>(1) If, after an inspection under section 6 or such other inquiry as it thinks fit, the Central Government</p>	<p>Substituted Aids to Navigation for lighthouse (universal change)</p>

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
	<p>otherwise in the interests, of shipping, it may direct any local authority--</p> <p style="padding-left: 40px;">(a) to remove or discontinue or to refrain from moving or discontinuing any aids to navigation under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such aids to navigation, or</p> <p style="padding-left: 40px;">(b) to erect, place or maintain, or to refrain from erecting, placing or maintaining any aids to navigation within the local limits within which the local authority exercises its powers.</p> <p>(2) A local authority shall not erect , place , remove or discontinue any aids to navigation or vary the character or mode of use of any aid to navigation, unless it has given to the Central Government at least one month's notice in writing of its intention so to do.</p> <p>Provided that, in cases of emergency, a local authority may take such action as</p>	<p>is satisfied that a direction under this sub- section is necessary or expedient for the safety, or otherwise in the interests, of shipping, it may direct any local lighthouse authority--</p> <p>(a) to remove or discontinue or to refrain from moving or discontinuing any lighthouse under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such lighthouse, or</p> <p>(b) to erect, place or maintain, or to refrain from erecting, placing or maintaining, any lighthouse within the local limits within which the local lighthouse authority exercises its powers.</p> <p>(2) A local lighthouse authority shall not erect, place, remove or discontinue any lighthouse or vary the character or mode of use of any lighthouse, unless it has given to the Central Government at least one month' s notice in writing of its intention so to do: Provided that, in</p>		

	Aids To Navigation Bill 2020	Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
	<p>it deems necessary and shall give immediate notice of the same to the Central Government and, so far as is possible, to all shipping approaching or in the vicinity of the aid to navigation.</p> <p>(3) If a local authority---</p> <ul style="list-style-type: none"> <li>(a) fails to comply with any direction made under sub-section (1), or</li> <li>(b) fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of any aid to navigation conferred or imposed upon it by or under any law for the time being in force, or</li> <li>(c) fails to make adequate financial provision for the performance of any such duty,</li> </ul> <p>the Central Government may, by order in writing, require the local authority to</p>	<p>cases of emergency, a local lighthouse authority may take such action as it deems necessary and shall give immediate notice of the same to the Central Government and, so far as is possible, to all shipping approaching or in the vicinity of the lighthouse.</p> <p>(3) If a local lighthouse authority--</p> <ul style="list-style-type: none"> <li>(a) fails to comply with any direction made under sub-section (1), or</li> <li>(b) fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of lighthouses conferred or imposed upon it by or under any law for the time being in force, or</li> <li>(c) fails to make adequate financial provision for the performance of any such duty, the Central Government may, by order in writing, require the local lighthouse authority to comply with the direction, or to make arrangements</li> </ul>		

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice	
		<p>comply with the direction, or to make arrangements to the satisfaction of the Central Government for the proper exercise of the power or performance of the duty or to make financial provision to the satisfaction of the Central Government for the performance of the duty as the case may be within such period as the Central Government may specify.</p> <p>(4) If the local authority fails to comply with an order made under sub-section (3) within the specified period or within such further time as the Central Government may allow, the Central Government may exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local authority shall be liable to repay to the Central Government any expenditure incurred by it in so doing.</p>	<p>to the satisfaction of the Central Government for the proper exercise of the power or performance of the duty, or to make financial provision to the satisfaction of the Central Government for the performance of the duty, as the case may be, within such period as the Central Government may specify.</p> <p>(4) If the local lighthouse authority fails to comply with an order made under sub- section (3) within the specified period or within such further time as the Central Government may allow, the Central Government may exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local lighthouse authority shall be liable to repay to the Central Government any expenditure incurred by it in so doing.</p>		
16.	<i>Management of local aids to navigation by the Central Government</i>	The Central Government may, at the request of a local authority, undertake the superintendence and management of any local aids to navigation on its behalf, and the local authority shall pay	8. Management of local lighthouses by the Central Government. The Central Government may, at the request of a local lighthouse authority, undertake the	Substituted Aids to Navigation for lighthouse (universal change)	NA

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice	
		to the Central Government such sums to defray the cost of superintendence and management as may be agreed	superintendence and management of any local lighthouse on its behalf, and the local lighthouse authority shall pay to the Central Government such sums to defray the cost of superintendence and management as may be agreed.		
<b>CHAPTER VII OBSTRUCTIONS TO FUNCTIONING OF AIDS TO NAVIGATION</b>					
17.	<i>Power of Central Government to remove or alter obstructions</i>	<p>(1) The Central Government, by notification in the Official Gazette, specify restrictions on activities that interfere with or obstruct the operation of aids to navigation within the specified distance of such aids to navigation.</p> <p>(2) Notwithstanding anything else contained in any law for the time being in force, where the functioning of any aids to navigation or vessel traffic service is being obstructed, directly or indirectly, the Central Government may, if it deems fit, issue such directions that it deems necessary for the removal or alteration of such obstruction.</p>	<p>Power of Central Government to prohibit lights and regulate heights of buildings, structures and trees.</p> <p>(1) If the Central Government is of opinion that it is necessary or expedient so to do for unobstructed functioning of any lighthouse, it may, by notification in the Official Gazette, direct that,--</p> <p>(i) no light shall be established without the prior permission of the Central Government in case of general lighthouse and without the prior permission of the local lighthouse authority in case of local lighthouse on any land within such radius, not exceeding one kilometer from the lighthouse, as may be specified in the notification; and</p>	<p>This clause enables the Central Government to remove or alter obstructions to the functioning of aids to navigation through notification.</p>	NA



Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
			<p>(ii) no building or structure higher than such height as may be specified in the notification shall be constructed or erected, or no tree, which is likely to grow or ordinarily grows higher than such height as may be specified in the notification, shall be planted, on any land within such radius, not exceeding one kilometer from the lighthouse, as may be specified in the notification.</p> <p>(2) Where any light has been established without or contrary to the permission referred to in clause (i) of sub- section (1), the Central Government or the local lighthouse authority, as the case may be, may, in addition to any other action that may be taken under this Act, make an order directing that such light shall be removed by the owner or the person having control of the light, within such period as may be specified in such order.</p> <p>(3) Where any building or structure has been constructed or erected or any tree has been planted in contravention of the directions</p>		

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
			<p>contained in clause (ii) of sub-section (1), the Central Government or the local lighthouse authority, as the case may be, may, in addition to any other action that may be taken under this Act, make an order directing that the height of such building, structure or tree shall be reduced to the extent specified in such notification, by the owner or the person having control of the building or structure or the tree, as the case may be, within such period as may be specified in such order.</p> <p>(4) No order under sub-section (2) or sub-section (3) shall be made unless the owner or the person has been given, by means of a notice, a reasonable opportunity of showing cause why such order shall not be made.</p> <p>(5) If any person fails to remove the light in pursuance of direction contained in the order issued under sub-section (2) or reduce the height of the building, structure or tree in pursuance of any direction contained in the order issued under</p>		

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
			<p>sub- section (3), within the period specified in such order, then, subject to such rules as the Central Government may make in this behalf, it shall be competent for any officer authorized by the Central Government or the local lighthouse authority, as the case may be, in this behalf to remove such light or to reduce the height of such building, structure or tree and the expenses of such removal or reduction shall be recoverable from such person as a land revenue.</p> <p>(6) The orders referred to in sub-sections (2) and (3) and the notice referred to in sub- section (4) shall be served on the owner or the person having the control of the light, building, structure or tree, as the case may be,--</p> <p>(i) by delivering or tendering it to such owner or person; or</p> <p>(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any officer of such owner or person or any adult male</p>		

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
			<p>member of the family of such owner or person or by affixing a copy thereof on some conspicuous part of the premises in which such owner or person is known to have last resided or carried on business or personally worked for gain, or failing service by these means;</p> <p>(iii) by post.</p> <p>(7) If any person willfully fails to comply with any direction contained in any notification issued under sub- section (1), he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.</p> <p>(8) Every notification issued by the Central Government under sub- section (1) shall be laid, as soon as may be after it is published in the Official Gazette, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before</p>		

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
			the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the notification.		
<b>CHAPTER VIII TRAINING AND CERTIFICATION</b>					
<b>18.</b>	<i>Power of Central Government to train and certify operators of Aids to navigation and vessel traffic services</i>	<p>(1) No person shall be allowed to operate or work on, including any ancillary activities as may be specified, any aids to navigation in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of aids to navigation.</p> <p>(2) No person shall be allowed to operate or work on, , including any ancillary activities as may be specified, a vessel traffic service in</p>	Ministry Letter No. F.No. LH- 11020 /9 –SL, dated 23.01.2018	This clause provides for statutory recognition of existing responsibilities with regard to training and certification of operators. It also provides for the creation of privately run but Central Government accredited training	Australia Marine Order 54 (Coastal pilotage) 2014,

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		<p>any place unless he holds a valid training certificate certifying that such person has been trained in the operation of vessel traffic services.</p> <p>(3) A certificate of training issued under this Act shall be valid and effective throughout the territory of India.</p>		organizations in order to enable the creation of a trained operator for operation and maintenance of aids to navigation, vessel traffic services and other ancillary functions.	
19.	<i>Certification</i>	<p>(1) A certificate mentioned in sub-sections (1) and (2) of section 18 above shall be issued by the accredited training organization and validated by the Director General in such form, subject to such conditions and in such manner as may be prescribed.</p> <p>(2) No certification under sub sections (1) and (2) of section 18 shall be granted to any person unless he holds the required qualification from an accredited training organization.</p>		Same as above	
20.	<i>Establishment and Accreditation of Training</i>	(1) The Central Government shall appoint the Director General to accredit organizations for imparting	NA	This clause provides for the establishment and	Marine Order 54 (Coastal Pilotage)

<b>Aids To Navigation Bill 2020</b>			<b>Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation</b>	<b>Notes on clauses / Rationale</b>	<b>Best Practice</b>
	<i>organizations</i>	<p>training to persons in the operation of aids to navigation and vessel traffic services.</p> <p>(2) The Director General will accredit such organizations who meet such criteria as may be prescribed for imparting training to trainees or conduct assessment of persons in the operation of aids to navigation and vessel traffic services in accordance with such rules as may be prescribed in this behalf.</p>		accreditation of private training organizations by the Central Government	2014 (Australia)
<b>CHAPTER IX MARKING OF WRECKS</b>					
<b>21.</b>	<i>Marking of wrecks</i>	The Central Government may, if considers necessary, give directions to the Director-General to mark the wreck within his jurisdiction in such manner as may be prescribed.	NA	Statutory recognition of existing responsibilities for DGLL with regard to marking of wrecks	Merchant Shipping Bill 2016 (India)
<b>22.</b>	<i>Reimbursement for marking wrecks</i>	The cost for marking the wreck shall be borne by or recovered from the owner or the operator of such a vessel in a manner prescribed by the Central Government.	NA	Same as above	Same as above
<b>CHAPTER X DEVELOPMENT OF HERITAGE LIGHTHOUSES</b>					

<b>Aids To Navigation Bill 2020</b>		<b>Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation</b>	<b>Notes on clauses / Rationale</b>	<b>Best Practice</b>	
<b>23.</b>	<i>Power of Central Government to designate any aids to navigation as heritage lighthouses</i>	<p>(1) The Central Government may, by notification in the Official Gazette, designate any aid to navigation under its control as a "heritage lighthouse".</p> <p>(2) Such heritage lighthouses designated under subsection (1) shall be developed for, in addition to their function as aids to navigation or otherwise, educational, cultural and tourism purposes by the Central Government, in such manner as may be prescribed.</p>	NA	This clause enables the Central Government to designate and develop lighthouses having historical value for educational, cultural and tourism purposes in addition to their role as aids to navigation.	NA
<b>CHAPTER XI – AIDS TO NAVIGATION CESS</b>			Substituted Aids to Navigation cess in lieu of light dues.		
<b>24.</b>	<i>Levy and collection of Aids to navigation cess</i>	<p>(1) There shall be levied and collected a cess for the purposes of the Aids to Navigation Act 2020 (Act [] of 2020), at such rate as the Central Government may, by notification in the Official Gazette, from time to time specify.</p> <p>(2) The cess levied under sub-section (1) shall be collected in respect of every ship arriving at or departing</p>	Under Section 9, For the purpose of providing or maintaining or of providing and maintaining lighthouses for the benefit of ships voyaging to or from 1 [India] or between ports in 1 [India], the Central Government shall, subject to the provisions of this Act, cause light-dues to be levied and collected in respect of every ship arriving at or departing from any	This clause provides for the levy of an Aids to Navigation cess upon any ship arriving or departing from a port in India.  (Rationalization of provision in Lighthouse Act, 1927)	Lighthouse Act, 1927  General Lighthouse Authority (United Kingdom)



Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		<p>from any port in India, from such person, in such manner and at such time, as may be prescribed by the Directorate General from time to time.</p> <p>(3) The proceeds of the cess collected under sub-Section (1) shall be paid by the Proper Officer collecting the cess to the Director General after deducting the cost of collection of such cess not exceeding half percent of the amount collected.</p> <p>(4) Every Owner causing any Ship to arrive at or depart from any port in India shall file a return before the Proper Officer self-assessing its liability to pay cess, in such form and manner as may be prescribed by the Directorate General, by way of a notification, from time to time.</p>	port in 1 [India].		
<b>25.</b>	<i>Application of Aids to navigation cess</i>	Aids to navigation cess levied under this Act shall be utilized to fulfill the obligations under this Act.	Provided in the Objects and Reasons, while enacting Lighthouse Act, 1927.	This clause provides for the manner in which the aids to navigation cess shall	Lighthouse Act, 1927 General

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
				be utilized. (Rationalization of provision in Lighthouse Act, 1927)	Lighthouse Authority (United Kingdom)
26.	<i>Receipts</i>	<p>(1) The aids to navigation cess shall be paid to the Central Government by the owner in the manner prescribed and notified in the Official Gazette.</p> <p>(2) To grant clearance, the payment shall be verified by the proper officer in respect of:</p> <ul style="list-style-type: none"> <li>(a) the port at which the aids to navigation cess has been paid;</li> <li>(b) the amount of the payment;</li> <li>(c) the date on which the aids to navigation cess became payable; and</li> <li>(d) the name, tonnage and other proper description of the ship in respect of which the payment is made.</li> </ul>	Provided under Section 11 of Lighthouse Act, 1927	This clause provides for receipts to be provided for payment of the aids to navigation cess. (Rationalization of provision in Lighthouse Act, 1927)	Lighthouse Act, 1927  General Lighthouse Authority (United Kingdom)
27.	<i>Assessment of Cess and Ascertainment of</i>	(1) The Proper Officer to whom the return has been furnished under Section 24 shall, after making or	Provided in Section 12 of Lighthouse Act, 1927	This clause provides for the manner of assessment of the	Lighthouse Act, 1927

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
<i>Tonnage</i>	<p>causing to be made such inquiry as he thinks fit and after satisfying himself that the particulars stated in the return are correct, by order, assess the amount of Cess payable by the owner or the Master of the Ship.</p> <p>(2) If the return has not been furnished to the Proper Officer under Section 30, he shall, after making or causing to be made such inquiry as he or it thinks fit, by order, assess the amount of Cess payable by the Owner or the Master of the Ship.</p> <p>(3) For the purposes of levy of aids to navigation-cess, the tonnage of a ship or sailing vessel shall be reckoned as under the Merchant Shipping Act, 1958, for cess payable on a ship's tonnage including the tonnage of any space added under the said Act to the tonnage of ships by reason of such space being utilized for carrying cargo.</p>		<p>aids to navigation cess.</p> <p>(Rationalization of provision in Lighthouse Act, 1927)</p>	

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		(4) In order to ascertain the tonnage of any ships for the purpose of levying aids to navigation-cess, the proper Officer may, if he deems it fit, require the production of any documents, the appearance of any person and the inspection of any vessel in accordance with such rules as may be prescribed.			
<b>28.</b>	<i>Recovery of aids to navigation cess.</i>	<p>(1) If the owner of any ship refuses or neglects to pay the amount of aids to navigation cess payable under this Act in respect of the Ship, the proper officer may seize the ship and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of the aids to navigation cess, together with the costs of the seizure and detention is paid.</p> <p>(2) If any part of such aids to navigation cess remains unpaid after the expiry of five days following the date of the seizure, the proper officer may cause</p>	Provided in Section 13 of Lighthouse Act, 1927	<p>This clause provides for the manner in which any outstanding aids to navigation cess may be recovered.</p> <p>(Rationalization of provision in Lighthouse Act, 1927)</p>	Lighthouse Act, 1927

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice	
		the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the aids to navigation cess remaining unpaid, together with the costs of the sale and shall repay the surplus, if any, to the person by whom the same were payable.			
29.	<i>Refusal of port-clearance</i>	The officer whose duty it is to grant a port-clearance for any ship shall not grant the port-clearance until the amount of aids to navigation cess payable in respect of the ship under this Act and of any fines imposed thereunder has been paid, or until security for the payment thereof has been given to his satisfaction.	Provided in Section 14 of Lighthouse Act, 1927	This clause provides for the refusal of port clearance to any ship in the event of non-payment of the aids to navigation cess. (Rationalization of provision in Lighthouse Act, 1927)	Lighthouse Act, 1927
30.	<i>Determination of disputes as to liability for payment</i>	If any dispute arises as to whether aids to navigation-cess, expenses or costs are payable in respect of any ship under this Act or as to the amount of such cess, expenses or costs, the dispute shall, on application made in this behalf by either of the disputing parties, be heard and determined by a judicial magistrate having jurisdiction at the place where the dispute arises, and the	Provided in Section 15 of Lighthouse Act, 1927	This clause provides for the manner in which disputes relating to the payment of aids to navigation cess.  (Rationalization of provision in Lighthouse Act,	Lighthouse Act, 1927

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		decision of such Magistrate shall be final.		1927)	
<b>31.</b>	<i>Aids to navigation cess payable at one port recoverable at another</i>	<p>(1) If the master of any ship in respect of which aids to navigation cess is payable at any causes the ship to leave such port without having paid the same, the proper officer at that port may by writing require the proper officer at any other port in India to which the ship may proceed or in which she may be recover the aids to navigation cess remaining unpaid.</p> <p>(2) Any proper officer to whom such a requisition is directed shall proceed to levy such sum as if it were payable under this Act at the port at which he is the proper officer, and a certificate by the proper officer at the port at which the aids to navigation cess first became payable, stating the amount payable, shall be sufficient proof in any proceeding under this Act that such amount is payable.</p>	Provided in Section 16 of Lighthouse Act, 1927	<p>This clause provides that the aids to navigation cess payable at one port may be recovered at another port and also provides for the manner in which the same may be carried out.</p> <p>(Rationalization of provision in Lighthouse Act, 1927)</p>	Lighthouse Act, 1927
<b>32.</b>	<i>Exemption</i>	The Central Government may, by notification in the Official Gazette, exempt any ship, or classes of ships or ships performing specified voyages	Provided in Section 18 of Lighthouse Act, 1927.	This clause enables the Central Government to exempt any ship or	Lighthouse Act, 1927

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice	
		from such payment either wholly or to such extent only as may be specified in the notification.		class of ships from the payment of the aids to navigation cess.  (Rationalization of provision in Lighthouse Act, 1927)	
<b>33.</b>	<i>Refund of excess payments</i>	Where the aids to navigation cess has been paid in respect of any ship in excess of the amount payable under this Act, no claim to refund of such excess payment shall be admissible, unless it is made within six months from the date of each payment.	Provided in Section 19 of Lighthouse Act, 1927.	This clause provides that no claim for refund of excess amount paid in respect of the aids to navigation cess unless made within six months from the date of payment.  (Rationalization of provision in Lighthouse Act, 1927)	Lighthouse Act, 1927
<b>34.</b>	<i>Fees</i>	Fees may be charged for providing assistance to ships for rendering special services to vessels, at such rates as the Central Government may prescribe in the rules made under this Act.	Provided in Section 19 (A) of Lighthouse Act, 1927.	This clause enables the charging of fees for services rendered to ships and also enables the Central	Lighthouse Act, 1927

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
				Government to charge rates for the same.  (Rationalization of provision in Lighthouse Act, 1927)	
<b>CHAPTER XII FINANCE, ACCOUNT AND AUDIT</b>					
<b>35.</b>	<i>Receipt and Expenditure</i>	The Central Government shall cause to be maintained a separate account of all amounts received by way of aids to navigation-cess, expenses, costs and fines under this Act and of all expenditure incurred for the purposes of this Act, and shall cause such account to be laid before the Central Advisory Committee as soon as possible after the close of each financial year.	Accounts, etc. (1) The Central Government shall cause to be maintained a separate account of all amounts received by way of light- dues, expenses, costs and fines under this Act and of all expenditure incurred for the purposes of this Act, and shall cause such account to be laid before the Central Advisory Committee as soon as possible after the close of each financial year. (2) The Central Government shall cause to be laid before the Central Advisory Committee before the close of each financial year a statement of the estimated receipts under, and expenditure for the	This clause seeks to require the Central Government to maintain proper accounts and furnish returns, statements, etc., to the Central Government.  (Rationalization of provision in Lighthouse Act, 1927)	Lighthouse Act, 1927



<b>Aids To Navigation Bill 2020</b>			<b>Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation</b>	<b>Notes on clauses / Rationale</b>	<b>Best Practice</b>
			purposes of, this Act during the forthcoming year.		
<b>36.</b>	<i>Annual Report</i>	The Central Government shall cause to be laid before the Central Advisory Committee before the close of each financial year a statement of the estimated receipts under, and expenditure for the purpose of this Act during the forthcoming year.	Provided in Section 20 (2) of Lighthouse Act, 1927.	This clause seeks to require the Central Government to furnish an annual report of receipts and expenditure to the Central Advisory Committee.	Lighthouse Act, 1927
<b>CHAPTER XIII OFFENCES AND PENALTIES</b>					
<b>37.</b>	<i>Penalties</i>	<p>(1) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence committed under this Act.</p> <p>(2) The offences mentioned in column (2) of the Table below shall be punishable to the extent mentioned in column (4) of the said Table with reference to such offence respectively.</p> <p>(3) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence,</p>	Section 8 A (7) and Section 17 of Lighthouse Act, 1927	<p>New section inserted to enable DGLL to prosecute a larger set of offences pertinent to the fulfillment of his functions under this Act in general and the protection of aids to navigation, vessel traffic services and heritage lighthouses in particular.</p> <p>The Table of Offences herein is in</p>	<p>Navigation Act, 2012 (Australia)</p> <p>General Lighthouse Authority (United Kingdom)</p>

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		and if in respect of any such offence, no penalty is specially provided in sub-section (2), he shall be punishable with fine which may extend to fifty thousand rupees.		line with international best standards for drafting and has also been adopted in the Indian context as may be seen in the Merchant Shipping Bill 2016.	
38.	<i>Place of trial and jurisdiction of court</i>	Any person committing any offence under this Act or any rules made thereunder, may be tried for such offence before any place in which he may be found, or in any Court which the Central Government may, by notification, direct in this behalf, or in any Court in which he might be tried in any other law for time being in force.	Section 17 of Lighthouse Act, 1927	Same as above	Same as above
<b>CHAPTER XIV RULES</b>					
39.	<i>Power to make rules</i>	(1) The Central Government may make rules consistent with this Act to carry into effect the purposes thereof.  (2) In Particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters,	Power to make rules. (1) The Central Government may, by notification in the Official Gazette, make rules] consistent with this Act to carry into effect the purposes thereof. (2) In particular and without prejudice to the generality of the foregoing power, such rules may	This clause provides for rule making powers of the Central Government under this Bill.	NA

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
	<p>namely:-</p> <p>(a) Powers and duties of the Director-General and other officers appointed under this Act;</p> <p>(b) Procedure and conduct of business of Advisory Committees constituted under this Act;</p> <p>(c) Appointment of officers by the Director General under section 6;</p> <p>(d) Manner of Delegation of powers and functions to officers appointed under section 6;</p> <p>(e) Standards for establishment and operation of vessel traffic services under section 12;</p> <p>(f) Form of training certificate under section 19;</p> <p>(g) Manner of and criteria for accreditation of training organization under section 20;</p> <p>(h) Manner of marking wrecks under section 21;</p> <p>(i) Manner of recovering cost from the owner of the vessel for marking the wreck under section</p>	<p>provide for all or any of the following matters, namely:--</p> <p>(a) 3 the powers and duties of the Director- General of Lighthouses and Lightships and Directors and Deputy Directors- General of Lighthouses and Lightships;</p> <p>(b) the procedure and conduct of business of Advisory Committees constituted under this Act;</p> <p>(bb) 4 the manner in which the light may be removed and the height of the building, structure or tree may be reduced under sub-section (5) of section 8A;]</p> <p>(c) the rate of travelling and subsistence allowance payable to members of Advisory Committees; 5 .</p> <p>(cc) 4 the rates of fees for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels;]</p> <p>(d) the period in respect of which and the form in which the separate account referred to in sub- section (1) of section 20 shall be kept and</p>		

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		<p>22;</p> <p>(j) Development of heritage lighthouses designated under section 23;</p> <p>(k) Manner of levy, payment, recovery and other matters relating to aids to navigation cess under this Act;</p> <p>(l) Manner and rate of payment of fees for special services under section 34.</p>	<p>the forms in which that account and the statement referred to in sub- section (2) of that section shall respectively be presented to the Central Advisory Committee.</p>		
40.	<i>Rules to be laid before Parliament.</i>	<p>Every rule made and every notification issued under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation scheme or notification or both Houses agree that the rule, regulation or scheme should not be made or the</p>	<p>Section 21 (3), Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the</p>	<p>This clause provides that every rule, regulation and notification made under the Act shall be laid, as soon as may be after it is made, before each House of Parliament</p>	NA

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		notification should not be issued, the rule, regulation or scheme or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, regulation, scheme or notification.	rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.		
<b>CHAPTER XV MISCELLANEOUS</b>					
41.	<i>Delegation of powers by Central Government</i>	The Central Government may delegate to any of its officers all or any of these functions and powers conferred on the Central Government by this Act.	NA	This clause seeks to empower the Central Government to delegate its powers or functions to any officer.	NA
42.	<i>Power to issue directions of the Central Government</i>	(1) Notwithstanding anything else contained in this Act, the Director General shall, in the discharge of his functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give to it in writing from time to time. (2) The decision of the Central Government whether a question is one of policy or not shall be final.	NA	This clause seeks to empower the Central Government to issue directions to the Director General or any other officer appointed under this Act.	NA

Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
43.	<i>Power to remove difficulties</i>	<p>(1) 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 this Act as may appear to be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this section after the expiry of five years from the commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament..</p>	NA	This clause relates to power to remove difficulties and provides that if any difficulty arises in giving effect to the provisions of the proposed legislation, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of the Act, as appears to it to be necessary or expedient for removing the difficulty.	NA
44.	<i>Protection of Action taken in good faith</i>	No suit, prosecution or other proceedings shall lie against the Central Government, the Director General under this Act or any officer or employee thereof, for anything done or in good faith purporting to be done under this Act or the rules or	NA	This clause seeks to protect the Central Government, the Director General or any other officer or employee thereof in case of action done	NA

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		regulations made thereunder.		under this Act in good faith
45.	<i>Repeal and Savings</i>	<p>(1) The Lighthouse Act, 1927 is hereby repealed.</p> <p>(2) Notwithstanding the repeal of any enactment by sub-section (1),-</p> <p>(a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under any enactment hereby repealed shall, until revoked, have effect as if it had been issued, made or granted under the provisions of this Act;</p> <p>(b) any office established or created, officer appointed and anybody elected or constituted under any enactment hereby repealed shall continue and shall be deemed to have been established, created, appointed, elected, or constituted, as the case maybe, under this Act;</p> <p>(c) any document referring to any enactment hereby repealed shall be construed as referring to this</p>	NA	<p>This clause provides for the repeal of the Lighthouse Act 1927 and saving of certain actions taken under the said Act.</p> <p>NA</p>

Aids To Navigation Bill 2020		Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
	<p>Act or to the provision of this Act;</p> <p>(d) any fine levied under any enactment hereby repealed may be recovered as if it had been levied under this Act;</p> <p>(e) any offence committed under any enactment hereby repealed may be prosecuted and punished as if it had been committed under this Act;</p> <p>(f) any proceeding pending before any court under any enactment here by repealed may be tried or disposed of under the corresponding provisions of this Act;</p> <p>(g) the officers existing under the commencement of this Act shall continue as if they have been established under this Act;</p> <p>(h) any person appointed under or by virtue of any repealed enactment shall be deemed to have been appointed to that office under or by virtue of this Act;</p> <p>(i) any inspection, investigation or</p>			



Aids To Navigation Bill 2020			Corresponding Provision in the Lighthouse Act 1927, if any or secondary or tertiary legislation	Notes on clauses / Rationale	Best Practice
		inquiry ordered to be done under the provisions of any repealed enactment shall continue to be proceeded with as if such inspection, investigation or inquiry ordered to be done under the corresponding provisions of this Act.			

#### TABLE OF OFFENCES AND PUNISHMENT

Serial No	Offence	Section of this Act to which this refers	Penalties (to be described)	By whom the offence triable and penalty imposed
(1)	(2)	(3)	(4)	(5)
(i)	<i>Intentionally obstructing the aids to navigation or vessel traffic services</i>	Any person who intentionally commits an or omits to do an act results in obstruction of, or reduction in or limitation of the effectiveness of, any aid to navigation or vessel traffic service shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that (a) the act or omission was necessary to save a life or a vessel; and (b) the person took all reasonable steps to avoid the obstruction, reduction or limitation.	General  Fine which may extend to one Lakh rupees or Imprisonment for a term which may extend to six months or with both	Court

(ii)	<i>Negligently obstructing the aids to navigation or vessel traffic services</i>	Any person who, through negligence, commits an or omits to do an act results in obstruction of, or reduction in or limitation of the effectiveness of, any aid to navigation or vessel traffic service shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that (a) the act or omission was necessary to save a life or a vessel;; and (b) the person took all reasonable steps to avoid the reduction or limitation.	General	Fine which may extend to fifty thousand rupees or imprisonment for a term which may extend to three months or with both	Court
(iii)	<i>Negligently destroying or damaging aids to navigation or vessel traffic services</i>	Any person who, through negligence, commits an or omits to do an act results in damage to or destruction of any aid to navigation or vessel traffic services shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that (a) the act or omission was necessary to save a life or a vessel;; and (b) the person took all reasonable steps to avoid the damage or destruction.	General	Fine which may extend to one lakh rupees or imprisonment for a term which may extend to six or with both	Court
(iv)	<i>Intentionally destroying or damaging aids to navigation or vessel traffic services</i>	Any person who intentionally commits an or omits to do an act results in damage to or destruction of any aid to navigation or vessel traffic service shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that (a) the act or omission was necessary to save a life or a vessel;; and (b) the person took all reasonable steps to avoid the damage or destruction.	General	Fine which may extend to five lakh rupees or imprisonment for a term which may extend to twelve months or with both	Court
(v)	<i>Causing damage to</i>	Any person who commits an or omits to do an act results in damage to or destruction of any heritage lighthouse shall be liable for such	General	Fine which may extend to one lakh	Court

	<i>heritage lighthouse</i>	<p>punishment unless it can be shown that:</p> <p>(a) the act or omission was necessary to save a life or a vessel;; and</p> <p>(b) the person took all reasonable steps to avoid the destruction, fouling, damage, reduction or limitation.</p>		rupees or imprisonment for a term which may extend to six months or with both	
(vi)	<i>Evading payment of aids to navigation cess</i>	If the owner or master of a ship evades or attempts to evade the payment of any cess, expenses or costs payable in respect of the ship under this Act, he shall be deemed to have committed an offence and shall be liable for punishment		Fine which may extend to five times the amount of the sum payable.	Described in chapter of aids to navigation cess.
(vii)	<i>Non-compliance with directions issued by a VTS provider</i>	If the owner or master of a ship fails to comply with any direction issued by a VTS provider relating to a vessel traffic service under this Act, he shall be deemed to have committed an offence and shall be liable for punishment.	General	Fine which may extend to one Lakh rupees	Court

## Stakeholders Comments on Draft Aids to Navigaiton Bill 2020

Name:			
Designation			
Organisation			
Contact Details			
CLAUSE NUMBER	SECTION HEADING	PROVISION	COMMENTS
<b>AIDS TO NAVIGATION ACT</b>			
<b>A</b>			
<b>BILL</b>			
		<p>AND WHEREAS it is necessary to create a framework for the development, maintenance and management of vessel traffic services in India.</p> <p>AND WHEREAS it is necessary to create a framework for the training and certification of operators of aids to navigation.</p> <p>AND WHEREAS it is necessary to create a framework for the development of the historical educational and cultural value of aids to navigation.</p> <p>AND WHEREAS India is signatory to maritime treaties and international instruments such as International Convention for the Safety of Life at Sea, 1974, as amended; and IALA Maritime Buoyage System.</p> <p>AND WHEREAS it is considered necessary to give effect to the said treaties and instruments in relation to, inter alia, aids to navigation, vessel traffic services and marking of wrecks.</p> <p>AND WHEREAS it is necessary to create framework for the levy and collection of aids to navigation cess for development, maintenance and management of aids to navigation and vessel traffic services in India for raising funds to meet the costs incurred on aids to navigation established and maintained by Government, and for matters connected herewith or incidental thereto.</p> <p>BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—</p>	
<b>CHAPTER I PRELIMINARY</b>			
1.	Short title, extent and commencement	<p>(1) This Act may be called the Aids to Navigation Act, 2020</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.</p>	
2.	Definitions	<p>In this Act, unless the context otherwise requires, –</p> <p>(1) "accredited training organization" means any organization which has been accredited by the Director General and qualified to impart training or conduct assessments as under section 20;</p> <p>(2) "aids to navigation" means a device, system or service, external to vessels, designed and operated to enhance safe and efficient navigation of individual vessels and vessel traffic;</p> <p><i>Explanation:</i> No reference to an Aid to navigation in this Act shall be construed to include a reference to vessel traffic services unless otherwise stated;</p> <p>(3) "aids to navigation cess" or "cess" means a cess levied under section 24 of this Act;</p> <p>(4) "Director General" refers to the Director General of Aids to Navigation appointed under section 4;</p> <p>(5) "district" means an area defined as a district for the purposes of this Act, under Section (4)</p> <p>(6) "general aids to navigation" means any aid to navigation which the Central Government may, by notification in the Official Gazette, declare to be general aid to navigation for the purposes of this Act;</p> <p>(7) "heritage lighthouse" means an aid to navigation designated as a heritage lighthouse under section 23;</p> <p>(8) "local aids to navigation" means any aid to navigation which is not a general aid to navigation;</p> <p>(9) "local authority" means a State Government or other person having the superintendence and management of a local aids to navigation;</p> <p>(10) "owner" means the owner of the vessel, including the registered owner, a person to whom a share in the vessel belongs, bareboat charterer, manager and operator of the vessel;</p> <p>(11) "port" means any port as defined in the Indian Ports Act, 1908;</p> <p>(12) "prescribed" means prescribed by rules made under this Act;</p> <p>(13) "Proper Officer" in relation to any functions to be performed under this Act, means the officer of Customs who is assigned those functions by the Central Board of Indirect Taxes and Customs (CBIC) constituted under the Central Board of Revenue Act, 1963 (54 of 1963), and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;</p> <p>(14) "rule" means rules made by the Central Government under this Act;</p> <p>(15) "Ship" includes a sailing vessel;</p> <p>(16) "vessel traffic service" means a service implemented under this Act to improve the safety and efficiency of vessel traffic and to protect the environment; and</p> <p>(17) Words and expressions used but not defined in this Act and defined in the Indian Merchant Shipping Act 1958 shall have the same meanings respectively assigned to them in that Act.</p>	
<b>CHAPTER II DESIGNATION OF GENERAL AIDS TO NAVIGATION</b>			
3.	Power to Designate General aids to navigation	The Central Government may, by notification in the Official Gazette, designate any aids to navigation to be general aids to navigation.	

CHAPTER III DIRECTOR GENERAL OF AIDS TO NAVIGATION		
4.	<i>Appointment of Director General, Deputy Director General and Director</i>	(1) The Central Government shall, by notification in Official Gazette, (a) appoint a person as the Director General to carry out such functions as may be specified under this Act or any other law for the time being in force; (b) appoint persons as the Deputy Director General; (c) Appoint persons as the Director for districts; and (d) Define areas to be districts for the purposes of this Act. (2) Every officer appointed under this Act shall discharge his functions under the general superintendence and control of the Director General appointed under subsection (1)
5.	<i>Functions of the Director General</i>	In addition to such other functions that may be specified elsewhere in this Act or any other law for the time being in force, the Director General shall carry out the following functions under this Act : (a) advisor to the Central Government on matters related to Aids to Navigation (b) development, maintenance and management of general aids to navigation; (c) regulation, development, maintenance and management of vessel traffic services; (d) Inspection of local aids to navigation and advise thereof ; (e) Development of heritage lighthouses; (f) Marking of wrecks.
6.	<i>Appointment of Officers</i>	(1) The Director General may appoint such number of officers as he thinks fit for the purpose of carrying out all or any of the functions conferred on him by this Act subject to such rules as may be prescribed in this behalf. (2) The Director General may delegate to any officer appointed under this section all or any of the powers conferred on the Director General by this Act subject to such rules as may be prescribed in this behalf.
7.	<i>General Powers of the Director General</i>	(1) In addition to any other powers conferred on it by this or any other Act, the Director General has, subject to this Act, power to issue such directions and do such things as may be necessary or convenient to be done for or in connection with the performance of its functions specified in section 5 or elsewhere in this Act. (2) Without prejudice to the generality of the foregoing and other powers under this Act, the powers of the Director General shall include the power to — (a) enter into contracts; (b) acquire, hold and dispose of property; (c) develop and maintain infrastructures required for the purpose of this Act; (d) do anything incidental to any of the powers specified in this subsection or otherwise conferred on the Director General.
8.	<i>Advisory Committees</i>	(1) The Central Government shall appoint a Central Advisory Committee and shall consult it in regard to—  (a) the establishment or position of aids to navigation or of any works appertaining thereto; (b) additions to or the alteration or removal of , aids to navigation; (c) the variations to any aids to navigation or of the mode of use thereof; (d) the cost of any proposals relating to aids to navigation ; or (e) the making or alteration of any rules or rates of aids to navigation cess under this Act. (2) The Central Government may, if it thinks fit, appoint a sub-committee for any purpose of advising it in regard to any of the matters specified in sub-section (1). (3) Advisory Committees shall consist of persons representing interests affected by this Act or having special knowledge of the subject-matter thereof. (4) No act or proceeding of the Advisory Committee shall be invalidated merely by reason of—  (a) any vacancy in, or any defect in constitution of, the Advisory Committee; (b) any defect in appointment of a person acting as a member of the Advisory Committee; or (c) any irregularity in the procedure of the Advisory Committee not affecting the merits of the case.
CHAPTER IV MANAGEMENT OF GENERAL AIDS TO NAVIGATION		
9.	<i>Management of general aids to navigation</i>	The development, maintenance and management of all general aids to navigation shall be vested in the Director General.  The Director General, shall have the following powers relating to the development, maintenance and management of general aids to navigation : (a) establish and maintain aids to navigation; and (b) add to, alter or remove any aids to navigation; (c) alter or vary any aids to navigation

10.	<i>Powers of the Director General relating to aids to navigation</i>	<p>(d) inspect any aids to navigation which may affect the safety of navigation,</p> <p>(e) enter any property, whether public or private, for the purposes of an inspection of any aids to navigation;</p> <p>(f) transport, or cause to be transported, any goods through any property, whether public or private, for any purpose in connection with:</p> <p>(i) the maintenance of an aid to navigation; or</p> <p>(ii) the establishment of any aid to navigation.</p> <p>(g) acquire any land which may be necessary for—</p> <p>(i) the exercise of his powers under this Act;</p> <p>(ii) the maintenance of his works</p> <p>Provided that the Director General shall not exercise his powers under clauses (a), (b) and (c) above without consulting the Central Advisory Committee appointed under section 8 above.</p>	
<b>CHAPTER V MANAGEMENT OF VESSEL TRAFFIC SERVICES</b>			
11.	<i>Management of Vessel Traffic Services</i>	The Central Government shall, by notification in the Official Gazette, appoint the Director General of Aids to Navigation as the Competent Authority for Vessel Traffic Services.	
12.	<i>Standards for establishment and operation of Vessel Traffic Services</i>	The Central Government shall prescribe standards for establishing and operating Vessel Traffic Services in India.	
13.	<i>Functions of Competent Authority of Vessels Traffic Services</i>	<p>The Competent Authority for the Vessel Traffic Services shall:</p> <p>(a) Declare and authorize vessel traffic services provider to operate a vessel traffic service within an authorized area;</p> <p>(b) accredit and approve vessel traffic services training and certification;</p> <p>(c) establish and operate vessel traffic services where it deems necessary;</p> <p>(d) add to or alter or require any person to add to or alter any aspect of a vessel traffic service.</p> <p>Explanation: "vessel traffic service provider" is any person authorized by the competent authority</p>	
<b>CHAPTER VI INSPECTION AND MANAGEMENT OF LOCAL AIDS TO NAVIGATION</b>			
14.	<i>Power to inspect local aids to navigation</i>	<p>(1) The Director General or any officer, authorized by him, may, at any time enter upon and inspect any local aids to navigation and make such inquiries in respect thereof or of the management thereof as he thinks fit.</p> <p>(2) Every person having the charge of, or concerned in the management of, any aids to navigation shall be bound to furnish to any officer authorized under sub-section (1) to inspect the aid to navigation all such information regarding the same as the officer may require.</p> <p>(3) Every local authority shall furnish to the Central Government all such returns and other information in respect of the aids to navigation under its supervision and management, or of any of them, as the Central Government may require.</p>	
15.	<i>Control of local aids to navigation by the Director General</i>	<p>(1) If, after an inspection under section 14 or such other inquiry as deemed fit, the Central Government is satisfied that a direction under this sub-section is necessary or expedient for the safety, or otherwise in the interests, of shipping, it may direct any local authority--</p> <p>(a) to remove or discontinue or to refrain from moving or discontinuing any aids to navigation under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such aids to navigation, or</p> <p>(b) to erect, place or maintain, or to refrain from erecting, placing or maintaining any aids to navigation within the local limits within which the local authority exercises its powers.</p> <p>(2) A local authority shall not erect, place, remove or discontinue any aids to navigation or vary the character or mode of use of any aid to navigation, unless it has given to the Central Government at least one month's notice in writing of its intention so to do.</p> <p>Provided that, in cases of emergency, a local authority may take such action as it deems necessary and shall give immediate notice of the same to the Central Government and, so far as is possible, to all shipping approaching or in the vicinity of the aid to navigation.</p> <p>(3) If a local authority--</p> <p>(a) fails to comply with any direction made under sub-section (1), or</p> <p>(b) fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of any aid to navigation conferred or imposed upon it by or under any law for the time being in force, or</p> <p>(c) fails to make adequate financial provision for the performance of any such duty,</p>	

		<p>the Central Government may, by order in writing, require the local authority to comply with the direction, or to make arrangements to the satisfaction of the Central Government for the proper exercise of the power or performance of the duty or to make financial provision to the satisfaction of the Central Government for the performance of the duty as the case may be within such period as the Central Government may specify.</p> <p>(4) If the local authority fails to comply with an order made under sub-section (3) within the specified period or within such further time as the Central Government may allow, the Central Government may exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local authority shall be liable to repay to the Central Government any expenditure incurred by it in so doing.</p>	
16.	<i>Management of local aids to navigation by the Central Government</i>	The Central Government may, at the request of a local authority, undertake the superintendence and management of any local aids to navigation on its behalf, and the local authority shall pay to the Central Government such sums to defray the cost of superintendence and management as may be agreed	
<b>CHAPTER VII OBSTRUCTIONS TO FUNCTIONING OF AIDS TO NAVIGATION</b>			
17.	<i>Power of Central Government to remove or alter obstructions</i>	<p>(1) The Central Government, by notification in the Official Gazette, specify restrictions on activities that interfere with or obstruct the operation of aids to navigation within the specified distance of such aids to navigation.</p> <p>(2) Notwithstanding anything else contained in any law for the time being in force, where the functioning of any aids to navigation or vessel traffic service is being obstructed, directly or indirectly, the Central Government may, if it deems fit, issue such directions that it deems necessary for the removal or alteration of such obstruction.</p>	
<b>CHAPTER VIII TRAINING AND CERTIFICATION</b>			
18.	<i>Power of Central Government to train and certify operators of Aids to navigation and vessel traffic services</i>	<p>(1) No person shall be allowed to operate or work on, including any ancillary activities as may be specified, any aids to navigation in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of aids to navigation.</p> <p>(2) No person shall be allowed to operate or work on, including any ancillary activities as may be specified, a vessel traffic service in any place unless he holds a valid training certificate certifying that such person has been trained in the operation of vessel traffic services.</p> <p>(3) A certificate of training issued under this Act shall be valid and effective throughout the territory of India.</p>	
19.	<i>Certification</i>	<p>(1) A certificate mentioned in sub-sections (1) and (2) of section 18 above shall be issued by the accredited training organization and validated by the Director General in such form, subject to such conditions and in such manner as may be prescribed.</p> <p>(2) No certification under sub sections (1) and (2) of section 18 shall be granted to any person unless he holds the required qualification from an accredited training organization.</p>	
20.	<i>Establishment and Accreditation of Training organizations</i>	<p>(1) The Central Government shall appoint the Director General to accredit organizations for imparting training to persons in the operation of aids to navigation and vessel traffic services.</p> <p>(2) The Director General will accredit such organizations who meet such criteria as may be prescribed for imparting training to trainees or conduct assessment of persons in the operation of aids to navigation and vessel traffic services in accordance with such rules as may be prescribed in this behalf.</p>	
<b>CHAPTER IX MARKING OF WRECKS</b>			
21.	<i>Marking of wrecks</i>	The Central Government may, if considers necessary, give directions to the Director-General to mark the wreck within his jurisdiction in such manner as may be prescribed.	
22.	<i>Reimbursement for marking wrecks</i>	The cost for marking the wreck shall be borne by or recovered from the owner or the operator of such a vessel in a manner prescribed by the Central Government.	
<b>CHAPTER X DEVELOPMENT OF HERITAGE LIGHTHOUSES</b>			
23.	<i>Power of Central Government to designate any aids to navigation as heritage lighthouses</i>	<p>(1) The Central Government may, by notification in the Official Gazette, designate any aid to navigation under its control as a "heritage lighthouse".</p> <p>(2) Such heritage lighthouses designated under subsection (1) shall be developed for, in addition to their function as aids to navigation or otherwise, educational, cultural and tourism purposes by the Central Government, in such manner as may be prescribed.</p>	
<b>CHAPTER XI – AIDS TO NAVIGATION CESS</b>			
		(1) There shall be levied and collected a cess for the purposes of the Aids to Navigation Act 2020 (Act [] of 2020), at such rate as the Central Government may, by notification in the Official Gazette, from time to time specify.	

24.	<i>Levy and collection of Aids to navigation cess</i>	<p>(2) The cess levied under sub-section (1) shall be collected in respect of every ship arriving at or departing from any port in India, from such person, in such manner and at such time, as may be prescribed by the Directorate General from time to time.</p> <p>(3) The proceeds of the cess collected under sub-Section (1) shall be paid by the Proper Officer collecting the cess to the Director General after deducting the cost of collection of such cess not exceeding half percent of the amount collected.</p> <p>(4) Every Owner causing any Ship to arrive at or depart from any port in India shall file a return before the Proper Officer self-assessing its liability to pay cess, in such form and manner as may be prescribed by the Directorate General, by way of a notification, from time to time.</p>	
25.	<i>Application of Aids to navigation cess</i>	Aids to navigation cess levied under this Act shall be utilized to fulfill the obligations under this Act.	
26.	<i>Receipts</i>	<p>(1) The aids to navigation cess shall be paid to the Central Government by the owner in the manner prescribed and notified in the Official Gazette.</p> <p>(2) To grant clearance, the payment shall be verified by the proper officer in respect of:</p> <p>(a) the port at which the aids to navigation cess has been paid;</p> <p>(b) the amount of the payment;</p> <p>(c) the date on which the aids to navigation cess became payable; and</p> <p>(d) the name, tonnage and other proper description of the ship in respect of which the payment is made.</p>	
27.	<i>Assessment of Cess and Ascertainment of Tonnage</i>	<p>(1) The Proper Officer to whom the return has been furnished under Section 24 shall, after making or causing to be made such inquiry as he thinks fit and after satisfying himself that the particulars stated in the return are correct, by order, assess the amount of Cess payable by the owner or the Master of the Ship.</p> <p>(2) If the return has not been furnished to the Proper Officer under Section 30, he shall, after making or causing to be made such inquiry as he or it thinks fit, by order, assess the amount of Cess payable by the Owner or the Master of the Ship.</p> <p>(3) For the purposes of levy of aids to navigation-cess, the tonnage of a ship or sailing vessel shall be reckoned as under the Merchant Shipping Act, 1958, for cess payable on a ship's tonnage including the tonnage of any space added under the said Act to the tonnage of ships by reason of such space being utilized for carrying cargo.</p> <p>(4) In order to ascertain the tonnage of any ships for the purpose of levying aids to navigation-cess, the proper Officer may, if he deems it fit, require the production of any documents, the appearance of any person and the inspection of any vessel in accordance with such rules as may be prescribed.</p>	
28.	<i>Recovery of aids to navigation cess.</i>	<p>(1) If the owner of any ship refuses or neglects to pay the amount of aids to navigation cess payable under this Act in respect of the Ship, the proper officer may seize the ship and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of the aids to navigation cess, together with the costs of the seizure and detention is paid.</p> <p>(2) If any part of such aids to navigation cess remains unpaid after the expiry of five days following the date of the seizure, the proper officer may cause the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the aids to navigation cess remaining unpaid, together with the costs of the sale and shall repay the surplus, if any, to the person by whom the same were payable.</p>	
29.	<i>Refusal of port-clearance</i>	The officer whose duty it is to grant a port-clearance for any ship shall not grant the port-clearance until the amount of aids to navigation cess payable in respect of the ship under this Act and of any fines imposed thereunder has been paid, or until security for the payment thereof has been given to his satisfaction.	
30.	<i>Determination of disputes as to liability for payment</i>	If any dispute arises as to whether aids to navigation-cess, expenses or costs are payable in respect of any ship under this Act or as to the amount of such cess, expenses or costs, the dispute shall, on application made in this behalf by either of the disputing parties, be heard and determined by a judicial magistrate having jurisdiction at the place where the dispute arises, and the decision of such Magistrate shall be final.	
31.	<i>Aids to navigation cess payable at one port recoverable at another</i>	<p>(1) If the master of any ship in respect of which aids to navigation cess is payable at any causes the ship to leave such port without having paid the same, the proper officer at that port may by writing require the proper officer at any other port in India to which the ship may proceed or in which she may be recover the aids to navigation cess remaining unpaid.</p> <p>(2) Any proper officer to whom such a requisition is directed shall proceed to levy such sum as if it were payable under this Act at the port at which he is the proper officer, and a certificate by the proper officer at the port at which the aids to navigation cess first became payable, stating the amount payable, shall be sufficient proof in any proceeding under this Act that such amount is payable.</p>	
32.	<i>Exemption</i>	The Central Government may, by notification in the Official Gazette, exempt any ship, or classes of ships or ships performing specified voyages from such payment either wholly or to such extent only as may be specified in the notification.	
33.	<i>Refund of excess payments</i>	Where the aids to navigation cess has been paid in respect of any ship in excess of the amount payable under this Act, no claim to refund of such excess payment shall be admissible, unless it is made within six months from the date of each payment.	



34.	Fees	Fees may be charged for providing assistance to ships for rendering special services to vessels, at such rates as the Central Government may prescribe in the rules made under this Act.	
<b>CHAPTER XII FINANCE, ACCOUNT AND AUDIT</b>			
35.	Receipt and Expenditure	The Central Government shall cause to be maintained a separate account of all amounts received by way of aids to navigation-cess, expenses, costs and fines under this Act and of all expenditure incurred for the purposes of this Act, and shall cause such account to be laid before the Central Advisory Committee as soon as possible after the close of each financial year.	
36.	Annual Report	The Central Government shall cause to be laid before the Central Advisory Committee before the close of each financial year a statement of the estimated receipts under, and expenditure for the purpose of this Act during the forthcoming year.	
<b>CHAPTER XIII OFFENCES AND PENALTIES</b>			
37.	Penalties	(1) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence committed under this Act. (2) The offences mentioned in column (2) of the Table below shall be punishable to the extent mentioned in column (4) of the said Table with reference to such offence respectively. (3) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence, and if in respect of any such offence, no penalty is specially provided in sub-section (2), he shall be punishable with fine which may extend to fifty thousand rupees.	
38.	Place of trial and jurisdiction of court	Any person committing any offence under this Act or any rules made thereunder, may be tried for such offence before any place in which he may be found, or in any Court which the Central Government may, by notification, direct in this behalf, or in any Court in which he might be tried in any other law for time being in force.	
<b>CHAPTER XIV RULES</b>			
39.	Power to make rules	(1) The Central Government may make rules consistent with this Act to carry into effect the purposes thereof. (2) In Particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:- (a) Powers and duties of the Director-General and other officers appointed under this Act; (b) Procedure and conduct of business of Advisory Committees constituted under this Act; (c) Appointment of officers by the Director General under section 6; (d) Manner of Delegation of powers and functions to officers appointed under section 6; (e) Standards for establishment and operation of vessel traffic services under section 12; (f) Form of training certificate under section 19; (g) Manner of and criteria for accreditation of training organization under section 20; (h) Manner of marking wrecks under section 21; (i) Manner of recovering cost from the owner of the vessel for marking the wreck under section 22; (j) Development of heritage lighthouses designated under section 23; (k) Manner of levy, payment, recovery and other matters relating to aids to navigation cess under this Act; (l) Manner and rate of payment of fees for special services under section 34.	
40.	Rules to be laid before Parliament.	Every rule made and every notification issued under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation scheme or notification or both Houses agree that the rule, regulation or scheme should not be made or the notification should not be issued, the rule, regulation or scheme or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, regulation, scheme or notification.	
<b>CHAPTER XV MISCELLANEOUS</b>			
41.	Delegation of powers by Central Government	The Central Government may delegate to any of its officers all or any of these functions and powers conferred on the Central Government by this Act.	
42.	Power to issue directions of the Central Government	(1) Notwithstanding anything else contained in this Act, the Director General shall, in the discharge of his functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give to it in writing from time to time. (2) The decision of the Central Government whether a question is one of policy or not shall be final.	
43.	Power to remove difficulties	(1) 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 this Act as may appear to be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this section after the expiry of five years from the commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.	
44.	Protection of Action taken in good faith	No suit, prosecution or other proceedings shall lie against the Central Government, the Director General under this Act or any officer or employee thereof, for anything done or in good faith purporting to be done under this Act or the rules or regulations made thereunder. (1) The Lighthouse Act, 1927 is hereby repealed.	

45.	<i>Repeal and Savings</i>	<p>(2) Notwithstanding the repeal of any enactment by sub-section (1),-</p> <p>(a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under any enactment hereby repealed shall, until revoked, have effect as if it had been issued, made or granted under the provisions of this Act;</p> <p>(b) any office established or created, officer appointed and anybody elected or constituted under any enactment hereby repealed shall continue and shall be deemed to have been established, created, appointed, elected, or constituted, as the case maybe, under this Act;</p> <p>(c) any document referring to any enactment hereby repealed shall be construed as referring to this Act or to the provision of this Act;</p> <p>(d) any fine levied under any enactment hereby repealed may be recovered as if it had been levied under this Act;</p> <p>(e) any offence committed under any enactment hereby repealed may be prosecuted and punished as if it had been committed under this Act;</p> <p>(f) any proceeding pending before any court under any enactment here by repealed may be tried or disposed of under the corresponding provisions of this Act;</p> <p>(g) the officers existing under the commencement of this Act shall continue as if they have been established under this Act;</p> <p>(h) any person appointed under or by virtue of any repealed enactment shall be deemed to have been appointed to that office under or by virtue of this Act;</p> <p>(i) any inspection, investigation or inquiry ordered to be done under the provisions of any repealed enactment shall continue to be proceeded with as if such inspection, investigation or inquiry ordered to be done under the corresponding provisions of this Act.</p>	
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Serial No	Offence	Description	Section of this Act to which this refers	By whom the offence triable and penalty imposed
(i)	<i>Intentionally obstructing the aids to navigation or vessel traffic services</i>	<p>Any person who intentionally commits an or omits to do an act results in obstruction of, or reduction in or limitation of the effectiveness of, any aid to navigation or vessel traffic service shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that</p> <p style="text-align: center;">(a) the act or omission was necessary to save a life or a vessel,; and (b) the person took all reasonable steps to avoid the obstruction, reduction or limitation.</p>	General	Court
(ii)	<i>Negligently obstructing the aids to navigation or vessel traffic services</i>	<p>Any person who, through negligence, commits an or omits to do an act results in obstruction of, or reduction in or limitation of the effectiveness of, any aid to navigation or vessel traffic service shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that</p> <p style="text-align: center;">(a) the act or omission was necessary to save a life or a vessel,; and (b) the person took all reasonable steps to avoid the reduction or limitation.</p>	General	Court

(iii)	<i>Negligently destroying or damaging aids to navigation or vessel traffic services</i>	Any person who, through negligence, commits an or omits to do an act results in damage to or destruction of any aid to navigation or vessel traffic services shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that	General	Court
		(a) the act or omission was necessary to save a life or a vessel.; and (b) the person took all reasonable steps to avoid the damage or destruction.		
(iv)	<i>Intentionally destroying or damaging aids to navigation or vessel traffic services</i>	Any person who intentionally commits an or omits to do an act results in damage to or destruction of any aid to navigation or vessel traffic service shall be deemed to have committed an offence and shall be liable for punishment unless it can be shown that	General	Court
		(a) the act or omission was necessary to save a life or a vessel.; and (b) the person took all reasonable steps to avoid the damage or destruction.		
(v)	<i>Causing damage to heritage lighthouse</i>	Any person who commits an or omits to do an act results in damage to or destruction of any heritage lighthouse shall be liable for such punishment unless it can be shown that:	General	Court
		(a) the act or omission was necessary to save a life or a vessel.; and (b) the person took all reasonable steps to avoid the destruction, fouling, damage, reduction or limitation.		
(vi)	<i>Evading payment of aids to navigation cess</i>	If the owner or master of a ship evades or attempts to evade the payment of any cess, expenses or costs payable in respect of the ship under this Act, he shall be deemed to have committed an offence and shall be liable for punishment		Described in chapter of aids to navigation cess.
(vii)	<i>Non-compliance with directions issued by a VTS provider</i>	If the owner or master of a ship fails to comply with any direction issued by a VTS provider relating to a vessel traffic service under this Act, he shall be deemed to have committed an offence and shall be liable for punishment	General	Court