

Indian Ports Act, 1908

Section 6 - Power to Make Port-rules

(1) The [1](#) [Government] may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely:--

(a) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which, vessels generally or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act;

(b) for regulating the berths, stations and anchorages to be occupied by vessels in any such port;

(c) for striking the yards and top masts, and for rigging-in the booms and yards, of vessels in any such port, and for swinging or taking-in davits, boats and other things projecting from such vessels;

(d) for the removal or proper hanging or placing of anchors, spars and other things being in or attached to vessels in any such port;

(e) for regulating vessels whilst taking-in or discharging passengers, ballast or cargo, or any particular kind of cargo, in any such port and the stations to be occupied by vessels whilst so engaged;

[2](#) [(ee) for regulating the manner in which oil or water mixed with oil shall be discharged in any such port and for the disposal of the same;]

[3](#) [(eee) for regulating the bunkering of vessels with liquid fuel in any such port and the description of barges, pipe lines or tank vehicles to be employed in such bunkering;]

(f) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing places, wharves, quays, docks, moorings and other works in or adjoining to the same; and for marking out the spaces so to be kept free;

(g) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port;

(h) for regulating the moving and warping of all vessels within any such port and the use of warps therein;

(i) for regulating the use of the mooring buoys, chains and other moorings in any such port;

(j) for fixing the rates to be paid [4](#) [In a port other than a major port] for the use of such mooring to the [5](#) [Government] or of any boat, hawser or other thing belonging to the [5](#) [Government];

[6](#) [(jj) for regulating the use of piers, jetties, landing places, wharves, quays, warehouses and sheds when belonging to the Government;

(jja) for fixing the rates to be paid for the use of piers, jetties, landing places, wharves, quays, warehouses and sheds of any port, other than a major port, when belonging to the Government;]

7 ["(k) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other boats plying, whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without any such port, and for licensing and regulating the crews of any such vessels; and for determining the quantity of cargo or number of passengers or of the crew to be carried by any such vessels and the conditions under which such vessels shall be compelled to ply for hire and further for conditions under which any licence may be revoked;

(kk) for providing for the fees payable in respect of the services specified in Clause (k) for any port, other than a major port;"]

(l) for regulating the use of fires and lights within any such port;

(m) for enforcing and regulating the use of signals or signal-lights by vessels by day or by night in any such port;

(n) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port;

(o) for regulating the employment of persons engaged in clearing or painting vessels, or in working in the bilges, boilers or double bottoms of vessels in any such port;

8 [(p) 9 [***] for the prevention of danger arising to the public health by the introduction and the spread of any infectious or contagious disease from vessels arriving at, or being in any such port, and for the prevention of the conveyance of infection or contagion by means of any vessel sailing from any such port and in particular and without prejudice to the generality of this provision, for--

(i) the signals to be hoisted and the places of anchorage to be taken up by such vessels having any case, or suspected case of any infectious or contagious disease on board, or arriving at such port from a port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when the vessel left such port, any infectious or contagious disease;

(ii) the medical inspection of such vessels and of persons on board such vessels;

(iii) the questions to be answered and the information to be supplied by masters, pilots and other persons on board such vessels;

(iv) the detention of such vessels and of persons on board such vessels;

(v) the duties to be performed in cases of any such disease by masters, pilots and other persons on board such vessels;

(vi) the removal to hospital or other place approved by the health officer and the detention therein of any person from any such vessel who is suffering or suspected to be suffering from any such disease;

(vii) the cleansing, ventilation and disinfection of such vessels or any part thereof and of any articles therein likely to retain infection or contagion and, destruction of rats or other vermin in such vessels; and

(viii) the disposal of the dead on such vessels; and]

(q) for securing the protection from heat of the officers and crew of vessels in any such port by requiring the owner or master of any such vessel--

- (i) to provide curtains and double awnings for screening from the sun's rays such portions of the deck as are occupied by, or are situated immediately above, the quarters of the officers and crew;
- (ii) to erect windsails so far as the existing portholes or apertures in the deck admit of their being used for ventilating the quarters of the officers and crew;
- (iii) when the deck is made of iron and not woodsheathed, to cover with wooden planks or other suitable non-conducting material such portions of the deck as are situated immediately above the quarters of the officers and crew;
- (iv) when the quarters used by the crew and the galley are separated by an iron bulk-head only, to furnish a temporary screen of some suitable non-conducting material between such quarters and the galley.

[10](#) [*****]

(2) The power to make rules under Sub-section (1) [11](#) [***] is subject to the condition of the rules being made after previous publication: Provided that nothing in this sub-section shall be construed to affect the validity of any rule in force immediately before the commencement of the Indian Ports Act, 1889, and continued by Section 2, Sub-section (2), of that Act.

[12](#) [(2A) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.

(2B) Every rule made by the Central Government under this Act shall be laid as 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 the House agree any modification in the order or both Houses agree that the 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.]

(3) If any person disobeys any rule made under Clause (p) of Sub-section (1), he shall be punishable for every such offence with fine which may extend to one thousand rupees.

(4) If a master fails wholly or in part to do any act prescribed by any rule made under Clause (p) of Sub-section (1), the health-officer shall cause such act to be done, and the reasonable expenses incurred in doing such act shall be recoverable by him from such master.

1. Substituted for the words "Local Government" by A.O., 1937 (1-4-1937).

2. Inserted by the Indian Ports (Amendment) Act, 1923 (39 of 1923), Section 2.

3. Inserted by the Indian Ports (Amendment) Act, 1925 (9 of 1925), Section 2.

4. Inserted by the Port Laws (Amendment) Act, 1997 w.e.f. 09-01-1997.

5. Substituted for the word 'Crown' by A.L.O, 1950.

6. Substituted by the Port Laws (Amendment) Act, 1997 w.e.f. 09-01-1997. Prior to substitution it reads as under

"(jj) for regulating the use of piers, jetties, landing places, wharves, quays warehouses and sheds when belonging to the Government and for fixing the rates to be paid for the use of the same;]"

7. Substituted by the Port Laws (Amendment) Act, 1997 w.e.f. 09-01-1997. Prior to substitution it reads as under

"(k) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other boats plying whether for hire or not, and whether regularly or only occasionally, in or partly within and partly without any such port, and for licensing and regulating the crews of any such vessels; and for determining the quantity of cargo or number of passengers [or of the crew] to be carried by any such vessels and may by such rules provide for the fees payable in respect of any such license, and in the case of [vessels] plying for hire, for the rates of hire to be charged and conditions under which such vessels shall be compelled to ply for hire, and further for the conditions under which any license may be revoked;"

8. Substituted for the original Clause (p) by the Indian Ports (Amendment) Act, 1911 (4 of 1911), Section 2.

9. The words "subject to the control of the Governor-General in Council" were omitted by A.O., 1937 (1-4-1937).

10. Clause (1-A) which was inserted by the Indian Ports (Amendment) Act, 1922 (15 of 1922), Section 2 and amended by A.O., 1937 and Act 11 of 1931, Section 2, was omitted by the Employment of Children Act, 1938 (26 of 1938), Section 8 (1-12-1938).

11. The words "and Sub-section (1-A)" were omitted by Act 26 of 1938, Section 8.

12. Inserted by the Delegated Legislation Provisions (Amendment) Act, 1983 (20 of 1983), Section 9 (15-3-1984).