

# The Orissa Cargo Boats (Licensing and Regulation) Rules, 1960

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### Rule

### THE-ORISSA-CARGO-BOATS-LICENSING-AND-REGULATION-RULES of 1960

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The Orissa Cargo Boats (Licensing and Regulation) Rules, 1960 Published vide Notification No. 9475-2P-139/60-Com., dated 29th August, 1960 Published vide Orissa Gazette No. 38 of 1960, and came into force w.e.f. 18.8.1950. Notification No. 9475-IIP-139/60-Com., dated the 29th August, 1960. - In exercise of the powers conferred by Clause (k) of Sub-section (1) of Section 6 of the Indian Ports Act, 1908 (XV of 1908), and in supersession of the rules issued under the Government of Orissa, Law and Commerce Department, Notification No. 4963-IIP 35-Com., dated the 5th June, 1937, the State Government do hereby make the following rules for licensing and regulation of cargo boats with retrospective effect from the 18th August, 1950, the same having been previously published as required by Sub-section (2) of the said section at the said Act, namely :

### 1. Definitions.

- In these rules, unless there is anything repugnant in the subject or context-(a)"Conservator" means the Port Officer of the Orissa Ports;(b)"Port" means the Dharma (Chandbali) Port, the limits of which are defined in Notification No. 1652-IVP-12 Com., dated the 9th June, 1931;(c)"Harbour limits" means that portion of the Baitarani river, which is included between the telegraph line crossing the river one mile above Guire Point and the tide gauge in Harripur Reach situated 1½ miles below "Love Point";

### 2.

In these rules, cargo boat includes the following two classes : Class I-Barges of flats constructed of iron or wood, ship shape and straight keel. Class II-Open country boats usually called Malangees of Pariosal Kathuas.

### **3. Licensing of cargo boats.**

(1) No cargo boat shall ply, whether for hire or not, or whether regularly or occasionally within or partly within and partly without the limits of the Port of Dharma (Chandbali)-(a) unless it has been granted a licence in the form prescribed in Appendix V to these rules and such licence is still in force; (b) unless the letter "D" followed by the number specified in the licence is painted on both sides of the boat in white figures not less than twelve inches in length. (2) No number or mark of any kind shall be painted or affixed on any cargo boat in proximity to the number of the licence.

### **4. Application for the licensing of cargo boats.**

(1) Every application for the licensing of a Class I cargo boat shall be made in writing to the Conservator and shall be signed by the owner, and shall state the residence of the owner, the name of the tindal in charge, the number of the crew and the description and tonnages of the boat. If the residence of the owner is not in the port, the name and residence of an agent in the port, duly authorised to act for him as regards the licensing of the boat, shall be stated by the owner. If the cargo boat has been previously licensed its previous number shall be stated. (2) The applicant shall produce the cargo boat at such time and place as the Conservator shall direct.

### **5. Conditions of licence for cargo boat.**

- No licence shall be granted in respect of any cargo boat until such has been surveyed by the Conservator or an officer acting on his behalf and he has satisfied himself that the following conditions are fulfilled namely : (a) that the cargo boat is in good order and is suitable for the conveyance of cargo within or partly within-and partly without the port limits; (b) that the tonnage of such boat is ascertained in the manner prescribed in Appendix II to these rules; (c) that the number of the crew required for safe navigation of such boat is according to the scale prescribed in Appendix I to these rules; (d) that such boat is provided with adequate appliances for the pumping at bailing out or otherwise getting rid at bilge water and with serviceable ground, tackle and other equipment necessary for safe navigation; (e) that in the case of Class I cargo boats- (i) the free-board of the boat, when fully loaded is ascertained in the manner prescribed in Appendix III to these rules; (ii) the boat is fitted with a caboose or fire-place in a suitable position.

### **6. Issue of licence for cargo boat.**

- If the conditions enumerated in Rule 5 are satisfied, and on payment of fees in accordance with, the schedules of charges prescribed in Appendix IV to these rules the Conservator shall- (a) issue to the owner a licence in duplicate, which shall contain the particulars of the cargo boat and the name of the tindal in charge and shall otherwise be in the form prescribed in Appendix V to these rules. In case of Class II cargo boats licences need only be issued in original; (b) cause the necessary particulars relating to the boat to be entered in the register of cargo boats; (c) cause to be painted, on both sides of the cargo boats, the number assigned by the licence to such boat preceded by the letter "D" in white figures not less than 12 inches in length; (d) in the case at Class I cargo boats cause

to be cut in the middle of the boat a conspicuous mark indicating the free-board or the greatest depth to which he may be immersed when loaded.

## **7. Licence to be in force for one year.**

- Every licence granted in respect of any cargo boat under these rules, shall, unless cancelled or suspended continue in force for one year only from the date of licence.

## **8. Application for renewal of licences for cargo boats.**

(1) Application for the renewal of a licence for a Class I cargo boat shall be made by the owner or his agent in writing to the Conservator. The Conservator may at his discretion before renewing the licence require the cargo boat to be produced for examination, and if he is of opinion that the vessel satisfies the conditions specified in Rule 5 shall grant a renewal licence for which a fee shall be payable in accordance with the scale prescribed by Appendix IV to these rules. (2) Application for the renewal of a licence for a Class II cargo boat shall be made in person by the owner or Majhi of the boat. (3) If the owner, agent or Majhi fails to make application for the renewal of the licence for the cargo boat within two months from the date of expiry of the old licence, he shall be charged licence fees at double rate.

## **9. Licence issued to cargo boats to be on board and produced when demanded.**

- Every licensed cargo boat when plying shall have its licence on board and the licence shall be produced when required by any port official and shall be delivered up (in duplicate in case of Class I boats) on the expiration of other determination of the licence.

## **10. Unlicensed cargo boats.**

- If the manjhis of a cargo boat fail to produce their licence as aforesaid the boat may be treated as an unlicensed boat unless satisfactory explanation is given to the Conservator of the Port.

## **11. Transfer of licence for cargo boat and change of tindal's name on licence.**

(1) When the ownership of a cargo boat is transferred the cargo boat shall not ply within or partly within and partly without the port after such a transfer, unless or until the licence has been registered in the name of the transferee. (2) Application for the transfer of the licence shall be made by the transferee in writing to the Conservator and that licence shall be reissued, with the necessary correction on payment of a fee in accordance with the scale prescribed in Appendix IV to these rules. (3) In the case of Class I cargo boats- (a) when the tidal of the boat is changed, the cargo boat shall not ply within or partly within and partly without the port unless or until the necessary corrections have been made on the licence held by the owner and the tindal and in the register maintained by the Conservator; (b) application for the change of the tindal's name on the licence

shall be made by the owner or the tindal in writing to the Conservator and the licence shall be reissued after the necessary corrections, on payment of the fee prescribed in Appendix IV to these rules.

## **12. Fresh number to be Painted on a licence when defaced.**

- If during the continuance of a licence the number of a licensed cargo boat becomes so defaced as to be illegible, the Conservator shall cause a fresh number to be painted, for which a fee shall be payable in accordance with the scale prescribed by Appendix IV to these rules.

## **13. Defects in cargo boats and their remedy.**

- if the Conservator is satisfied that a licensed cargo boat has become defective in any of the matters referred to in Clauses (a), (b), (c) and (d) of Rule 5, he may order the owner or his agent to remedy such defects and thereupon such cargo boat shall cease to ply until such defects have been remedied.

## **14. Revocation of licence.**

- The Conservator may at any time revoke the licence granted in respect of any cargo boats if he is satisfied that such a boat is unseaworthy or unserviceable.

## **15. Suspension or cancellation of licence.**

- The Conservator may at any time suspend or cancel a licence for a breach by the owner of a cargo boat or the tindal in charge thereof of any of these rules, of any other rules, for the time being in force relating or applicable to cargo boats, or if the cargo boat has in his opinion become unfit for the conveyance of cargo.

## **16. Duplicate licence for a cargo boat.**

- If any subsisting licence granted in respect of a cargo boat is lost, the Conservator shall on the application of the owner or agent of such boat, issue a duplicate of the original licence for which a fee shall be payable in accordance with the scale prescribed by Appendix IV to these rules.

## **17. Cargo boat not to be loaded so as to submerge the mark indicating the load water line and not to ply without the prescribed number of crews.**

- The owner or his agent or the tindal in charge of any licensed cargo boat shall not permit such boat to be loaded so as to submerge the mark indicating the load water line, and shall not permit such boat to ply unless it is provided at all times, with the number of crew on boats in accordance with the scale prescribed by Appendix I to these rules.

## **18. Cargo boat when underway.**

- Cargo boats when underway within the port shall be either under sails or cars or in tow of a steamer in such manner as to enable them to be kept clear of moving vessels.

## **19. Action to be taken when accident occurs on board a cargo boat.**

- Whenever any accident causing serious hurt to any person or material damage to any property occurs on board of or by means of any cargo boats, the tindal in charge shall at once proceed to the nearest police-station and report the circumstances connected with accident to the officer-in-charge. If the accident occurs in the port he shall inform the Conservator also.

## **20. Pumping out of bilge water from a cargo boat.**

- All bilge water shall be pumped or bailed out or otherwise got rid of from a cargo boat at least once a day.

## **21. Inspection of cargo boat.**

- Any cargo boat may at any reasonable time be inspected by the Conservator or any officer appointed on his behalf for the purpose of seeing that the provisions of these rules are duly observed.

## **22. Register of cargo boats.**

- The Conservator shall maintain a register of cargo boat and every owner or agent of a licensed boat.

## **23.**

In the above rules, Class I cargo boat, shall be subject to licence to ply within, or partly within and partly without, the port limits of Dharma (Chandbali), and Class II boats shall be subject only to licence when plying within or partly within and partly without, the harbour limits of the port of Dharma (Chandbali) as defined in Rule 1 (c) of these rules. Appendix I Scale showing prescribed number of crew [Vide Rules 5 (c) and 17] Class I-Square built, open or decked For a boat not more than 15 tons burden-five men including Manjhi; Above 15 tons but not exceeding 20 tons-six men including Manjhi. Above 20 tons but not exceeding 25 tons-seven men including Manjhi. Above 25 tons but not exceeding tons-eight men including Manjhi. Above 30 tons but not exceeding 35 tons-nine men including Manjhi. Above 35 tons but not exceeding 40 tons-ten men including Manjhi. Above 40 tons-eleven men including Manjhi. Class II-Malangee, Katla or Kathua Boats For a boat more than 15 tons burden-four men including Manjhi Above 15 tons but not exceeding 20 tons-five men including Manjhi. Above 20 tons but not exceeding 30 tons-six men including Manjhi, Above 30 tons but not exceeding 35 tons-seven men including Manjhi. Above 35 tons-seven

men including Manjhi : (a) Provided that when cargo boats are in tow of steam or motor tugs half the above crew shall be considered sufficient: (b) Provided also that when cargo boats are laid up there shall be in charge of them sufficient crew to look after their ground tackle. The Conservator's decision in this matter shall be final.

**Appendix II** Formula for ascertaining tonnage of cargo-boats [Vide Rule 5 (b)]

**Class I** - For square built open cargo boats which are of ship shape and with straight keel moved by oars or sails or towed

**Length** - Measure the length from inside of steam to inside of stern post.

**Breadth** - Breadth measurement for finding the tonnage should be inside measurement at the broadest part from skin-to-skin.

**Depth** - Measure the depth from the top of main deck beam amidships to upper side of floor ceiling plank. Multiply the length and depth together and the product by 0.009. The result will be the tonnage. In the case of cargo boats registered in the United Kingdom the gross tonnage as registered will be accepted for the purpose of these rules in the case of specially constructed boats where it can be shown that the measurements made according to the above formula are inaccurate, special survey may be held. In the case of **Class II** boats the product of length, breadth and depth is to be multiplied by 0.064. The foregoing formula shall be used in measuring boats and flats of **Class I**, up to a burden of 50 tons, by the measurement or boats or flats of that **Class** exceeding 50 tons shall be made under the Merchant Shipping Act; provided that the Conservator may measure boats or flats of **Class I** of any size under the Merchant Shipping Act, when the owner shows that the measurements made according to the above formula are inaccurate or oppressive.

**Appendix III** Scale for ascertaining free-board of cargo-boats [Vide Rule 5(a)]

The free-board of any square built open or decked cargo boat which is ordinarily moved by oars or sails shall be determined according to the following scale :

**Length of Boat** - 30 feet.

**Free Board Amidship** - 1 foot and 9 inches. For any additional foot or part thereof - an additional one-fourth inch. For the purpose of the above scale, boats shall be measured from the afterside of the steam post to the foreside of the stern post. The freeboard of any iron flat or other decked cargo boat which is never moved except under tow by a steam vessel shall be not less than two inches for every foot of the boat's depth with a minimum of 18 inches in the case of any boat over 50 tons.

**Appendix IV** Scale of charges [Vide Rules 6, 8, 11, 12 and 16]

**1. For surveying, registering, providing with a number, issuing or renewing licence to cargo boats-Re. 0-4-0 per ton, with a minimum charge of rupee one per boat.**

**2. Change of tinal's name on licence in the case of Class I cargo boats-Re.0.8-0 per ton with a minimum charge of rupee one per boat.**

**3. Transfer of ownership and licence-Re. 1-0-0 per ton with a minimum charge of rupee one per boat.**

**4. Issue of duplicate licence-Re. 1-0-0 per ton with a minimum charge of rupee one per boat.**

**5. Repainting the defaced or illegible number-Re.0-4-0 per ton with a minimum charge of rupee one per boat.**

Appendix V Licence of Cargo Boats[Vide Rule 3]

- 1. Serial No. of boat for the year 19.....**
- 2. Date of issue of licence.....**
- 3. Name and address of the owner of the boat.....**
- 4. Name and address of the Tindal or Sukani of boat.....**
- 5. Description and class of boat .....**
- 6. Gross tonnage of boat .....**
- 7. Number of cars..... -**
- 8. Number of Crews.....**
- 9. Appliances provided for pumping or bailing out bilage water....**
- 10. Free-board.....**
- 11. Date of expiry of licence.....**
- 12. Amount of licence money paid.....**

Chandbali Port Office Conservator The.....20.....N.B.-This licence must be kept in the boat and produced on demand,