

The Indian Lighthouse Act, 1927

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Act 17 of 1927

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The Indian Lighthouse Act, 1927 Act No. 17 of 1927 [As on 1959]

1872.

An Act to Consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in [[India] [Substituted by the A.O. 1948 for "British India".]. [21st September, 1927] WHEREAS it is expedient to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in [[India] [Substituted by the A.O. 1948 for "British India"]; It is hereby enacted as follows:--Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Indian Lighthouse Act, 1927. (2) It extends to the whole of India [***] [The words "except Part B States" omitted by the Act 18 of 1953, Section 2.]. (3) It shall come into force on such [date] [1st April, 1929, see Gazette of India, 1929, Part I, page 96.] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,---(a) "Customs-collector" means an officer of customs exercising the powers of a Customs-collector under the Sea Customs Act, 1878, and includes any person appointed by the Central Government to discharge the functions of a Customs-collector under this Act; (b) "district" means an area defined as a district for the purposes of this Act under section 3; (c) "general lighthouses" means any lighthouse which the Central Government may, by notification in the Official Gazette, declare to be general lighthouse for the purposes of this Act; (d) "lighthouse" includes any light-vessel, fog-signal, buoy, beacon, or any mark, sign or apparatus exhibited or used for the guidance of ships; (e) "local lighthouse" means any lighthouse which is not a general lighthouse; (f) "local lighthouse authority " means a State

Government local authority or other person having the superintendence and management of a local lighthouse;(g)"owner" includes any part-owner, character, or mortgagee in possession and any agent to whom a ship is consigned;(h)"port" means any port as defined in the Indian Ports Act, 1908, to which that Act extends; and(i)words and expression used in this Act and not otherwise defined have the same meaning respectively as in the Indian Merchant Shipping Act, 1923.

3. Appointment of officers.

- The Central Government may, by notification in the Official Gazette,---(a)Define areas to be districts for the purposes of this Act;(b)appoint a person to be the Superintendent of Lighthouses in each district;(c)appoint a person to be the Chief Inspector of Lighthouses in [India] [Substituted by the A.O. 1950 for "the Provinces".]; and(d)appoint persons to be Inspectors of Lighthouses.

4. Advisory Committees

. -(1) The Central Government shall appoint a Central Advisory Committee and shall consult it in regard to---(a)the erection or position of lighthouses or of any works appertaining thereto;(b)additions to or the alteration or removal of, lighthouses;(c)the variations of the character of any lighthouses or of the mode of use thereof;(d)the cost of any proposals relating to lighthouses; or(e)the making or alteration of any rules or rates of dues under this Act.(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.(3)Advisory Committees shall consist of persons representing interests affected by this Act or having special knowledge of the subject-matter thereof.General Lighthouses

5. Management of general lighthouses by the Central Government and delegation of management.

(1)The superintendence and management of all general light-houses are vested in the Central Government.(2)The Central Government may require any local lighthouses 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 to defray the cost of superintendence and management as the Central Government may determine.Local Lighthouses

6. Power to inspect local lighthouses.

(1)The Chief Inspector of Lighthouses may, at time, and any Superintendent or Inspector of Lighthouses may, if authorised in this behalf by a general or special order in writing 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.(2)Every person having the charge of, or concerned in the management of, any lighthouse shall be bound to furnish to any officer authorised by or under sub-section (1) to inspect the lighthouse all such information regarding the same as the officer may

require.(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.

7. Control of local lighthouses by the Central Government.

(1)If, after an inspection under section 6 or such other inquiry as thinks 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 lighthouse authority--(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(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.(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 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.(3)If a local lighthouse authority---(a)fails to comply with any direction made under sub-section (1), or(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(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 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.(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.

8. Management of local lighthouses by the Central Government.

- The Central Government may, at the request of a local lighthouse authority, undertake the 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.Light-Dues

9. Levy and collection of light dues.

- For the purpose of providing or maintaining or of providing and maintaining lighthouses for the benefit of ships voyaging to or from [India] [Substituted by the A.O. 1950 for "the Provinces".] or between ports in [India] [Substituted by the A.O. 1950 for "the Provinces".], 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 port in [India] [Substituted by the A.O. 1950 for "the Provinces".].

10. Levy and collection of light-dues.

(1)The Central Government may, by notification in the Official Gazette, prescribe rates, not exceeding [four annas] [Substituted by Act 18 of 1953, Section 3, for "two annas".] per ton, at which light-dues shall be payable, and may prescribe different rates for different classes of ships, or for ships of the same class when in use for different purposes or in different circumstances.(2)Light-dues payable in respect of a ship shall be paid by the owner or master of the ship on its arrival at, and on its departure from, any port in [India] [Substituted by the A.O. 1950 for "the Provinces".]:Provided that, if light-dues have been paid in accordance with the provisions of this Act in respect of any ship, no further dues shall become payable in respect of that ship for a period of thirty days from the date on which the dues so paid became payable.(3)An order under sub-section (1) imposing, abolishing or varying light-dues shall not take effect till the expiration of thirty days from the day on which the order was notified in the Official Gazette.

11. Receipts for light-dues.

- Light-dues shall be paid to the Customs-collector who shall grant to the person paying the same a receipt in writing specifying--(a)the port at which the dues have been paid;(b)the amount of the payment;(c)the date on which the dues became payable; and(d)the name, tonnage and other proper description of the ship in respect of which the payment is made.

12. Ascertainment of tonnage.

(1)For the purpose of the levy of light-dues, a ship's tonnage shall be reckoned as under the Merchant Shipping Acts for dues payable on a ship's tonnage, with the addition required under section 85 of the Merchant Shipping Act, 1894, with respect to deck cargo.(2)In order to ascertain the tonnage of any ship for the purpose of levying light-dues, the Customs-collector may--(a)If the ship is registered under any law for the time being in force in [India] [Substituted by the A.O. 1950 for "the Provinces".] or under the law of any foreign country in respect of which an Order in Council has been made under section 84 of the Merchant Shipping Act, 1894, that ships of that country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers (any such ship being hereafter in this section referred to as a registered ship), require the owner or master or other papers denoting her tonnage to produce the same for inspection and if such owner master or other person refuses or neglects to produce the register or paper, as the case may be or

otherwise to satisfy the Customs-collector as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or (b) If the ship is not a registered ship and the owner or master fails to satisfy the Customs-collector as to the true tonnage thereof according to the mode of measurement prescribed by the law for the time being in force for regulating the measurement of registered ships, cause the ship to be measured and the tonnage thereof to be ascertained according to such mode. (3) If any person refuses or neglects to produce any register or other papers or otherwise to satisfy the Customs-collector as to the true tonnage of any ship when required to do so under this section, such person shall be liable to pay the expenses of the measurement of the ship and of the ship and of the ascertainment of the tonnage, and if the ship is registered ship, shall further; on conviction by a Presidency Magistrate or Magistrate of the first class having jurisdiction in the port where the ship lies or in any port to which she may proceed, be punishable with fine which may extend to one thousand rupees.

13. Recovery of light-dues expenses and costs.

(1) If the owner or master of any ship refuses or neglects to pay to the Customs-collector on demand the amount of any light-dues or expenses payable under this Act in respect of the Ship, the Customs-collector 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 dues or expenses, together with the costs of the seizure and detention is paid. (2) If any part of such dues, expenses or costs remains unpaid after the expiry of five days following the date of the seizure, the Customs-collector may cause the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the dues, expenses or costs 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.

14. Refusal of port-clearance.

- The officer whose duty it is to grant a port-clearance for any ship shall not grant the port-clearance until the amount of all light-dues expenses and costs 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.

15. Determination of disputes as to liability for payment.

- If any dispute arises as to whether light-dues, expenses or costs are payable in respect of any ship under this Act or as to the amount of such dues, expenses or costs, the dispute shall, on application made in this behalf by either of the disputing parties, be heard and determined by a Presidency Magistrate or Magistrate of the first class having jurisdiction at the place where the dispute arises, and the decision of such Magistrate shall be final.

16. Light-dues payable at one port recoverable at another.

(1) If the master of any ship in respect of which any light-dues are payable at any causes the ship to

leave such port without having paid the same the Customs-collector at that port may by writing require the Customs-collector at any other port in [India] [Substituted by the A.O. 1950 for "the Provinces".] to which the ship may proceed or in which she may be recover the dues remaining unpaid.(2)Any Customs-collector 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 Customs-collector, and a certificate by the Customs-collector at the port at which the light-dues first became payable, stating the amount payable, shall be sufficient proof in any proceeding under section 13 or section 15 that such amount is payable.

17. Penalty for evading payment of light-dues.

(1)If the owner or master of a ship evades or attempts to evade the payment of any light-dues, expenses or costs payable in respect of the ship under this Act, he shall, on conviction by a Presidency Magistrate or Magistrate of the first class having jurisdiction in any port to which the vessel may proceed or in which she may be found be punishable with fine which may extend to five times the amount of the sum payable.(2)In an proceeding before a Magistrate in a prosecution under sub-section (1), any such certificate as is mentioned in sub-section (2) of section 16, stating that the owner or master has evaded such payment shall be sufficient proof of the evasion unless the owner or master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable grounds for such departure.

18. Exemption from payment of light-dues.

- The following ships shall be exempted from the payment of light-dues under this Act, namely:---(a)any ship belonging to [Government] [The words "or the Govt." left out by the A.O. 1937.] or to a foreign Prince or State and not carrying cargo or passenger for freight or fares; and(b)any ship of a tonnage of less than fifty tons;and the Central Government may, by notification in the Official Gazette, exempt any other ships, 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.

19. Refund of excess payments.

- Where light-dues have 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.Accounts

20. 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 purpose of this Act during the forthcoming year.[DELEGATION OF POWERS] [Inserted by Act 52 of 1949, Section 3.]

20A. Delegations or powers to Director General of Shipping.

- The Central Government may, by order direct that any power, authority or jurisdiction exercisable by it under any of the preceding provisions of this Act shall subject to such conditions and restrictions as may be specified in the direction be exercisable also by the Director-General of Shipping appointed under section 4A of the Indian Merchant Shipping Act, 1923.Rules

21. 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)the powers and duties of the Chief Inspector of Lighthouses and of Superintendents and Inspectors of Lighthouses;(b)the procedure and conduct of business of Advisory Committees constituted under this Act;(c)the rate of travelling and subsistence allowance payable to members of Advisory Committees; and(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 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.Repeals

22. [Repeals.

] - Rep.by the Repealing Act, 1938 (1 of 1938), Section 2 and Schedule.THE SCHEDULE[Enactments repealed.] Repealed by the Repealing Act, 1938 (1 of 1938), Section 2 and Schedule.