



## The Indian Ports (Maharashtra Amendment) Act, 1962

Act 4 of 1963

Keyword(s):

Indian Ports, Pilotage, Port

Amendment appended: 55 of 1994

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MAHARASHTRA ACT No. IV OF 1963.<sup>1</sup>

[THE INDIAN PORTS (MAHARASHTRA AMENDMENT) ACT, 1962.]

[16th January 1963]

An Act to amend the Indian Ports Act, 1908, in its application to the State of Maharashtra.

Act XV of 1908. WHEREAS it is expedient to amend the Indian Ports Act, 1908, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Thirteenth Year of the Republic of India as follows:—

1. (1)<sup>2</sup> This Act may be called the Indian Ports (Maharashtra Amendment) Act, 1962. Sho  
and  
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(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Act XV of 1908. 2. In the Indian Ports Act, 1908, in its application to the State of Maharashtra, after section 50, the following new section shall be inserted, namely:— Inse  
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VII  
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XI  
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“50A. The port fund account and the pilotage account kept or maintained under this Act for each minor port in the State of Maharashtra shall, on the commencement of the Indian Ports (Maharashtra Amendment) Act, 1962, stand abolished; and the balances to the credit of those accounts at such commencement shall, subject to the provisions of the States Reorganisation Act, 1956 and the Bombay Reorganisation Act, 1960, be credited to the Consolidated Fund of the State; and accordingly, the provisions of sections 36, 37, 49 and 50 shall apply in relation to such minor ports with the following modifications, that is to say— Abol  
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(1) in section 36—

(a) in sub-section (1), the words ‘and, subject to the control of the Government, to expend the receipts on any of the objects authorized by this Act’ shall be deleted;

(b) sub-sections (2), (4), (5), (5a), (5b), (5c) and (6) shall be deleted;

(c) for the marginal note, the marginal note ‘Power of State Government to appoint officer or body to receive port dues’ shall be substituted;

(2) section 37 shall be deleted;

(3) in section 49, in sub-section (2), for the words, brackets, figures and letter ‘contributions made under section 36, sub-section (5), clause (d)’ the words ‘contributions made by the State Government in that behalf’ shall be substituted;

(4) in section 50, sub-section (3) shall be deleted.”

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1962, Part V, page 358.  
<sup>2</sup> 1st day of April 1963. vide G.N., B. & C. D., No. IPA. 1063-N, dated 29th March 1963.

**THE INDIAN PORTS (MAHARASHTRA AMENDMENT) ACT, 1994**

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[THE INDIAN PORTS (MAHARASHTRA AMENDMENT) ACT, 1994.]

This Act received the assent of the President on the 29th December 1994; assent was published in the *Maharashtra Government Gazette*, Part IV, on the 30th December 1994.]

An Act further to amend the Indian Ports Act, 1908, in its application to the State of Maharashtra.

WHEREAS both Houses of the State Legislature were not in session;

Act. AND WHEREAS the Governor of Maharashtra was satisfied that circumstances  
XV of existed which rendered it necessary for him to take immediate action further to  
1908. amend the Indian Ports Act, 1908; for the purposes hereinafter appearing; and,  
therefore, promulgated the Indian Ports (Maharashtra Amendment) Ordinance,  
1994, on the 26th October 1994;

Mah. AND WHEREAS it is expedient to replace the said Ordinance by an Act of the  
Ord. State Legislature: It is hereby enacted in the Forty-fifth Year of the Republic of  
XVI India as follows :—  
of  
1994.

1. (1) This Act may be called the Indian Ports (Maharashtra Amendment) Act, 1994. Short title and commencement.
- (2) It shall be deemed to have come into force on the 1st April 1989.

XV 2. After section 5 of Indian Ports Act, 1908, in its application to the State of  
of Maharashtra (hereinafter referred to as "the principal Act"), the following section  
1908. shall be inserted, namely :— Insertion of section 5A in Act No. XV of 1908.

" 5A. (1) No person shall make, erect or fix within the limits of a port or port approaches any wharf, dock, quay, stage, jetty, pier, erection or mooring or undertake any reclamation of foreshore within the said limits except with the previous permission in writing of the State Government and subject to such terms and conditions, if any, as the State Government may specify. Power to permit erection of private wharves, etc. within limits of port subject to conditions.

(2) If any person make, erects or fixes any wharf, dock, quay, stage, jetty, pier, erection or mooring or undertakes any reclamation of foreshore in contravention of sub-section (1), the State Government may, by notice, require such person to remove it within such time as may be specified in the notice and if the person fails so to remove it, the State Government may cause it to be removed at the expense of that person."

3. Notwithstanding anything contained in the principal Act, any No Objection Certificate given or any permission granted for the erection or construction of a jetty (including any action taken or anything done in pursuance thereof), during the period commencing on the 1st April 1989 and ending on the 26th October 1994 shall be deemed to be valid and effective as if such certificate or permission had been duly given under the principal Act, as amended by this Act, in accordance with law; and no suit, appeal, application or other proceedings shall lie in any Court or before any authority for declaring the grant of such certificate or permission (including any action taken or anything done in pursuance thereof), as invalid on the ground that the grant of such certificate of permission (including any action taken or anything done in pursuance thereof), was without the authority of law. Validation and saving.

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1994, Part V, Pages 587-588.

Removal of difficulties. 4. If any difficulty arises in giving effect to the principal Act, as amended by the Act, the State Government may, as occasion arises, by order to anything which appears to it to be necessary for the purpose of removing such difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the 26th October 1994.

Repeal of Mah. Ord. XVI of 1994 and saving. 5. (1) The Indian Ports (Maharashtra Amendment) Ordinance, 1994 is hereby repealed. Mah. Ord. XVI of 1994.

(2) Notwithstanding such repeal, any permission granted, any action taken or anything done under the principal Act, as amended by the said Ordinance, shall be deemed to have been granted, taken or done, as the case may be, under the principal Act, as amended by this Act.