

Lighthouse Act, 1927

Section 1 - SHORT TITLE, EXTENT AND COMMENCEMENT

LIGHTHOUSE ACT, 1927 LIGHTHOUSE ACT, 1927 17 of 1927 STATEMENT OF OBJECTS AND REASONS "Under the Devolution Rules, "lighthouses, (including their approaches) beacons light ships and buoys" are a central subject, but are now administered by Local Governments as agents of the Government of India under the rules made under section 45 A of the Government of India Act. Statutory powers are also vested in Local Governments by the Burma, Madras and Sind Coast-lights Acts. The object of the present Bill is to vest in the Governor-General in Council the statutory powers necessary for the discharge of his responsibilities in order that this subject may in future, be directly administered by the Central Government. .Under the present system of administration there are considerable differences from province to province, not only in the method of administration, but also in finance. Light-dues are levied in some provinces, but not in others, and where levied, they varying the method of calculation, as well as in amount. In Madras, there is a separate Coast-lights fund, to which light-dues are credited and from which all expenditure, on Coast-light is met. The Burma light-dues, on the other hand, are credited to Central Revenues and expenditure is met from grants voted by the Legislative Assembly. In Sind, again, light-dues are also credited to Central Revenue, and expenditure is met from grants voted by the Legislative Assembly. On the other hand, all light-houses in the Bombay Presidency proper, except the lights of Bombay Port and its approaches, are financed from the Bombay Minor Ports funds, to which passing trade contributes nothing. The whole coast of the perim lights and part of the coast of the Aden lights are borne by Central Revenues, and the Orissa lights are a charge partly on Central and partly on Provincial revenues. The general principles of the Bill are based on Part XI of the Merchant Shipping Act, 1894, and the Merchant Shipping (Mercantile Marine Funds) Act, 1898 and parts of the existing Coast-lights Acts are also incorporated, "Lighthouse" is defined so as to include "any light-vessel, fog-signal, buoy, beacon, or any mark, sign or apparatus exhibited or used for the guidance of ships.". This definition covers wireless beacons, wireless fog-signals and other direction giving apparatus used for the guidance of ships. All lighthouses will be classified as either:- (a) coast or general lighthouses, or (b) port or local lighthouses. , The superintendence and management of all general lighthouses will be vested in the Governor-General in Council. Local light-houses will be administered by a local light-house authority, which will usually be a port authority. Certain powers of inspection and control over local light-houses are reserved to the Governor-General in Council, as being the general light-house authority. Provision is also made for the management of general lighthouses by a local authority or of local lighthouses by the Governor-General in Council, by arrangement and on payment. This would be a matter of convenience and economy. For the purposes of lighthouse administration, it is proposed that the coasts of India should be divided into districts, based on the major ports. The Port Officer of the major port would be the Superintendent of Light-houses in the district, and would be in executive control of the general lighthouse administration. For technical supervision, the Bill provides for the appointment of a Chief Inspector of Light-houses in British India, and also for the appointment of District Inspectors, who would be engineers, with practical experience of light-house engineering. It is intended that lighthouse expenditure should no longer be a charge on general revenues, but should be covered by dues levied on shipping. The Bill, therefore, provides for the maintenance of a separate account of lighthouse receipts and expenditure, and it is intended that this account should be maintained on commercial lines, showing that expenditure is covered by dues, and that receipts from dues are spent on lighthouse services. The Bill also provides for the appointment of a Central Advisory Committee, which will consist of persons representing the interests affected or having special knowledge of the subject. The Central Advisory Committee will correspond in the constitution and functions of the Advisory Committee on new lighthouse Works in the United Kingdom. The annual accounts and budget will be placed before them, and they will be asked to advise on new works, the position and character of existing lighthouses, the rates of light-dues, rules, and on the lighthouse system generally; District Advisory Committees to advise on local questions may also be appointed, if desirable. The cost of local light-houses

will ordinarily be met, as at present, from port dues levied under the Indian Ports Act, 1908. But clause 9 of the Bill permits receipts from light-dues to be used "for the purpose of providing or maintaining lighthouses..... for the benefit of ships voyaging to or from British India or between ports in British India." And grants from light-dues may be given for the provisions or maintenance of local lighthouses which are also used as marks by passing trade. The Bill extends to the whole of British India which is the limit of the legislative power of the Indian Legislature. But in addition to light-houses in British India, the Government of India already administer light-houses in the Persian Gulf and in the southern part of the Red Sea. And it is possible that they may also be asked to administer the colonial lights at Minicoy and in Ceylon, which are now managed direct by the Board of Trade. It is possible also that some arrangement may be made in respect of light-houses in Indian States similar to the arrangement which already exists in Madras. In that event, it may be desired to bring all such lighthouses into a single administration with an uncommon account of revenue and expenditure. In order, therefore, to recover a possible extension on these lines, clause 9 of the Bill has been drafted so as to permit the expenditure of light-dues levied in British India on light-houses "whether within or beyond the limits of British India", provided always that such light-houses are "for the benefit of ships voyaging to or from British India, or between ports in British India." [But the Select Committee deleted the words, "whether within or beyond the limits of British India" as they are unnecessary.] Clause 10 of the Bill provides that every ship arriving at or departing from a port in British India shall pay a light-due, not exceeding two annas per net register ton, subject to a periodical limit of thirty days. Different rates may be prescribed for different classes of ships. Clause 18, following the existing Acts, exempts altogether ships of less than thirty tons. It also empowers the Governor-General in Council-by notification to exempt any ships or classes of ships or ships performing specified voyages from payment of dues either wholly or in part. The powers taken in clauses 6 and 7 of the Bill for the inspection and control of local light-houses follow generally the powers of general light-houses authorities in sections 652 and 653 of the Merchant Shipping Act, 1894. In the United Kingdom, however, a local light-house authority cannot erect or remove any lighthouse, buoy or beacon or vary its character without the previous sanction of the general lighthouse authority. But the control of the general light-house authorities in the United Kingdom is much closer than is possible or desirable in a country of great distances like India. The Bill, therefore, only requires that one month's previous notice of any change should be given to the Governor-General in Council, and also empowers the local light-house authority to take immediate action. Without previous notice in cases of emergency Statutory power to inspect a local light-house is vested only in the Chief Inspector of light-houses. No Superintendent or District Inspector may inspect without the order in writing of the Governor-General in Council. The Bill further provides that a direction by the Governor-General in Council under clause 7 shall only be made after inspection or such other enquiry as he thinks fit, when he has satisfied that it is necessary for the safety, or otherwise in the interests, of shipping. - The rest of the Bill requires no detailed explanation." - Gazette of India, 1927, Part V, page 53. Amending Act 37 of 1976:- The Indian Light-house Act, 1927 consolidates and amends the law relating to the provision, maintenance and control of light-houses by the Government of India. 2. For the purpose of maintaining or providing light-houses for the benefit of ships, the Act empowers the Central Government to cause light-dues to be levied and collected in respect of every ship arriving at or departing from any port in India. According to section 10(1) of the Act, as amended in 1959, the maximum rate at which such dues may be levied is fifty paise per ton. This rate is not at all adequate to meet the cost of the services which have to be rendered and improvements in relation thereto. It is, therefore, proposed to raise the maximum rate to Rs. 1.50 per ton. 3. Apart from providing and maintaining light-houses, it has also become necessary to render other assistance to ships, and vessels under the Act for calibrating their wireless direction finders and for other services. It is, therefore, proposed to insert a provision in the act for charging fees in respect of such services. 4. Section 20A of the Act provides for the delegation of powers exercisable by the Central Government under the Act to the Director-General of Shipping. As the Department of Light-houses and Light Ships is no longer under this authority, it is proposed to omit this section. 5. It is proposed to avail of the present opportunity to make certain changes which have become necessary by reason of the repeal and replacement of the Sea Customs Act, 1878 and the Indian Merchant Shipping Act, 1923 by the Customs Act, 1962 and the Merchant Shipping Act, 1958 respectively. Accordingly, the references in the Act to the Customs Collector under the Sea Customs Act, 1878 are proposed to be replaced by references to the proper officer as defined in the Customs Act, 1962. Likewise, it is proposed to provide that the various words and expressions used but not defined in the Act would have the

same meanings as in the Merchant Shipping Act, 1958. Further, the provisions relating to ascertainment of tonnage contained in section 12 of the Act are proposed to be suitably modified so as to bring them in conformity with the provisions of the Merchant Shipping Act, 1958 and the rules made there under. 6. It is also proposed to avail of the present opportunity to include the usual provision for laying of rules before each House of Parliament, in section 21 of the Act relating to the power to make rules. 7. The Bill seeks to achieve the above objects Gaz. of India, 6-1-1976, Pt. II, S.2, Ext., p. 91. Act 66 of 1985.- The Lighthouse Act does not provide an independent definition of "sailing vessel." Therefore, it has become necessary to include in section 2a definition of the expression "ship" to the effect that "ship" includes a sailing vessel. 2. Consequent upon the change in the designation of officers mentioned in sections 3,6 and 21 of the Act, it has become necessary to substitute the same by appropriate designations presently in vogue. 3. At present there is no provision in the Act to preserve the validity of the acts or proceedings of the Central Advisory Committee appointed under section 4(1), from challenge on the ground of existence of any vacancy in or defect in constituting the Committee or any irregularity of procedure not affecting the merits of the case. A new section 4(4) for this purpose has been proposed for insertion in the Act. 4. The Lighthouses and other aids to navigation are vital for the shipping traffic and it is imperative that their functions should in no way be allowed to be obstructed. Since the Act does not contain any provision for the removal of obstructions, it has become necessary to confer powers in this behalf on the Central Government by incorporating suitable enabling provisions in the Act. The new section 8A is proposed to be inserted for meeting such contingencies. 5. According to section 10(1) of the Act, as amended in 1976, the maximum rate at which light-dues may be levied is Rs. 1.50 per tone. The rate is, not at all adequate to meet the cost of services which have to be rendered. The enhancement of the rates of light-dues by resorting to amendments of section 10(1) has proved to be a long and time consuming process resulting in a considerable loss of revenue to the Department. In view of this position, it is proposed to amend section 10(1) of the Act so as to enable the Central Government to prescribe by notification in the Official Gazette such rates as are necessary to provide for the purpose mentioned in section 9 of the Act at which light dues shall be payable and lay such notification before each House of Parliament. 6. At present, no light-dues can be levied on the additional cargo carried on the deck and thereby a considerable amount of revenue is being lost. Accordingly, it has become necessary to section 12(1) of the Act. 7. The Bill seeks to achieve the above objects. -Gaz. Of Ind., 23-8-1985, Pt. II, S. 2, Ext., p. 5 (No. 50). An Act to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in 1[***] India. Whereas it is expedient to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in 2[* * *] India; It is hereby enacted as follows. PRELIMINARY 1) This Act may be called The 3[* * *] Lighthouse Act, 1927. (2) It extends to the whole of India 4[***]. (3) It shall come into force on such date as the 5[Central Government] may, by notification in the 6[Official Gazette], appoint.