

Tamil Nadu Maritime Board Act, 1995

TAMILNADU

India

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Act 4 of 1996

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Tamil Nadu Maritime Board Act, 1995(Tamil Nadu Act 4 of 1996)Statement of Objects and Reasons - Tamil Nadu Maritime Board Act, 1995 (Tamil Nadu Act 4 of 1996). - In the existing system of Minor Ports Organisation and the Minor Ports in the State, -(1) there has been no progress either in terms of income or quantum of cargo handled since few years;(2) the minor ports have remained the same basically as it was a few years back;(3) the shipping and concept of vessels took entirely new turn and minor ports are not geared up to their needs;(4) there has been paucity of funds and absence of major industry;(5) with the liberalisation policy, cargo import or export are bound to increase;(6) the shipping business is taking sea changes and port sector should be able to grasp and raise to the needs lest the minor ports may have to be closed;(7) the function of ports is basically for fulfilling the social objective of overall improvement of the State;(8) the present set up of the minor port as a Government department cannot deliver the requirements as it has to depend only on Government budget even for small funds.2. The formation of a Maritime Board will satisfy the major requirements and effectively render the performance of the proposed minor or private ports in a more efficient manner due to the following reasons, namely :-(a) set up of a Board is broad based representing various interests;(b) it can attract private capital easily;(c) it will have its own power to raise funds as loans on its own assets;(d) specialised knowledge of technical, legal, financial can be had exclusively owing to set up of Board;(e) for commercial aspect, a statutory committee is available for the Board for obtaining a clear understanding;(f) decision about privatisation of port or part of the ports can easily be taken under the set up of a Board rather under a Government department;(g) levying various charges will be in realistic forms and hence commerce will be attracted;(h) it will attract private capital and private participation without which there is no future for the minor ports.3. Accordingly, the Government have decided to establish a statutory Board for the purpose, namely, the Tamil Nadu Maritime Board.4. The Bill seeks to give effect to the above decision.Published in Part IV - Section 1, page 190 of the Tamil Nadu Government Gazette Extraordinary, dated the 8th November 1995.Statement of Objects and Reasons - Tamil Nadu Maritime Board (Amendment Act, 1997 (Tamil Nadu Act 15 of 1997). - The Tamil Nadu Maritime Board Act, 1995 (Tamil Nadu Act 4 of 1996), provides for the constitution of a Maritime Board with ten Members, of which seven are non-officials. There is no scope in the said Act for appointment of officials of Government Departments and undertakings, connected with ports and shippings, as

Members of the said Board. For effective management of the Tamil Nadu Maritime Board, the Government have decided to appoint the senior officials of the Government Departments and Undertakings connected with Ports and Shipping as Members with the Minister of Transport, who is in charge of the Ports, as Chairman of the said Board.² The Government have, therefore, decided to amend the Tamil Nadu Maritime Board Act, 1995 (Tamil Nadu Act 4 of 1996) suitably for the purpose.³ The Bill seeks to give effect to the above decision. Published in Part IV - Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 31st January 1997. Received the assent of the President on 11th February 1996 and published in Part IV - Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 19th February 1996. An Act to provide for the constitution of a Maritime Board for minor ports in the State of Tamil Nadu and to vest the administration, control and management of such ports in that Board and for matters connected therewith. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-sixth Year of the Republic of India as follows :-

Chapter I

Preliminary

1. Short title, extent, commencement and application.

(1) This Act may be called the Tamil Nadu Maritime Board Act, 1995. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall come into force on such date, as the Government may, by notification, appoint. (4) It applies to all the minor ports in the State to which the Indian Ports Act applies on the date of the commencement of this Act and the Government may, by notification, apply the provisions of this Act with effect from such date, as may be specified in the notification, to any other minor ports in the State to which the Indian Ports Act is extended by the Government under section 4 of that Act.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "appointed day", in relation to any minor port, means the day on which this Act is made applicable to that port; (b) "Board" means the Tamil Nadu Maritime Board established under section 3; (c) "Board security" means debentures, bonds or dock certificates issued by the Board in respect of any loan contracted by it under the provisions of this Act; (d) "Chairman" means the Chairman of the Board and includes the person appointed to act in his place under section 9; (e) "Collector of Customs" means the Collector of Customs specified in the Customs Act, 1962 (Central Act 52 of 1962); (f) "dock" includes all basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, slipways, gridirons, moorings, transit sheds, warehouses, godowns, open plots and other works and things appertaining to any dock and also the portion of the sea enclosed or protected by the arms or groynes of a harbour; (g) "foreshore", in relation to a port, means the area between the high water mark and the low water mark relating to that port; (h) "goods" includes live stock and every kind of movable property; (i) "Government" means the State Government; (j) "high water maker", in relation to a port, means a line drawn through the highest points reached by ordinary spring tides at any season of the year at that port; (k) "immovable

property" includes wharfrage-rights and all other rights exercisable on, over or in respects of, any land, wharf, dock or pier;(l)"Indian Ports Act" means the Indian Ports Act, 1908 (Central Act 15 of 1980);(m)"Land" includes the bed of sea or river below high water maker and also things attached to the earth or permanently fastened to anything attached to the earth;(n)"Low water maker" in relation to a port means a line drawn through the lowest points reached by ordinary spring tides at any season of the year at that port;(o)"master", in relation to any vessel or craft making use of any minor port means any person having, for the time being, the charge or control of such vessel or craft, as the case may be, except a pilot, harbour master, dock master, or berthing master of the port;(p)"member" means a member of the Board;(q)"minor port" means a port other than a major port declared as such by the Central Government under any law;(r)"owner", -(i)in relation to goods includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods, and(ii)in relation to any vessel or craft making use of any port, includes any port owner, charterer, consignee or mortgagee in possession thereof;(s)"pier" includes any stage, stairs, landing place, hard jetty, floating barge or pontoon and any bridges or other works connected therewith;(t)"port" means any minor port to which this Act applies within such limits as may, from time to time, be defined by the Government under the Indian Ports Act;(u)"port approaches", in relation to a port, means those parts of the navigable rivers and channels leading to the port in which the Indian Ports Act is in force;(v)"prescribed" means prescribed by rules or regulations made under this Act;(w)"public securities" means -(i)promissory notes, debentures, stock or other securities of the Central Government or of any State of Government:Provided that securities both the principal and the interest whereof have been fully and unconditionally guaranteed by any such Government shall be deemed, for the purposes of this clause, to be securities of such Government;(ii)debentures or other securities for money issued by or on behalf of any municipal body, Improvement Trust or Port Trust under the authority of any law for the time being in force in the State (including the Board securities);(x)"rate" includes any toll, due, rent, fee or charge leviable under this Act;(y)"regulations" means regulations made under this Act;(z)"rules" means rules made under this Act;(aa)"vessel" includes anything made for the conveyance, mainly by water, of human being or of goods;(ab)"Wharf" includes any wall or stage and any part of the land or foreshore that may be used for loading or unloading goods or for the embarkation or disembarkation of passengers and any wall enclosing or adjoining the same.

Chapter II

Establishment of Maritime Board

3. Establishment of Tamil Nadu Maritime Board.

(1)As soon as may be after the commencement of this Act, the Government may, by notification, establish a Board to be called the Tamil Nadu Maritime Board.(2)The Board shall be a body corporate, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and may, by the said name, sue and be sued.(3)The head office of the Board shall be at such place as the Government may, by notification, direct.(4)[The Board shall consist of such number of members, as may be appointed by the Government as below : -(a)the Minister in-charge of

Transport, ex-officio;(b)the Secretary to Government, Transport Department, ex-officio;(c)the State Port Officer, ex-officio;(d)the Secretary to Government, Finance Department or his nominee not below the rank of a Deputy Secretary to Government of that Department dealing with the subject port, ex-officio;(e)the Secretary to Government, Public Works Department or his nominee not below the rank of a Deputy Secretary to Government of that Department, ex-officio;(f)the Secretary to Government, Industries Department or his nominee not below the rank of a Deputy Secretary to Government of that Department, ex-officio;(g)the Chairman, the Tamil Nadu Electricity Board, ex-officio;(h)the Managing Director, Pompuhar Shipping Corporation, ex-officio;(i)the Managing Director, State Industries Promotion Corporation of Tamil Nadu Limited, ex-officio;(j)the Managing Director, Corporation for Industrial Infrastructure Development Limited, ex-officio;(k)one member who has experience of and shows capacity in, matters relating to ports, shipping, maritime affairs or commerce or in the administration of such matters;(l)one member who possesses academic qualification in the subject of engineering and has wide experience of matters relating to harbour works;(m)one member who is Chartered Accountant or who possesses high academic qualification in Accountancy and who has sufficient experience in accounts pertaining to industry, commerce, ports or shipping;(n)one member who possesses academic qualification in navigation such as extra first class Ministry of Transport Ticket Holder (diesel or steam) and has experience in Marine plants, particularly, with reference to dredging or who is an experienced nautical officer;(o)one member representing the interests of trade, commerce and industry;(p)one member representing the interest of shipping;(q)one member representing the interests of workers of minor ports;(r)such other members, not exceeding four, as may be appointed by the Government.](5)The Minister in charge of Transport shall also be the Chairman, ex-officio, and the Secretary to Government, Transport Department shall also be the Vice-Chairman ex-officio, of the Board.

4. Disqualification of members.

- A person shall be disqualified for being appointed, or for continuing as a member of the Board, if he -(a)has been removed or dismissed from the service of the Central Government or of any State Government or of any local authority or of a Corporation owned or controlled by the Central Government or by any State Government;(b)has been convicted and sentenced to imprisonment for an offence involving moral turpitude; or(c)is an undischarged insolvent; or(d)has directly or indirectly any share or interest in any work done by order of the Board or in any contract or employment with, by or on behalf of the Board:Provided that no person shall be deemed to have a share or interest in such work, contract or employment by reason only of his -(i)having a share in any company or firm which may contract with or be employed by or on behalf of the Board; or(ii)having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted; or(iii)being interested in any loan of money to the Board; or(iv)having a share or interest in any lease, sale, exchange or purchase of immovable property or any agreement for the same; or(v)having a share or interest in any licence issued by the Board or right by agreement or otherwise with the Board to the sole or preferential use of any premises or property belonging to the Board; or(vi)having a share or interest in the occasional sale to the Board to a value not exceeding ten thousand rupees in any one financial year, of any article in which he trades.

5. Term of office of non-official members.

- Every non-official member shall hold office for a period of two years.

6. Vacation of office of member.

(1)[The Government may remove a non-official member] [Substituted by the Tamil Nadu Maritime Board (Amendment) Act, 1997 (Tamil Nadu Act 15 of 1997).], who -(a)becomes subject to any of the disqualification mentioned in section 4; or(b)refuses to act or becomes incapable of acting; or(c)has, in the opinion of the Government, become incapable of representing the interests by virtue of which he was appointed; or(d)absents, without the permission of the Board, from six consecutive meetings of the Board; or(e)acts in contravention of the provisions of section 13.(2)[xxx] [Omitted by the Tamil Nadu Maritime Board (Amendment) Act, 1997 (Tamil Nadu Act 15 of 1997).](3)A member of the Board, other than the ex-officio member, may resign from his office by tendering his resignation in writing to the Chairman who shall forward the same to the Government, but the resignations shall not take effect until it is accepted by the Government.

7. Eligibility for appointment.

- Any person ceasing to be a member shall, unless disqualified under section 4, be eligible for re-appointment.

8. Filling up of casual vacancies.

(1)[xxx] [Omitted by the Tamil Nadu Maritime Board (Amendment) Act, 1997 (Tamil Nadu Act 15 of 1997).](2)Any casual vacancy in the office of a member of the Board shall be filled, as early as possible, after the occurrence of such vacancy:Provided that where any casual vacancy occurs in the office or any such member within three months preceding the date on which the term of the office of such member expires under section 5, it shall not be filled.(3)A member appointed under sub-section (2) shall hold office so long only as the member in whose place he has been appointed would have held office if the vacancy had not occurred.

9. Absence of Chairman.

- If the Chairman is, by infirmity or otherwise, rendered incapable of carrying out his duties or is absent on leave or otherwise, the Vice-Chairman, and in the absence of both the Chairman and the Vice-Chairman, such member, as the Government may appoint, shall act as the Chairman.

10. Meeting of Board.

(1)The Board shall meet at such times and places, and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided in the regulations:Provided that the Board

shall meet at least once in every month.(2)The Chairman, or in his absence, the Vice-Chairman, and in the absence of both the Chairman and the Vice-Chairman, any person chosen by the members present from amongst themselves, shall preside at a meeting of the Board.(3)All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and, in the case of any equality of votes, the person presiding shall have a second or casting vote.(4)The proceedings of the meetings of the Board shall be forwarded to the Government in the Department in charge of the minor ports within seven days of every meeting.

11. Committees of Board.

(1)The Board may from time to time, constitute from amongst its members, one or more committees, each consisting of such number as the Board may consider necessary, for the purpose of discharging such of its duties and functions as may be delegated to such committee or committees by the Board.(2)A committee constituted under sub-section (1) shall meet at such time and at such place and shall follow such procedure in regard to the transaction of business at its meetings (including the quorum) as may be provided in the regulations.

12. Fees and allowances payable to members.

- The members including the Chairman shall be paid by the Board such fees and allowances for attending meetings of the Board or of any of its committees and for attending any work of the Board as may be provided in the rules.

13. Members of Board or committee not to vote in certain cases.

- A member of the Board or of a committee who -(a)has directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in section 4, in respect of any matter, or(b)has acted professionally in relation to any matter on behalf of any person having therein any such share or interest as aforesaid, shall not vote or take part in any proceeding of the Board or any committee relating to such matter.

14. Acts of Board not to be invalidated by infirmity, vacancy, etc.

- No act done or proceeding taken under this Act by the Board or by any committee shall be invalidated merely on the ground of -(a)any vacancy or any defect in the constitution of the Board or the committee; or(b)any defect or irregularity in the appointment of a person acting as a member thereof; or(c)any member having acted or taken part in any proceedings in contravention of section 13; or(d)any defect or irregularity in such act of proceeding not affecting the merits of the case.

15. Delegation of powers.

- The Board may, with the approval of the Government, direct that -(a)such of the powers and duties conferred or imposed upon the Board by or under this Act as may be specified in such direction, may

also be exercised or performed by the Chairman;(b) such of the powers and duties conferred or imposed on the Chairman by or under this Act as may be specified in such direction, may also be exercised or performed by the Vice-Chairman, subject to such conditions and restrictions as may be specified in such direction: Provided that the Chief Executive Officer shall exercise the powers and perform the duties specified in the direction, subject to the supervision and the control of the Chairman.

16. Duties of Chairman.

(1) It shall be the duty of the Chairman and the Vice-Chairman to attend every meeting of the Board unless prevented by sickness or other reasonable cause. (2) The Chairman shall exercise supervision and control over the acts of all employees of the Board in the matters of executive administration and in matters concerning the accounts and records of the Board.

Chapter III

Staff Of The Board

17. Chief Executive Officer and other officers and servants of Board.

- [(1) The State Port Officer shall be the Chief Executive Officer, ex-officio of the Board.]
[Substituted by the Tamil Nadu Maritime Board (Amendment) Act, 1997 (Tamil Nadu Act 15 of 1997).] (2) The Board may create posts and appoint such other officers and servants as it considers necessary, in accordance with the regulation made in this behalf, for the efficient performance of its functions. (3) Notwithstanding anything contained in sub-section (2), the Board may, with the previous approval of the Government, sanction the creation of, or appoint any person to, any post the maximum monthly salary of which exceeds two thousand rupees. (4) The remuneration and other conditions of service of the officers and servants of the Board shall be such as may be prescribed by regulations.

18. Power to make appointments.

(1) Subject to the provisions of section 17, the power of appointing any person to any post, whether temporary or permanent, shall - (a) in the case of a post, the incumbent of which is to be regarded as the head of a department, or the maximum of the pay scale for which (exclusive of allowance) exceeds two thousand rupees, be exercisable by the Government in consultation with the Chairman; (b) in the case of any other post, be exercisable by the Chairman or by such authority as may be prescribed by regulations: Provided that no person shall be appointed as a pilot at any port who is not, for the time being authorised by the Government under the Indian Ports Act, to pilot vessels at that port. (2) The Government may, by order, specify any post, the incumbent of which shall, for the purpose of this Act, be regarded as head of a department.

Chapter IV

Property And Contracts

19. Transfer of assets and liabilities and employees, etc. of Government of Board.

- [xxx] [The expression '(1)' was omitted by the Tamil Nadu Maritime Board (Amendment) Act, 1997 (Tamil Nadu Act 15 of 1997).] As from the appointed day, in relation to any port, -(a)all property, assets and funds and all rights to levy rates vested in the Government for the purposes of the port immediately before such day, shall vest in the Board;(b)all debts, obligations and liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Government immediately before such day, for or in connection with the purposes of the port, shall be deemed to have been incurred, entered into and engaged, to be done by with, or for the Board;(c)all non-recurring expenditure incurred by the Government for or in connection with the purposes of the port up to such day and declared to be capital expenditure by the Government shall be treated as the capital provided by the Government to the Board;(d)all rates, fees, rents and other sums of money due to the Government in relation to the port immediately before such day, shall be deemed to be due to the Board;(e)all suits and other legal proceedings instituted by or against the Government immediately before such day for any matter in relation to the port, may be continued by or against the Board.

20. Transfer of service of certain employees.

(1)(a)As soon as may be after the appointed day, the Government may, after consulting the Board, direct, by general or special order, that such of the employees of the Government who immediately before the appointed day were serving under the Government solely or mainly for or in connection with the affairs of the port shall stand allotted to serve in connection with the affairs of the Board with effect on and from such date as may be specified in such order:Provided that no such order shall be issued in respect of any such employee without his consent.(b)With effect on and from the date specified in the order under clause (a), the persons specified in such order shall become employees of the Board and shall cease to be employees of the Government.(2)Every person referred to in sub-section (1) shall hold office under the Board by the same tenure, at the same remuneration and upon the same rights and privileges as to pension or gratuity, if any, and other matters as he would have held the same on the date specified in the order under clause (a) of sub-section (1), as if this Act had not been passed.(3)The liability to pay pension and gratuity to the persons referred to in sub-section (1) shall be the liability of the Board.(4)The sums at the credit of the provident fund accounts of the persons referred to in sub-section (1) as on the appointed day shall be transferred to the Board and the liability in respect of the said provident fund accounts shall be the liability of the Board.(5)There shall be paid to the Board out of the accumulations in the superannuation fund and other like funds, if any, of the Government, such amounts as have been credited to the superannuation fund or other like funds, if any, on behalf of the persons referred to in sub-section (1). The amounts so paid shall form part of the superannuation fund or other like funds, if any, that may be established by the Board for the benefit of its employees.

21. Existing rates, etc., to continue until altered by Board.

- As from the appointed day, all rates, fees, and other charges in relation to any port shall, unless and until they are varied by the competent authority in accordance with the provisions of this Act, continue to be levied and collected at the same rate at which they were being levied and collected by the Government before such day.

22. Repayment of capital with interest.

- The Board shall repay, at such intervals and on such terms and conditions as the Government may determine, the amount which is treated under clause (c) of sub-section (1) of section 19 as capital provided by the Government, with interest at such rate as may be fixed by the Government and such repayment of capital or payment of interest shall be deemed to be a part of the expenditure of the Board.

23. Procedure when immovable property cannot be acquired by agreement.

- Any land or any interest therein required by the Board for the purpose of this Act may be acquired under the provision, of the Land Acquisition Act, 1894 (Central Act I of 1894).

24. Execution of contracts and agreements.

(1)The contracts or agreements shall be made or executed in accordance with such rules as may be prescribed.(2)A contract or agreement made or executed in contravention of the provisions of this Act or the rules or regulations made thereunder shall not be binding on the Board.(3)The form and manner of executing contracts on behalf of the Board shall be such as may be prescribed by rules.

Chapter V

Works and Services To Be Provided At The Ports By The Board

25. Power of Board to execute works and provide appliances.

(1)The Board may, subject to any other law for the time being in force, execute such works within or outside the limits of the port and provide such appliances as it may deem necessary or expedient.(2)Such works and appliances may include -(a)wharves, quays, docks, stages, jetties, piers, place of anchorage and other works within the port or port approaches or on the foreshore of the port or port approaches with all such convenient arches, drains, landing places, stairs, fences, roads, bridges, tunnels and approaches, and buildings required for the residence of the employees of the board as the Board may consider necessary;(b)buses, locomotives, rolling stock sheds, hotels, warehouses and other accommodation for passengers and goods and other appliances for carrying passengers and for conveying, receiving and storing goods landed or to be shipped or otherwise;(c)mooring and cranes, scales and all other necessary means and appliances for loading

and unloading of vessels;(d)reclaiming, excavating, enclosing and raising any part of the foreshore of the port or port approaches which may be necessary for the execution of the works authorised by this Act or otherwise for the purposes of this Act;(e)such break waters and other works as may be expedient for the protection of the port;(f)dredgers and other machines for cleaning, widening, deepening and improving any portion of the port or port approaches or of the foreshore of the port or port approaches;(g)light-houses, light-ships, beacons, buoys, pilot boats and other appliances necessary for the safe navigation of the port and the port approaches in so far as it relates to State functions;(h)vessels, tugs, boats, barges and launches and lighters for the use within the limits of the port or beyond those limits, whether in territorial waters or otherwise, for the purpose of towing or rendering assistance to any vessel, whether entering or leaving the port or bound else were and for the purpose of saving or protecting life or property and for the purpose of landing, shipping or transshipping passengers or goods under section 32;(i)sinking of tube wells and equipment, maintenance and use of boats, barges and other appliances for the purpose of the supply of water at the port;(j)engines and other appliances necessary for the extinguishing of fires;(k)lands abutting the sea coast including creeks;(l)ferry boats and other works and equipment appertaining to the, running ferry service at or between the ports;(m)construction of models and plans for carrying out hydraulic studies; and(n)dry docks, subways, boat basins and workshops to carry out repairs or overhauling of vessels, tugs, boats, machinery or other appliances.

26. Power of Board to undertake certain works.

(1)The board may undertake to carry out on behalf of any person any works or services or any class of works or services, on such terms and conditions as may be agreed upon between the Board and the persons concerned.(2)The Board may, if it considers it necessary or expedient in the public interest so to do, lend any of its vessels or appliances or the services of any of its employees to any person for such period not exceeding three months and on such terms and conditions as may be agreed upon between the Board and the persons concerned.

27. Power to Board to order sea going vessels to use docks, wharves, etc.

(1)When any dock, berth, wharf, quay, stage, jetty, pier or place of anchorage erected at any port or port approaches under the provisions of this Act, has been completed with sufficient warehouses, sheds and appliances for receiving, landing or shipping goods or passengers from and upon sea going vessels, the Board may, after obtaining the approval of the Collector of Customs and by notification published in three consecutive issues of the Tamil Nadu Government Gazette, declare that such dock, berth, wharf, quay, stage jetty, pier or place of anchorage is ready for receiving landing and shipping or for landing or for shipping goods or passengers from and upon sea going vessels.(2)As from the date of the publication of such notification for the third time, it shall be lawful for the Board, from time to time, when there is room at such dock, berth, wharf, quay, stage, jetty, pier or place of anchorage to order to come along side of such dock, berth, wharf, quay, stage, jetty, pier or place of anchorage, for the purpose of landing and shipping goods or passengers or for landing or for shipping the same, any sea going vessel within the port or port approaches which has not commenced to discharge goods or passengers or which being about to take in goods or passengers has not commenced to do so:Provided that, before making such order, the Board shall

have regard, as far as possible, to the convenience of such vessel and of the shippers, in respect of the use of any particular dock, berth, wharf, quay, stage, jetty, pier or place of anchorage: Provided further that if the Board is not the conservator of the port, the Board shall not itself make the order as aforesaid, but shall require the conservator of the port or other person exercising the rights, powers and authorities of the conservator of the port to make such order.

28. Sea going vessels to use docks, wharves, etc.

- When a sufficient number of dock, berth, wharf, quay, stages, jetties, piers have been provided at any port or port approaches, the Board may, after obtaining the approval of the Collector of Customs and by notification published in three consecutive issues of the Tamil Nadu Government Gazette direct that no goods or passengers shall be landed or shipped from or upon any sea going vessel within the port or port approaches otherwise than at such docks, berths, wharves, quays, stages, jetties, piers, except with the sanction of the Board and in accordance with such conditions as the Board may specify.

29. Power to order vessels not to come alongside of, or to be removed from docks, wharves, etc.

- Any officer appointed by the Board in this behalf, may, in case of emergency or for any reason which appears to him sufficient, by notice in writing, order the master or owner or agent of any sea going vessel not to bring such vessel alongside of, or to remove such vessel from any dock, berth, wharf, quay, stage, jetty, pier or place of anchorage belonging to or under the control of the Board and if, such notice is not complied with, the Board may charge in respect of such vessel such sum as it thinks fit, not exceeding one thousand rupees for each day or portion of such day, during which such vessel remains at such dock, berth, wharf, quay, stage, jetty, pier or place of anchorage: Provided that, in the case of a vessel ordered to be removed, such charge shall not commence to be made till after the expiry of twelve hours from the service of such notice on the master or owner or agent of the vessel.

30. Power of Government to exempt vessels from obligation to use wharves, etc.

- Notwithstanding anything contained in section 27 or 28, the Government may, if in their opinion, it is necessary in the public interest so to do by general or special order, from time to time, permit certain specified vessels or classes of vessels to discharge or ship goods or certain specified goods or classes of goods at such place in a port or within the port approaches in such manner, during such period and subject to such payments to the Board and on such conditions as the Government may think fit.

31. Board to declare when vessel other than sea-going vessels compelled to use docks.

(1)When any dock, berth, wharf, quay, stage, jetty, pier or place of anchorage for receiving landing or shipment of goods or passengers from or upon vessels, not being sea going vessels, has been made and completed with all proper appliances in that behalf, the Board may, after obtaining the approval of the Collector of Customs, by order published in the Tamil Nadu Government Gazette, -
(a)declare that such dock, berth, wharf, quay, stage, jetty, pier or place of anchorage is ready for receiving landing or shipment of goods or passengers from or on vessels not being sea going vessels, and
(b)direct that, within certain limits to be specified therein, it shall not be lawful, without the express sanction of the Board, to land or ship any goods or passengers, out of, or into, any vessel, not being sea going vessels of any class specified in such order, except at such dock, berth, wharf, quay, stage, jetty, pier or place of anchorage.
(2)As from the date of the publication of the order mentioned in sub-section (1), it shall not be lawful, without the consent of the Board, for any vessel specified in sub-section (1) -
(a)to land or ship any goods or passengers at any place within the limits so specified except at such dock, berth, wharf, quay, stage, jetty, pier or place of anchorage, and
(b)while within such limits, to anchor fasten or lie within fifty yards of the ordinary low-water mark.
(3)If, after the publication of such order, any such vessel, anchors, fastens or lies, within the limits so specified, it shall be lawful for the Board to cause the same to be removed out of the said limits at the expense of the master or owner or agent of the vessel.

32. Services by Board or other person.

(1)The Board shall have power to undertake the following services, namely :-
(a)stevedoring, landing, shipping, or transshipping passengers and goods between vessels in port and the wharves, piers, quays or docks belonging to or in the possession of the Board;
(b)receiving, removing, sifting, transporting, storing or delivering goods brought within the Board's premises;
(c)carrying passengers within the limits of the port or port approaches, by such means and subject to such restrictions and conditions as the Government may think fit to impose; and
(d)piloting, hauling, mooring, re-mooring, hooking or measuring of vessels or any other service in respect of vessels.
(2)The Board may, if so requested by the owner, take charge of the goods for the purpose of performing the service and shall give a receipt in such form as the Board may specify.
(3)Notwithstanding anything contained in this section, the Board may authorise any person to perform any of the services mentioned in sub-section (1) on such terms and conditions as may be agreed upon.
(4)No person authorised under sub-section (3) shall charge or recover for such service any sum in excess of the amount leviable according to the scale framed under sections 37, 38 or 40.
(5)Any such person shall, if so required by the owner, perform in respect of the goods any of the services and for that purpose take charge of the goods and give a receipt in such form as the Board may specify.
(6)The responsibility of any such person for the loss, destruction or deterioration of goods of which he has taken charge shall, subject to the other provisions of this Act, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872 (Central Act IX of 1872).
(7)After any goods has been taken charge of and a receipt given for them under this section, any liability for any loss or damage which may occur to them shall attach to the person to whom a receipt has been given or to the master or owner of the vessel from which the goods have been

landed or transhipped.

33. Responsibilities of Board for loss, etc., of goods.

(1) Subject to the provisions of this Act, the responsibility of the Board for the loss, destruction or deterioration of goods of which it has taken charge shall, -(a) in the case of goods, received for carriage by railway, be governed by the provisions of the Railways Act, 1989 (Central Act 24 of 1989); and (b) in other cases, be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872 (Central Act IX of 1872), as if the words "in the absence of any special contract" in section 152 of that Act has been omitted: Provided that no responsibility under this section shall attach to the Board -(i) until a receipt mentioned in sub-section (2) of section 32 is given by the Board; and (ii) after the expiry of such period as may be prescribed by regulations from the date of taking charge of such goods by the Board. (2) The Board shall not be in any way responsible for the loss, destruction or deterioration of, or damage to, the goods of which it has taken charge, unless notice of such loss, destruction or deterioration of or damage has been given within such period as may be prescribed by regulations made in this behalf from the date of taking charge of such goods by the Board under sub-section (2) of section 32.

34. Accommodation.

(1) Where the Collector of Customs, has, under the provisions of any Act for the levy of duties of customs appointed any dock, berth, wharf, quay, stage, jetty, pier, place of anchorage, warehouse or shed or a portion of any warehouse or shed provided at any port under the provisions of this Act for the use of sea-going vessels to be an approved place of the landing or shipping of goods or a warehouse for the storing or dutiable goods on the first importation thereof without payment of duty, within the meaning of the first mentioned Act, the Board shall set apart and maintain such place on or adjoining such dock, berth, wharf, quay, stage, jetty, pier or a place of anchorage or in such warehouse or shed or portion thereof, for the use of officers of Customs as may be necessary. (2) Notwithstanding that any dock, berth, wharf, quay, stage, jetty, pier, place of anchorage, warehouse or shed or portion thereof at any port has, under the provisions of sub-section (1), been set apart for the use of the officers of Customs at the port, all rates and other charges payable under this Act in respect thereof, or for the storage of goods therein, shall be payable to the Board, or to such person or persons as may be appointed by the Board to receive the same.

35. Power to permit erection of private wharves.

(1) No person shall make, erect or fix, within the limits of the port or port approaches any wharf, dock, berth, wharf, quay, stage, jetty, pier, place of anchorage, erection or mooring or undertake any reclamation of foreshore within the said limits except with the previous permission in writing of the Board and subject to such conditions, if any, as the Board may specify. (2) If any person makes, erects or fixes any wharf, dock, berth, wharf, quay, stage, jetty, pier, place of anchorage, erection or mooring or undertakes reclamation of foreshore in contravention of sub-section (1), the Board may, by notice, require such person to remove it within such time as may be specified in the notice and if

the person fails to remove it, the Board may cause it to be removed at the expense of that person.

36. Compensation.

(1) Where, as a result of an order published under section 28, or section 31, the use of any wharf, dock, berth, wharf, quay, stage, jetty, pier or place of anchorage, made be fixed or erected by any person is rendered unlawful, the Board may, after hearing the person concerned by order, close, remove, fill up or destroy such wharf, dock, berth, wharf, quay, stage, jetty, pier or place of anchorage or permit the use thereof to such person on payment of such rates and charges as the Board may, with the previous sanction of the Government, determine. (2) Save as otherwise provided under sub-section (3), no person shall be entitled to claim compensation for any injury, damage or loss caused or alleged to have been caused by an order made under sub-section (1). (3) If it is proved to the satisfaction of the Board that any such wharf, dock, berth, wharf, quay, stage, jetty, pier or place of anchorage was made, fixed or erected by any person with the previous permission of the authority competent to grant such permission, he shall be paid by the Board compensation of the amount which shall be determined in the manner and in accordance with the principles hereafter set out, that is to say, - (a) in computing the compensation, there shall not be taken into account any rates or other charges which such person shall be liable to pay for using any wharf, dock, berth, wharf, quay, stagey jetty, pier or place of anchorage, provided by the Board; (b) the amount of compensation shall be calculated with reference to the cost of construction of such wharf, dock, berth, wharf, quay, stage, jetty, pier or; place of anchorage; (c) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement; (d) where no such agreement can be reached, the Government shall appoint as arbitrator, a person who is, or has been, or is, qualified for appointment as a Judge of a High Court; (e) the Government may, in any particular case, nominate a person possessing special knowledge of any matter relating to any case under inquiry to assist the arbitrator in determining any question which has to be decided by him under this section, and where such nomination is made, the person to be compensated may also nominate an assessor for the same purpose; (f) at the commencement of the proceeding before the arbitrator, the Board and the person to be compensated shall state what in their respective opinion is a fair amount of compensation; (g) the arbitrator shall, after hearing the dispute, make an award determining the amount of compensation which appears to him to be just and specify the person or persons to whom such compensation shall be paid; (h) whether there is a dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if the arbitrator finds that more person than one are entitled to compensation, he shall apportion the amount thereof among such persons; (i) nothing in the [Arbitration Act, 1940 (Central Act X of 1940)] [See now the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996).] shall apply to arbitration under this section; (j) the arbitrator appointed under this section, while holding arbitration proceedings under this Act, shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely :- (i) summoning and enforcing the attendance of any person and examining him on oath; (ii) requiring the discovery and production of documents; (iii) receiving evidence on affidavits; (iv) issuing commissions for examination of witnesses or documents. (4) Every award shall also state the amount of costs incurred in the arbitration proceedings under this section and by what persons and in what proportions they are to be paid. (5) Any person aggrieved by an award of the

arbitrator made under this section may, within thirty days from the date of the award, prefer an appeal to the High Court within whose jurisdiction the port is situated: Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Chapter VI

Imposition And Recovery Of Rates At Ports

37. Scale of rates.

(1) The Board shall, from time to time, frame a scale of rates at which and a statement of the conditions under which any of the services specified hereunder shall be performed by itself or any person authorised under section 32 at or in relation to the port or port approaches -(a) transshipping of passengers or goods between vessels in the port or port approaches; (b) stevedoring landing and shipping of passengers or goods from or to such vessels, to or from any wharf, quay, jetty, pier, dock, berth, mooring stage, or erection land or building in the possession or occupation of the Board or at any place within the limits of the port or port approaches; (c) cranage or portage of goods on any such place; (d) whartage, storage or demurrage of goods on any such place; (e) any other service in respect of vessels, passengers or goods excepting the services in respect of vessels for which fees are chargeable under the Indian Ports Act. (2) Different scale of rates and conditions may be framed for different classes of goods and vessels and for different ports.

38. Scales of rates and condition for use of property of Board.

(1) The Board shall, from time to time, also frame a scale of rates on payment of which, and a statement of conditions under which, any property belonging to, or in the possession or occupation of, the Board or any place within the limits of the port or port approaches may be used for the purposes specified hereunder : -(a) approaching or lying at or alongside any buoy, mooring, wharf, quay, pier, dock, land, building or place as aforesaid by vessels; (b) entering upon or plying for hire at or any wharf, quay, pier, dock, land, building, road, bridge, approach or place as aforesaid by animals or vehicles carrying passengers or goods; (c) leasing of land or sheds by owners of goods imported or intended for export or by steamer agent; (d) any other use of any land, building, works, vessels or appliances belonging to or provided by the Board. (2) Different scale of rates and conditions may be framed for different classes of goods and vessels and for different ports.

39. Rates for combination of services.

- The Board may, from time to time, frame a consolidated scale of rates for any combination of the services specified in section 37 or for any combination of such service or services with any user or permission to use any property belonging to, or in the possession or occupation of, the Board, as specified in section 38.

40. Concession rates.

- In framing scales of rates under any of the foregoing provisions of this Chapter, the Board may prescribe a lower rate in respect of -(a)coastal goods, that is to say, goods other than imported goods as defined in the Customs Act, 1962 (Central Act 52 of 1962), carried in a vessel from one Indian port to another Indian port:Provided that the Board shall not make any discrimination between one Indian Port and one another such port in prescribing a lower rate under this section;(b)other goods in special cases.

41. Prior sanction of Government to rates and conditions.

- Every scale of rates and every statement of conditions framed by the Board under the foregoing provisions of this Chapter shall be submitted to the Government for sanction and shall have effect when so sanctioned and published by the Board in the Tamil Nadu Government Gazette.

42. Power of Government to require modification or cancellation of rates.

(1)Whenever the Government consider it necessary in the public interest so to do, they may, by order in writing together with a statement of reasons therefor, direct the Board to cancel any of the scales in force or modify the same within such period as the Government may specify in the order.(2)If the Board to whom a direction is given under sub-section (1) fails or neglects to comply with such direction within the specified period, the Government may cancel any of such scales or make such modifications therein as they may think fit:Provided that, before cancelling or modifying any scale, the Government shall consider any objection or suggestion which may be made by the Board during the specified period.(3)When, in pursuance of this section, any of the scales has been cancelled or modified, such cancellation or modification shall be published by the Government in the Tamil Nadu Government Gazette, and shall, thereupon, have effect accordingly.

43. Remission of rates or charges.

- The Board may, in special cases, and for reasons to be recorded in writing, exempt, either wholly or partly, any goods, vehicles, or vessels or class of goods, vehicles, or vessels from the payment of any rate or of any charge leviable in respect thereof according to any scale of rates in force under this Act or remit the whole or any portion of such rate or charge so levied.

44. Refund of overcharges.

- No person shall be entitled to refund of an overcharge made by the Board unless his claim to the refund has been preferred, in writing by him or on his behalf to the Board within six months from the date of payment duly supported by all original relevant documents:Provided that the Board may of its own motion, remit overcharges made in its bills at any time.

45. Notice of payment of charges short levied or erroneously refunded.

(1)When the Board is satisfied that any charge leviable under this Chapter has been short levied or erroneously refunded, it may issue a notice to the person who is liable to pay such charge or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice: Provided that no such notice shall be issued after the expiry of three years -(a)when the charge is short levied, from the date of the payment of the charge,(b)where a charge has been erroneously refunded, from the date of the refund.(2)The Board may, after considering the representation, if any, made by the person to whom notice is issued under sub-section (1), determine the amount due from such person and there upon such person shall pay the amount so determined.

46. Time for payment of rates on goods.

- Rates in respect of goods to be landed shall be payable immediately on the landing of the goods and rates in respect of goods to be removed from the premises of the Board or to be shipped for export or to be transhipped shall be payable before the goods are removed, shipped or transhipped.

47. Board's lien for rates.

(1)For the amount of all rates leviable by the Board under this Act in respect of any goods and for the rent due to the Board for any building plinths, stacking areas or other premises on or in which any goods may have been placed, the Board shall have a lien on such goods and may seize and detain the same until such rates and rents are fully paid.(2)Such lien shall have priority over all other liens and claims, except for general average and for the ship owner's lien upon the said goods for freight and other charges where such lien exists and has been preserved in the manner provided in sub-section (1) of section 48 and for money payable to the Central Government under any law for the time being in force, relating to customers other than by way of penalty or fine and to the Government under any law the time being in force.

48. Ship owner's lien for freight and other charges.

(1)If the master or owner of any vessel or his agent at or before the time of landing from such vessels and goods at any dock, wharf, quay, stage, jetty, berth, mooring or pier belonging to or in occupation of the Board gives to the Board a notice in writing that such goods are to remain subject to a lien for freight or other charges payable to the ship owner, to an amount to be mentioned in such notice, such goods shall continue to be liable to such lien to such amount.(2)The goods shall be, retained in the custody of the Board at the risk and expense of the owners of the goods until such lien is discharged as hereinafter mentioned and godown and storage rent shall be payable by the party entitled to such goods, for the time during which they may be so retained.(3)Upon the production before any officer appointed by the Board in that behalf of a document purporting to be a receipt for, or release from the amount of such lien, executed by the person by whom or on whose behalf such notice has been given, the Board may permit such goods to be removed without regard to such lien,

provided that the Board shall have used reasonable care in respect of the authenticity of such document.

49. Sale of goods after two months, if rates or rent are not paid or lien for freight is not discharged.

(1)The Board may, after the expiry of two months from the time when any goods have passed in to its custody, or in the case of animals and perishable or hazardous goods after the expiry of such shorter period not being less than twenty-four hours, after the landing of the animals or goods as the Board may think fit, sell by public auction or in such cases as the Board considers it necessary so to do, for reasons to be recorded in writing, sell by tender, private agreement or in any other manner such goods or so much thereof as in the opinion of the Board may be necessary -(a)if any rates payable to the Board in respect of such goods, have not been paid, or(b)if any rent payable to the Board in respect of any place on or in which such goods have been stored has not been paid, or(c)if any lien of any ship owner for freight or other charges of which notice has been given and not been discharged and if the person claiming such lien for freight or other charges has made to the Board an application for such sale.(2)Before making such sale, the Board shall give ten days notice of the same by publication thereof in the Tamil Nadu Government Gazette and also in at least one of the principal local daily news papers:Provided that in the case of animals and perishable or hazardous goods, the Board may give such shorter notice and in such manner as, in the opinion of the Board, the urgency of the case admits of.(3)If the address of the owner of the goods has been stated in the manifest of the goods or in any of the documents which have come in to the possession of the Board or is otherwise known, notice shall also be given to him by letter delivered at such address or sent by post, but the title of a bona fide purchaser of such goods shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be bound to inquire whether such notice has been sent.(4)Notwithstanding anything contained in this section, controlled goods may be sold at such time and in such manner as the Government may direct.Explanation. - In this section and section 50, "controlled goods" means goods the price or disposal of which is regulated under any law for the time being in force.

50. Disposal of goods not removed from premises of Board within time-limit.

(1)Notwithstanding anything contained in this Act, where any goods placed in the custody of the Board upon the landing thereof are not removed by the owner or other person entitled thereto from the premises of the Board within one month from the date on which such goods were placed in their custody, the Board may, if the address of such owner or person is known, cause a notice to be served upon him by letter delivered at such address or sent by post, or if the notice cannot be so served upon him or his address is not known, cause a notice to be published in the Tamil Nadu Government Gazette, and also in at least one of the principal local daily newspapers, requiring him to remove the goods forthwith stating that in default of compliance therewith, the goods are liable to be sold by public auction or by tender, private agreement or in any other manner:Provided that where all the rates and charges payable under this Act in respect of any such goods have been paid, no notice or removal shall be so served or published under this sub-section unless two months have expired from the date on which the goods were placed in the custody of the Board.(2)The notice

referred to in sub-section (1) may also be served on the agents of the vessel by which such goods were landed.(3)If such owner or person does not comply with the requisition in the notice served upon him or published under sub-section (1), the Board may, at any time after the expiration of two months from the date of which such goods were placed in its custody, sell the goods by public auction, or, in such cases as the Board considers it necessary so to do, for reasons to be recorded in writing, sell by tender, private agreement or in any other manner such goods or so thereof in the opinion of the Board may be necessary after giving notice of the sale in the manner specified in sub-sections (2) and (3) of section 49.(4)Notwithstanding anything contained in sub-section (1) or sub-section (3), -(a)the Board may, in the case of animals and perishable or hazardous goods, give notice or removal of such goods although the period of one month or as the case may be, of two months specified in sub-section (1) has not expired or give such shorter notice of sale in such manner as in the opinion of the Board the urgency of the case requires;(b)controlled goods may be sold in accordance with the provisions of sub-section (4) of section 49.(5)The Government may, if they deem necessary so to do in the public interest, by notification, exempt any goods or classes of goods from the operation of this section.

51. Application of sale proceeds.

(1)The proceeds of every sale under section 49 or section 50 shall be applied in the following order, namely :-(a)in payment of the expenses of the sale;(b)in payment, according to their respective priorities, of the liens and claims exempted in sub-section (2) of section 47 from the priority of the lien of the Board;(c)in payment of the rates and expenses of landing, removing, storing or warehousing the same and of all other charges due to the Board in respect thereof including demurrage (other than the penal demurrage) payable in respect of such goods for a period of four months from the date of holding;(d)in payment of any penalty or fine due to the Central Government under any law for the time being in force relating to customs;(e)in payment of any other sum due to the Board.(2)The surplus, if any, shall be paid to the importer, owner or consignee of the goods or to his agent, on an application made by him in this behalf within six months from the date of the sale of the goods.(3)Where no application has been made under sub-section (2), the surplus shall be applied by the Board for purposes of this Act.

52. Recovery of rates and charges by distraint of vessel.

(1)If the master of any vessel in respect of which any rates or penalties are payable under this Act, or under any regulations or orders made in pursuance thereof, refuses or neglects to pay the same or any part thereof on demand, the Board may distrain or arrest such vessel and the tackle, apparel and furniture belonging thereto or any part thereof and detain the same until the amount so due to the Board together with such further amount, as may accrue for any period during which the vessel is under distraint or arrest, is paid.(2)In case any part of the said rates or penalties or of the cost of the distraint or arrest or the keeping of the same, remain unpaid for a period of five days next after any such distraint or arrest has been so made, the Board may cause the vessel or other thing so distrained or arrested to be sold and with the proceeds of such sale, shall satisfy such rates or penalties and costs, including the cost of sale remaining unpaid, rendering the surplus, if any, to the master of such vessel, on demand.

53. Grant of port clearance after payment of rates, realisation of damages, etc.

- If the Board gives to the officer of the Central Government whose duty is to grant the port clearance to any vessel at the port, a notice stating -(a)that an amount specified therein is due in respect of rates, fines, penalties or expenses chargeable under this Act or under any regulations or orders made in pursuance thereof, against such vessel or by the owner or master of such vessel in respect thereof, or against or in respect of any goods on board such vessel; or(b)that an amount specified therein is due in respect of any damage referred to in section 100 and such amount together, with the cost of the proceedings, for the recovery thereof before a Magistrate under that section has not been realised, such officer shall not grant such port clearance until the amount so chargeable or due has been paid, or as the case may be, the damage and cost have been realised.

Chapter VII

Borrowing Powers of Board

54. Power to raise loans.

(1)The Board may raise loans with the previous sanction of the Government on such terms and conditions as may be prescribed by the Government for the purposes of this Act.(2)Loans may be raised by the Board in the open market on Board securities issued by it or may be obtained from the Government or any Bank or any financial institutions like All India Financial Corporations and State Finance Corporations approved by the Government.(3)The terms of all loans shall be subject to the approval of the Government.

55. Board securities.

(1)The Board may, with the sanction of the Government, prescribe the form in which the securities of the Board shall be issued by the Board and the mode in which, and the conditions subject to which, they may be transferred.(2)The holder of any Board security in any form may obtain in exchange therefor, upon such terms as the Board may, from time to time, determine a Board security in other form prescribed by regulations.(3)The right to sue in respect of money secured by the Board securities shall be exercisable by the holders thereof for the time being without preference in respect of priority of date.

56. Right of joint or several payees of securities.

(1)Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872 (Central Act IX of 1872) -(a)when the Board security is payable to two or more persons jointly and either or any of them dies, the Board security shall be payable to the survivors of those persons, and(b)when any such security is payable to two or more persons severally and all or any of them dies, the security shall be payable to the survivor or survivors of those persons or to the representatives of the

deceased or to any of them.(2)This section shall apply whether such death occurred or occurs before or after the appointed day.(3)Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any security to which sub-section (1) applies.(4)For the purposes of this section, a body incorporated or deemed to be incorporated under the Companies Act, 1956 (Central Act I of 1956) or the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) or any other enactment for the time being in force, whether within or outside India, shall be deemed to die when it is dissolved.

57. Power of one or two or more joint holders to grant receipts.

- Where two or more person are joint holders of any Board security, any one of those persons may give an effectual receipt for any interest payable in respect of such security unless notice to the contrary has been given to the Board by any other holder.

58. Endorsements to be made on a security itself.

- Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881), no endorsement of a Board security which is transferable by endorsement shall be valid unless made by signature of the holder inscribed on the back of the security itself.

59. Endorsement of security not liable for amount thereof.

- Notwithstanding anything in the Negotiable Instruments Act, 1881 (Central Act 26 of 1881), a person shall not by reason only of his having endorsed any Board security be liable to pay any money due either as principal or as interest thereunder.

60. Impression of signature on securities.

(1)The signature of the person authorised to sign Board securities on behalf of the Board may be printed, engraved or lithographed or impressed by such other mechanical process as the Board may direct on such securities.(2)A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper hand writing of the person so authorised.

61. Issue of duplicate security.

(1)When any Board security is alleged to have been lost or stolen or destroyed, either wholly or in part, and a person claims to be the person to whom, but for the loss of theft or destruction, it would be payable, he may, on application to the Board and on producing proof to its satisfaction of the loss or theft or destruction and of the genuineness of the claim and on payment of such fee, if any, as may be prescribed by regulations, obtain from the Board and order for -(a)the payment of interest in respect of the security said to be lost or stolen or destroyed, pending the issue of a duplicate security; and(b)the issue of a duplicate security payable to the applicant.(2)An order shall not be passed

under sub-section (1) until after the issue by the Board of the notification of the loss or theft or destruction in the manner prescribed by regulations.(3)A list of securities in respect of which an order is passed under sub-section (1) shall be published in such manner as the Board may prescribe by regulations.(4)If, at any time before the Board becomes discharged under the provisions of this Act from liability in respect of any security, the whole of which is alleged to have been lost or stolen or destroyed, such security is found any order passed in respect thereof under this section shall be cancelled.

62. Issue of converted, etc., securities.

(1)The Board may, subject to such conditions as it may prescribe, on the application of a person claiming to be entitled to a Board security or securities issued by it, on being satisfied of the genuineness of the claim and on delivery of the security or securities receipted in such manner and on payment of such fee, if any, as it may prescribe, convert, consolidate or sub-divide the security or securities, and issue to the applicant a new security or securities accordingly.(2)The conversion, consolidation or sub-division referred to in sub-section (1) may be in the security or securities of the same or different classes or of the same or different loans.

63. Discharges in certain cases.

- Notwithstanding anything contained in the Indian Limitation Act, 1963 (Central Act 26 of 1963)
-(i)on payment of the amount due on a Board security on or after the date on which payment becomes due to, or(ii)when a duplicate security has been issued under section 61, or(iii)when a new security or securities has or have been issued upon conversion, consolidation or sub-division under section 62,the Board shall be discharged from all liabilities in respect of the security or securities so paid or in place of which a duplicate or new security or securities has or have been issued -(a)in the case of payment, after the lapse of six years from the date on which payment was due;(b)in the case of duplicate security after the lapse of six years from the date of the publication under sub-section (3) of section 61 of the list in which the security is first mentioned or from the date of the last payment of interest on the original security, whichever date is later;(c)in the case of a new security issued upon conversion, consolidation or subdivision, after a lapse of six years from the date of the issue thereof.

64. Security of loans taken by Board.

- All loans raised by the Board under the Act shall be a first charge on - (1) the property vested or which may, hereafter during the currency of the loans, become vested in the Board other than-(a)any sum set apart by the Board -(i)as the sinking fund for the purpose of paying off any loan, or(ii)for the payment of pension to its employees; or(b)the provident or pension fund established by the Board; and(2)the rates leviable by the Board under this Act.

65. Remedies of Government in respect of loans made to Board.

- The Government shall have, in respect of loans made by it to the Board, the same remedies as holders of Board, securities issued by the Board; and the Government shall not be deemed to possess any prior or greater rights in respect of such loans than holders of such Board securities: Provided that when the term of any such loan made before the appointed day expressly provide that the loan shall have priority over all other loans in the matter of repayment by the Board, such loan shall have priority.

66. Power of Board to repay loans before due date.

- The Board may, with the previous sanction of the Government, apply any sums out of moneys which may come in to its hands under the provisions of this Act and which can be so applied without prejudicing the security of the other holders of the Board securities, in repaying to the Government any sum which may remain due to them in respect of the principal of any loan although the time fixed for the repayment of the same may not have arrived: Provided that no such repayment shall be made of any sum less than ten thousand rupees; and that if such repayment is made, the amount of interest in each succeeding instalment shall be so adjusted as to represent exactly the interest due on the outstanding principal.

67. Establishment of sinking fund.

(1) If, in respect of a loan raised by the Board under this Act which is not repayable before the expiration of one year from the date of the loan, the Government, by an order, so direct the Board shall set apart half yearly out of its income as a sinking fund, a sum sufficient to liquidate the loan within a period which shall not in any case, unless the previous consent of the Government has been obtained, exceed twenty-five years; but the maximum period shall not in any case exceed forty years: Provided that a sinking fund need, in the absence of any stipulation to that effect, be established in the case of loans taken by the Board from the Central Government or any State Government. (2) Where any sinking fund has, before the appointed day, been established by any authority in respect of a loan raised by it, for which loan, the Board is liable under this Act, the sinking fund so established by that authority shall be deemed to have been established by the Board under this section.

68. Investment and application of sinking fund.

(1) The sums so set apart by the Board under sub-section (1) of section 67 and the sums forming part of any sinking fund referred to in sub-section (2) of that section shall be invested in public securities or in such other securities as the Government may approve in this behalf and shall be held by the Board in trust for the purposes of this Act. (2) The Board may apply the whole or any part of the sums accumulated in any sinking fund in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that it pays in to the fund in each year and accumulates until the whole of the moneys borrowed are discharged, sum equivalent to the interest

which would have been produced by the sinking fund or the part of the sinking fund so applied.

69. Examination of sinking fund.

(1) A sinking fund established for the liquidation of any loan shall be subject to annual examination by such person as may be appointed by the Government in this behalf and the person so appointed shall ascertain whether the cash and the current market value of the securities at the credit of the fund are actually equal to the amount which would have been accumulated if investment had been regularly made and the rate of interest as originally estimated had been obtained thereon. (2) The Board shall pay forthwith into the sinking fund any amount which the person appointed under sub-section (1) to conduct the annual examination of the fund may certify to be deficient unless the Government specifically sanctions gradual readjustment. (3) In the cash and current market value of the securities at the credit of a sinking fund are in excess of the amount which should be at its credit, the person appointed under sub-section (1) shall certify the amount of the excess and the Board may, with the previous sanction of the Government, reduce or discontinue the half yearly contributions to the sinking fund required under section 67.

70. Power of Board to take temporary loans or short term bills.

- Nothing contained in this Act shall be deemed to affect the power of the Board to raise loans under the Local Authorities Loans Act, 1914 (Central Act IX of 1914).

71. Power of Board to take temporary loans or overdrafts.

- Notwithstanding anything contained in this Act, the Board may -(i) borrow moneys by means of temporary overdraft or otherwise by placing the securities held by the Board in its reserve funds or on security of the fixed deposits of the Board in its banks; (ii) obtain advances from such banks on pledge or hypothecation of its current assets without the previous sanction of the Government: Provided that such temporary overdrafts or other loans - (a) shall not at any time have a longer currency than six months; and (b) shall not be taken, without the previous sanction of the Government, if at any time in any year the amount of such overdrafts, or other loans exceeds such amount not exceeding ten lakhs of rupees, as the Government may fix in this behalf: Provided further that all moneys so borrowed by overdrafts or otherwise shall be expended for the purposes of this Act.

72. Power of Board to borrow money from International Bank for Reconstruction and Development or other foreign institutions.

- Notwithstanding anything contained in this Act, but subject to any other law for the time being in force, the Board may, with the previous sanction of the Government and on such terms and conditions as may be approved by the Government, raise, for the purposes of this Act, loans in any currency or currencies from the International Bank for Reconstruction and Development or from any other Bank or Institution in any country outside India, and no other provision of this Chapter

shall apply to or in relation to any such loan unless the terms and conditions of the loan or the approval thereof by the Government otherwise provide.

Chapter VIII

Revenue and Expenditure

73. General Account of Ports.

- All moneys received by, or on behalf of, the Board under the provisions of this Act and all moneys received by it as the conservators of the ports and of their approaches or as the body appointed under section 36 of the Indian Ports Act, shall be credited to a fund called the General Account of the Ports.

74. Application of moneys in General Accounts.

(1) The moneys credited to the General Account under section 73 shall be applied by the Board in payment of the following charges, namely: -(a) the interest and instalments of principal due in respect of any loan that may have been raised or obtained by the Board or for the repayment of which the Board may be liable and payments to the sinking fund established for such loan; (b) the salaries, fees, remunerations, allowances, pensions, gratuities, compassionate allowances or other moneys due to -(i) the Chairman, and other members of the Board, (ii) the employees of the Board, and (iii) the surviving relatives, if any, of such employees; (c) the contribution, if any, payable to the Central Government or any State Government on account of the pension and leave allowance of any officer lent to the Board by such Government; (d) the cost and expenses, if any, incurred by the Board in the conduct and administration of any provident or welfare fund or loan or special fund established by the Board; (e) the contributions, if any, duly authorised to be made by regulations made under this Act to any such fund as is referred to in clause (d); (f) such sums as may, from time to time, be agreed upon by the Board and the Government or the Central Government or any other authority, as a reasonable contribution payable by the Board towards the expenses in connection with the watch and ward functions of the Police Force or the Central Industrial Security Force or any other Force which the Government or the Central Government or any other authority, as the case may be, may establish and maintain for the protection of the port and the docks, warehouses and other property of the Board; (g) the cost of repairs and maintenance of the property belonging to or vested in the Board and all charges upon the same and all working expenses; (h) the cost of the execution and provision of any new work or appliance specified in section 25 which the Board may determine to charge to renew; (i) any expenditure incurred under section 26; (j) any other expenditure which may be incurred by the Board generally for the purposes of this Act; (k) any other charge which may, on the application of the Board or otherwise, be specifically sanctioned by the Government or for which the Board may be legally liable. (2) All moneys standing at the credit of the Board which cannot immediately be applied in the manner or for the purposes specified in sub-section (1) shall -(a) be deposited in the State Bank of India or in any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) as the Board may decide, or (b) be invested in such public securities as may be

determined by the Board and the said securities shall be held in trust by the Board for the purposes of this Act, or(c)be invested in public deposit with the Government.

75. Power to transfer moneys from general account to specified particular account and vice versa.

- The Board may, with the previous sanction of the Government, apply any sum out of the moneys credited to the General Account of the port towards meeting deficits, if any, in the particular or specified account such as pilotage account, if so maintained or transfer the whole or part of any surplus funds in such particular account to the General Account of the port.

76. Establishment of reserve funds.

- The Board may, from time to time, set; apart such sums out of its surplus income as it thinks fit as a reserve fund or funds for the purpose of expending existing facilities or creating new facilities at the ports or for the purpose of providing against any temporary decrease of revenue or increase of expenditure cause or for purposes of replacement or for meeting expenditure arising from loss or damage from fire, cyclone, ship wrecks or other accident or other accident or for any other emergency arising in the authority conduct of its works under this Act:Provided that the sums set apart annually in respect of, and the aggregate at anytime of, any such reserve fund or funds shall not exceed such amount as may, from time to time, be fixed in that behalf by the Government.

77. Power to reserve Board to Securities for Board own investments.

(1)For the purposes of any investment which the Board is authorised to make under this Act, it shall be lawful for the Board to reserve and set apart any securities to be issued by it on account of any loan to which the consent of the Government has been given, provided that the intention to so reserve and set apart such securities has been notified as a condition to the issue of the loan.(2)The issue by the Board of such securities direct to and in. the name of the Board shall not operate to extinguish or cancel such securities, but every security so issued shall be valid in all respects as if issued to, and in the name of, any other person.(3)The purchase by the Board or the transfer, assignment or endorsement to the Board of any security issued by the Board, shall not operate to extinguish or cancel any such security but the same shall be valid and negotiable in the same manner and to the same extent as if held by or transferred or assigned or endorsed to any other person.

78. Prior sanction of Government to charge expenditure to capital.

(1)No expenditure shall be charged by the Board to capital without the previous sanction of the Government:Provided that the Board may, without such sanction, charge to capital expenditure not exceeding such limit as may be specified and subject to such conditions as may be imposed by the Government.(2)Nothing in sub-section (1) shall be deemed to require the further sanction of the Government in any case where the actual expenditure incurred as a charge to capital exceeds the

expenditure sanctioned in this behalf by the Government unless the excess is more than ten per cent of the expenditure so sanctioned.

79. Works requiring sanction of Board or Government.

(1) No new work or appliance the estimated cost of which exceeds such amount as may be fixed by the Government in this behalf, shall be commenced or provided by the Board, nor shall any contract be entered into by the Board in respect of any such new work or appliance until a plan of an estimate for such work or appliance has been submitted to, and approved by, the Board, and in each the estimated cost of any such new work or appliance exceeds such amount, as may, from time to time, be fixed by the Government in this behalf, sanction of the Government to the plan and estimates shall be obtained before such work is commenced or appliance provided. (2) Nothing in sub-section (1) shall be deemed to require the further sanction of the Government in any case where the actual expenditure incurred does not exceed by more than ten per cent of the estimated cost so sanctioned.

80. Power of Chairman as to execution of works.

- Notwithstanding anything contained in section 79, the Chairman may direct the execution of any work the cost of which does not exceed such maximum limit as may be fixed by the Government in that behalf and may enter into contracts for the execution of such works, but in every such case, the Chairman shall, as soon as possible, make a report to the Board of any such directions given or contracts entered into by him.

81. Power of Board to compound or compromise claims.

(1) The Board may compound or compromise any claim or demand or any action or suit instituted by or against it for such sum of money or other compensation as it deems sufficient: Provided that no settlement shall be made under this section without the previous sanction of the Government if such settlement involves the payment by the Board of a sum exceeding such amount as may be specified by the Government in this behalf.

82. Writing off losses.

(1) Subject to such conditions as may be specified by the Government, where the Board is of opinion that any amount due to or any loss, whether of money or of property incurred by the Board is irrecoverable, the Board may, with the previous approval of the Government, sanction the writing off finally of the said amount or loss: Provided that no such approval of the Government shall be necessary where such irrecoverable amount or loss does not exceed, in any individual case, five thousand rupees or in the aggregate in any year, one lakh rupees. (2) Notwithstanding anything contained in sub-section (1), where the Chairman is of opinion that any amount due to or any loss, whether money or of property, incurred by the Board is irrecoverable, the Chairman may sanction the writing off finally of such amount or loss, provided that such amount or loss does not exceed, in an individual case, one thousand rupees or in the aggregate in any one year, twenty thousand rupees

and in every such case, the Chairman shall make a report to the Board giving reasons for such sanction.

83. Powers, etc. of Board as Conservator.

- All the powers, authorities and restrictions contained in this Act in respect of the work by the Act authorised, shall apply to the works which may be executed by the Board as the Conservator of the Port or as the body appointed under sub-section (1) of section 36 of the Indian Ports Act and also to the sanction of such works, the estimate thereof and the expenditure thereunder.

84. Budget Estimate.

(1)The Board shall, on or before the thirty first day of January in each year, hold a special meeting at which the Chairman shall submit an estimate of the income and expenditure of the Board for the next financial year, in such form as the Government may specify.(2)A copy of such estimate shall be sent to each member of the Board so as to reach him not less than ten clear days prior to the date appointed for the special meeting referred to in sub-section (1).(3)The Board shall consider the estimate at such meeting and may provisionally approve of it with or without modification.(4)The Board shall, on or before the tenth day of February, cause a copy of such estimate as provisionally approved by it, to be sent to the Government.(5)The Government may sanction the estimate or may return it with remarks and may call for such additional information as they may deem necessary.(6)When an estimate is returned under sub-section (5), the Board shall proceed to reconsider the estimate with reference to such remarks and shall furnish such additional information as the Government may call for and shall, if necessary, modify or alter the estimate and resubmit it to the Government.(7)The Government shall sanction the estimate with or without modifications.(8)Where any such estimate is not sanctioned by the Government before the commencement of the financial year to which it relates, the Government may authorise the Board to incur such expenditure as may be necessary in the opinion of the Government until such time as the approval of the estimate by the Government is communicated to the Board.

85. Preparation of supplemental estimates.

- The Board may, in the course of any year for which an estimate has been sanctioned by the Government, cause one or more supplemental estimates for the residue of such year to be prepared and the provisions of section 84 shall, so far as may be, apply to such estimate as if it were an annual estimate.

86. Re-appropriation of amounts in estimate.

- Subject to any directions which the Government may give in this behalf, any sum of money or part thereof of which the expenditure has been authorised in an estimate for the time being in force sanctioned by the Government and which has not been so spent, may, at any time, be re-appropriated by the Board to meet any excess in any other expenditure authorised in the said

estimate.

87. Adherence to estimate except in emergency.

(1) Subject to the provisions of section 86, no sum exceeding such amount as the Government may fix in this behalf shall, save in cases of emergency, be expended by, or on behalf of, the Board unless such sum is included in some estimate of the Board at the time in force which has been finally sanctioned by the Government. (2) If any sum exceeding such limit as may have been fixed in this behalf under sub-section (1) is so expended by the Board on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to the Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

88. Accounts and audit.

(1) The Board shall maintain proper accounts and other relevant records and prepare the annual statement of account including the balance sheet in such form as may be approved by the Government. (2) The accounts of the Board shall be audited once in every year and if so required by the Government concurrently with the compilation of such accounts by an auditor appointed by the Government in consultation with the Comptroller and Auditor-General of India (herein after referred to as "the Auditor") and any amount payable to such Auditor by the Board in respect of such audit shall be debitable to the general account of the Board. (3) The Auditor shall have the same rights, privileges and authority in connection with the audit of the accounts of the Board as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and in particular, shall have the right to demand production of books of accounts, connected vouchers and other documents of the Board.

89. Publication of audit report.

(1) Within fourteen days after the audit and examination of the accounts of the Board have been completed, the auditor shall forward copies of the audit report to the Government and to the Board. (2) The Government shall cause every audit report to be laid for not less than thirty days before the Legislative Assembly as soon as may be after such report is received by the Government.

90. Board to remedy defects and irregularities pointed out in audit report.

- The Board shall forthwith take into consideration any defects or irregularities that may be pointed out by the Auditor in the audit report on the income and expenditure of the Board and shall take such action thereon as the Board may think fit and shall also send a report of the action so taken to the Government.

91. Government to decide difference between Board and Auditors.

- If there is a difference of opinion between the Board and the Auditor on any point included in the audit report, and the Board is unable to accept and implement the recommendations, if any, made by him on such point, the matter shall forthwith be referred to the Government which shall pass final orders thereon and the Board shall be bound to give effect to such orders.

Chapter IX

Supervision and Control Of Government

92. Administration report.

- As soon as may be after the first day of April in every year and not later than such date as may be fixed in this behalf by the Government, the Board shall submit to the Government a detailed report of the administration of the ports during the preceding year ending on the thirty first day of March, in such form as the Government may direct.

93. Submission of statements of income and expenditure to Government.

(1)The Board shall annually or often or if directed by the Government so to do, submit statements of its income and expenditure in such form and at such time as the Government may direct.(2)A copy of all such statements shall be open to inspection of the public at the office of the Board during office hours on payment of such fee for each inspection as may, from time to time, be fixed by the Board.

94. Power of Government to supersede Board.

(1)If, at any time, the Government are of opinion -(a)that on account of a grave emergency, the Board is unable to perform the duties imposed on it by or under the provisions of this Act or of any other law, or(b)that the Board has persistently made default in the performance of the duties imposed upon it by or under the provisions of this Act or of any other law and as a result of such default, the financial position of the Board or the administration of the ports has greatly deteriorated, the Government may, by notification, supersede the Board for such period, not exceeding six months at a time, as may be specified in the notification:Provided that, before issuing a notification under this sub-section for the reasons mentioned in clause (b), the Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board.(2)Upon the publication of the notification under sub-section (1) superseding the Board, -(a)all the members of the Board shall, as from the date of supersession, vacate their offices as such members of the Board;(b)all the powers and duties which may, by or under the provisions of this Act, or of any other law, be exercised or performed by or on behalf of the Board, shall until the Board is reconstituted under clause (b) or clause (c) of sub-section (3), be exercised and performed by such person or persons as the Government may direct;(c)all property vested in the Board shall, until the Board is reconstituted

under clause (b) of clause (c) of sub-section (3), vest in the Government.(3)On expiration of the period of supersession specified in the notification issued under sub-section (1), the Government may -(a)extend the period of supersession for such further term not exceeding six months, as they may consider necessary, or(b)reconstitute the Board by fresh appointment, and in such case, any persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment, or(c)reconstitute the Board by appointment only for such period as they may consider necessary and, in such a case, the persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for such appointment merely because they were members of the Board when the Board was superseded:Provided that the Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) or clause (c) of this sub-section.(4)The Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before the Legislative Assembly at the earliest possible opportunity.

95. Power of Government to give directions to Board.

(1)Without prejudice to the foregoing provisions of this Chapter, the Board shall, in the discharge of its functions under this Act, be bound by such directions on question of policy, as the Government may give in writing to it, from time to time.(2)The decision of the Government, whether a question is one of policy or not, shall be final.

Chapter X Penalties

96. Persons employed under this Act to be public servants for certain purposes.

- All members, officers and other servants of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

97. Penalty for contravention of sections 27, 28, 29 and 30.

(1)Whoever contravenes any order made under section 27 or section 28 or section 29, or fails to comply with any condition imposed under section 30, shall be punishable with fine which may extend to one thousand rupees.(2)Whoever, after having been convicted of an offence under sub-section (1), continues to contravene the said order or neglect to comply with the said condition shall, on conviction, be punishable, for each day after the previous date of conviction during which he continues so to, with fine which shall not be less than one hundred rupees and not more than two hundred rupees.

98. Penalty for setting up wharves, quays, etc. without permission.

- Any person, who contravenes the provisions of section 35 shall be punishable with fine which may extend to one thousand rupees.(2)Whoever, after having been convicted of an offence under sub-section (1), continues to contravene the said provisions in section 35 shall, on conviction be punishable, for each day after the previous date of conviction during which he continues so to, with fine which shall not be less than one hundred rupees and not more than two hundred rupees.

99. Penalty for evading rates, etc.

- Any person, who with the intention of evading payment of the rates lawfully due under this Act in respect of any goods or vessels carrying any goods, -(a)understates or incorrectly gives the weight, quantity, value or description of such goods, or the tonnage of such vessel in any document presented to any employee of the Board for the purpose of enabling him to determine such rates, or(b)removes or attempts to remove or abets the removal of such goods or such vessel, shall be punishable with fine which may extend to twice the amount of rates so due subject to a minimum of fifty rupees.

100. Recovery of value of damage to property of Board.

- If, through the negligence of any person having the guidance or command of any vessel, or of any of manners or person employed on such vessel, any damage, is caused to any dock, wharf, quay, mooring, stage, jetty, pier or other work in the possession of the Board or any movable property belonging to the Board the amount of such damage shall, on the application of the Board, be recoverable together with the cost of such recovery, by distress and sale under a Magistrate's warrant, of a sufficient portion of the boats, masts, spares, ropes, cables, anchors or stores belonging to such vessel:Provided that no Magistrate shall issue such a warrant until the master of the vessel has been given a reasonable opportunity of being heard:Provided further that no such warrant shall issue if the vessel was at the time under the orders of a duly authorised employee of the Board and the damage caused was attributable to the order, act or improper omission of such employee.

101. Person interested in contracts, etc., with Board to be deemed to have committed an offence under section 168 of Indian Penal Code.

- Any person who, being a member or an employee of the Board, acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Board, shall be deemed to have committed an offence under section 168 of the Indian Penal Code (Central Act XLV of 1860):Provided that nothing in this section shall apply to a person who is deemed not to have a share or interest in any contract or employment under the proviso to clause (d) of section 4.

102. Other offences.

- Save as otherwise provided in sections 97, 98, 99 and 100 any person who contravenes any of the provisions of this Act or of any rule, regulation or order made thereunder for the contravention of which no penalty is expressly provided thereunder, shall be punishable with fine which may extend to two hundred rupees.

103. Cognizance of offences.

- No Court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class shall try any offence punishable under this Act or any rule or regulation made thereunder.

104. Offences by companies.

(1) Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible, to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where any such offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purpose of this section, - (a) "company" means a body corporate and includes a trust, a firm, a society or other association of individuals; and (b) "director" in relation to - (i) a firm, means a partner in the firm; (ii) a society, a trust or other association of individuals, means the person who is entrusted under the rules of the society, trust or other association with the management of the affairs of the society, trust or other association, as the case may be.

Chapter XI

Miscellaneous

105. Constitution of State Ports Consultative Committee.

(1) The Government may, by notification, constitute a State Ports Consultative Committee (hereafter in this section called the "Consultative Committee") consisting of members of the Board and such other persons, being not less than ten and not more than twenty as the Government may appoint from amongst persons who are in the opinion of the Government, representing the interests of the

Chamber of Commerce, Shipping, Sailing Vessels, Customs, Railways, Road Transport, Labour, Communications, Fisheries and Industries, so however that, there shall be at least one member from each of the aforesaid interests.(2)The Chairman of the Board shall be the ex-officio Chairman of the Consultative Committee.(3)Such officer of the Board as the Government may appoint in this behalf shall act as Secretary to the Consultative Committee.(4)The functions of the Consultative Committee shall be as follows :-(a)to advise the Board on all general questions pertaining to the ports;(b)to advise the Board in respect of any scheme pertaining to development of any port;(c)to review the administration of ports and to suggest ways and means of improving their work;(d)to suggest ways and means to remove any difficulty experienced by the Board in the administration of ports;(e)to make suo moto recommendation to the Board in regard to any matter relating to administration of the ports;(f)to report to the Government, or, as the case may be, to the Board, on such matters as may be referred to it either by the Government or by the Board for its opinion.(5)The Government may, by general or special order, provide for -(a)the calling of the meetings of the Consultative Committee and the procedure of meetings;(b)the duties of the Secretary of the Consultative Committee;(c)the term of the office of persons appointed to be members of the Consultative Committee to represent any of the aforesaid interests, travelling allowance and daily allowance to the members of the Consultative Committee and rate thereof.(6)Any person appointed to the Consultative Committee to represent any of the aforesaid interest may resign from the membership by tendering his resignation in writing to the Chairman and the resignation shall take effect from the date on which it is received by the Chairman, who shall give intimation of the vacancy to the Government.

106. Local Advisory Committee.

(1)The Government may, from time to time, constitute a Local Advisory Committee for any port, consisting of such number of members as they may think fit in each case and on such terms and conditions as may be prescribed by regulations.(2)The Board may, if it thinks fit, consult the Local Advisory Committee concerned on any business coming before it, and shall do so in respect of such business as the Government may, by general or special order in this behalf specify or when required by the regulations so to do.(3)The Port Officer concerned shall be the ex-officio Chairman of the Local Advisory Committee.(4)The Local Advisory Committee shall meet at such intervals as may be prescribed and for the transaction of urgent business on such other occasions as the Chairman of the Board may require.(5)The number of members necessary to constitute a quorum at a meeting of a Local Advisory Committee shall, as the Government may specify.

107. Limitation of proceedings in respect of things done.

- No suit, prosecution or other proceeding shall be instituted against the Board or any member or employee thereof for any act done, or purporting to be done in pursuance of this Act unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

108. Protection of act done in good faith.

- No suit, prosecution or other proceeding shall lie against the Board or Committee or Chairman, Member, Chief Executive Officer or other officers and servants of the Board, anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder, or for any damage sustained by any vessel in consequence of any defect in any of the mooring, hawsers or other things belonging to or under the control of the Board.

109. Power to make rules.

(1)The Government may make rules for carrying out the purposes of this Act.(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)fees and allowances payable to the members of the Board or any of its committees for attending meetings of the Board or its committee or for attending any work of the Board, under section 12;(b)the mode of executing contracts under section 24;(c)factors to be taken into consideration for determining fair and reasonable compensation under sub-section (3) of section 36;(d)the terms and conditions of appointment of person as members of a Local Advisory Committee under sub-section (1) of section 106; and(e)any other matter which is to be or may be prescribed by rules.(3)[xxx] [Omitted by the Tamil Nadu Maritime Board (Amendment) Act, 1997 (Tamil Nadu Act 15 of 1997).](4)Every rule or order made or notification issued by the Government under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly, and if before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule or order or notification, or the Legislative Assembly decides that the rule or order or notification should not be made or issued, the rule or order or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule or order or notification.

110. Power to make regulations.

(1)The Board may make regulations not inconsistent with the provisions of this Act and the rules made thereunder with respect to all or any of the following matters, namely :-(a)the times and places of the meetings of the Board or its committee, the procedure to be followed for the transaction of business at such meetings and the number of members necessary to constitute a quorum at such meetings;(b)the appointment, promotion, suspension, removal and dismissal of its employees;(c)leave, leave allowance, pensions, gratuities, compassionate allowances and travelling allowances of the employees and the establishment and maintenance of a provident fund or any other fund for their welfare;(d)[***] [Omitted by the Tamil Nadu Maritime Board (Amendment) Act, 1997 (Tamil Nadu Act 15 of 1997).](e)the terms and conditions of service of persons who become employees of the Board under clause (b) of sub-section (1) of section 20;(f)any other matter which is incidental to, or necessary for, the purpose of regulating the appointment and conditions of service of its employees;(g)the form of receipt to be given under sub-section (2) of section 32;(h)the period within which notice may be given under sub-section (2) of section 33;(i)the factors to be taken into consideration in respect of payment of fair and reasonable compensation under

sub-section (3) of section 36;(j)the guidance of persons employed by the Board under this Act;(k)the safe, efficient and convenient, use management and control of the docks, wharves, quays, jetties, buildings and other works constructed or acquired by, or vested in, the Board, or of any land or foreshore acquired by, or vested in the Board under this Act;(l)the reception, portorage, storage and removal of goods brought within the premises of the Board, for the exclusive conduct of these operation by the Board or persons employed by the Board, and for declaring the procedure to be followed for taking charge of goods which may have been damaged before landing, or may be alleged to have been so damaged;(m)keeping clean the port, river or basins or the bank of the river and the works of the Board, and for preventing filth and rubbish being thrown therein or thereon;(n)the mode of payment of rates leviable by the Board under this Act;(o)regulating, declaring and defining the docks, wharves, quays, jetties, stages and piers vested in the Board on which goods shall be landed from vessels and shipped on Board vessels;(p)regulating the manner in which and the conditions under which, the loading and unloading of all vessels within the port or port approached shall be carried out;(q)regulating the lighterage of cargo between ships or between ships and shore or between shore and ships;(r)the exclusion from the premises of the Board of disorderly or other undesirable persons and of trespassers;(s)ensuring the safety of the port;(t)generally for the efficient and proper administration of the ports;(u)the person, if any, authorised to sign and the mode of affixing the corporate seal and of attestation of documents relating to Board securities issued or to be issued by the Board;(v)the manner in which payment of interest in respect of such Board securities is to be made, recorded and acknowledged;(w)the circumstances and the manner in which Board securities may be renewed;(x)the circumstances in which such securities may be renewed before further payment of interest thereon can be claimed;(y)the form in which such securities delivered for renewal, conversion, consolidation or sub-division are to be receipted;(z)the proof which is to be produced by a person applying for duplicate securities;(aa)the form and manner of publication of the notification mentioned in subsection (2) of section 61 and the manner of publication of the list mentioned in sub-section (3) of the section;(ab)the nature and amount of indemnity to be given by a person applying for the payment of interest in the Board securities alleged to have been wholly or partly lost, stolen or destroyed, or for the issue of duplicate Board securities;(ac)the conditions subject to which Board securities may be converted, consolidated or sub divided;(ad)the amounts for which stock certificate may be issued;(ae)generally all matters connected with a grant of duplicate, renewed, converted, consolidated and sub divided securities;(af)the fees to be paid in respect of the issue of duplicate securities and of the renewal, conversion, consolidation and sub-division of Board securities;(ag)the fees to be levied in respect of the issue of stock certificate;(ah)any other matter which is to be or may be prescribed by regulations.(2)Any regulations made under this section may provide that a breach thereof shall be punishable with fine which may extend to two hundred rupees and where the breach is a continuing one, with further fine which may extend to fifty rupees for every day after the first day, during which such breach continues.

111. Provisions with respect to regulations.

(1)No regulation made by the Board under this Act shall have effect until the same has been approved by the Government and published by the Board in the Tamil Nadu Government Gazette.(2)The Government may, by notification, rescind any regulation made under section 110

and, thereupon, the regulation shall cease to have effect.

112. Power of Government to direct regulation to be made.

(1) Whenever the Government consider necessary, in the public interest so to do, it may, by order in writing together with a statement of reasons therefor, direct the Board to make regulation for all or any of the matters specified in section 110 or to amend any regulation, within such period as the Government may specify in this behalf: Provided that the Government may extend the period specified by them to make such regulation by such period or periods as they may consider necessary. (2) If the Board fails or neglects to comply with such directions within the period allowed under sub-section (1), the Government may, notwithstanding anything contained in section 110, make the regulation or amend the regulations, as the case may be, either in the form specified in the direction or with such modification thereof as the Government may think fit: Provided that before making or amending the regulation, the Government shall consider any objection or suggestion, if any, made by the board within the said period. (3) Where, in pursuance of sub-section (2), any regulation has been made or amended, the regulation so made or amended shall be published by the Government in the Tamil Nadu Government Gazette and shall, thereupon, have effect accordingly.

113. Power of Government to make first regulations.

- Notwithstanding anything contained in this Act, the first regulations under this Act shall be made by the Government and shall have effect on being published in the Tamil Nadu Government Gazette.

114. Posting of certain regulations, etc.

- The text of the regulations made under [clauses (j) to (s)] [Substituted by the Tamil Nadu Maritime Board (Amendment) Act, 1997 (Tamil Nadu Act 15 of 1997).] of section 110 and the scale of rates together with a statement of conditions framed by the Board under Chapter VI shall be prominently posted by the Board in English and Tamil on special boards to be maintained for the purpose at the wharves, docks, piers and other convenient places on the premises of the Board.

115. Saving of right of Central Government and municipalities to use wharves, etc. for collection of duties and power of Customs authorities.

- Nothing in this Act shall affect, -(1) the right of the Central Government to collect customs duties or of any municipality to collect any duties at any dock, berth, wharf, quay, stage, jetty or pier in the possession of the Board, or (2) any power of authority vested in the Customs authorities under any law for the time being in force.

116. Application of provisions of Act to air craft.

- The provisions of this Act shall also apply to all air crafts making use of any port while on water in the same manner as they apply in relation to vessels.

117. Power to remove difficulties.

(1) If any difficulty raised in giving effect to the provisions of this Act, the Government may, by general or special order, not inconsistent with the provisions of this Act, do anything which appears to them to be necessary or expedient for the purpose of removing the difficulty: Provided that no such order shall be made in respect of a port after the expiry of a period of two years from the appointed day. (2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the Legislative Assembly.

118. Repeal and savings.

- On the application of this Act to any port, the Tamil Nadu Out Ports Landing and Shipping Fees Act, 1885 (Tamil Nadu Act III of 1885) shall stand repealed in relation to the port: Provided that such repeal shall not affect - (a) the previous operation of the Act so repealed, or anything duly done or suffered thereunder; (b) any right, privilege, obligation or liability acquired, accrued and incurred under the Act so repealed; (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed under the Act so repealed; or; (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if this Act had not been passed: Provided further that subject to the preceding proviso, anything done or any action taken under the repealed Act, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act. Notifications Issued by Cost Recoverable Institutions of State and Central Governments Tamil Nadu Maritime Board Direction Regarding Scale of Rates Levied by The Tamil Nadu Maritime Board No. VI-(3a)/233(a)/2008. - In exercise of the powers conferred by sections 37 and 38 of the Tamil Nadu Maritime Board Act, 1995 (Tamil Nadu Act 4 of 1996) and in supersession of the Notification No. VI-3(a)/110/2001, published at Pages 172-188 in Part VI - Section 3(a) of the Tamil Nadu Government Gazette (No. 46), dated the 5th December 2001, with the sanction of the Government of Tamil Nadu in G.O. Ms. No. 226, Highways and Minor Ports (HN2) Department, dated the 24th September 2008, the Tamil Nadu Maritime Board hereby directs that the Scale of Rates, charges and other levies specified from section I to section XIV appended to this notification shall be levied by the Tamil Nadu Maritime Board or any person authorized under section 32 of the said Act in all Minor Ports under the control of Tamil Nadu Maritime Board. The above Scale of Rates shall have effect from the date of publication of this notification. These rates shall be enhanced by 20 percent at the end of every 3rd (third) financial year (i.e.) from the beginning of the 4th (fourth) financial year commencing from the financial year in which this notification is published. These rates shall be reviewed for revision at the end of the 30th (thirtieth) financial year. Published in Part IV - Section 3(a) of the Tamil Nadu Government Gazette, dated the 24th September 2008. Appendix Scale of Rates for the Collection of Various fees under the Tamil Nadu Maritime Board Act, 1995 (Tamil Nadu Act 4 of 1996) Section - I Scale of Landing and Shipping Charges

S.No. Classification of Cargo		Unit	Rare Chargeable in Rupees
1	2	3	4
1	A. Petroleum Products/ Petro Chemicals CrudeOil	Ton	50
2	Liquid Petroleum products(i) Lubricating Oil (fuel oil)	Ton	50
	(ii) Naphtha	Ton	50
	(iii) Petrol	Ton	50
	(iv) HSD	Ton	50
	(v) Caustic Lye	Ton	50
	(vi) LSHS	Ton	50
	(vii) Kerosene	Ton	50
	(viii) Furnace Oil	Ton	50
	(ix) Other Liquid Petroleum products	Ton	50
3	Liquid Petroleum derivatives(i) Butadiene	Ton	50
	(ii) Butene	Ton	50
	(iii)VCM	Ton	50
	(iv) PVC	Ton	50
	(v) EDC	Ton	110
	(vi) Paraxylene	Ton	50
	(vii) Propylene and Polypropylene	Ton	50
	(viii) Ethylene/Trichloro Ethylene	Ton	50
	(ix) Other Liquid Petroleum derivatives	Ton	50
4	Liquefied Gas(i) LPG	Ton	110
	(ii) LNG	Ton	110
5	Solid Petroleum Products and derivatives(i) Asphalt, Bitumen and Coal tar	Ton	40
	(ii) Pet Coke	Ton	30
	(iii) Other Solid petroleum products and derivatives	Ton	40
1	B. Organic ChemicalsSolid Chemicals(i) Chemical Salt including processed edible salt, vacuum salt,iodised salt and Gypsum	Ton	25
	(ii) Soda Ash and Caustic Soda	Ton	25
	(iii) Unprocessed salt and unprocessed Gypsum	Ton	10
	(iv) All other solid chemicals which are not petroleumproducts/derivatives	Ton	35
2	Liquid Chemicals(i) Liquid Ammonia	Ton	50
	(ii) Phosphoric acid	Ton	50
	(iii) All other liquid chemicals which are not petroleum productsor petroleum derivatives	Ton	50

C. Food Grains And Food Products		
1	Food Grains and food pulses	Ton 25
2	Fruits - fresh and dry of all sorts including dates	Ton 150
3	Seeds of all sorts including castor, cotton, groundnut (decorticated or otherwise)	Ton 25
4	Fish	Ton 50
5	Onion	Ton 25
6	Edible Oil (Bulk)	Ton 30
7	Edible Oil (Packed)	Ton 25
8	Sugar	Ton 25
9	Molasses	Ton 20
10	All other food grains and food products	Ton 30
D. Iron and Steel and Other Metals		
	Sponge iron, Pig iron and hard briquetted iron	Ton 50
1	Hot rolled and cold rolled coils	Ton 50
2	Iron slabs, pipes, plates, sheets, wires, cables, etc.,	Ton 50
3	Empty drums and barrels	Each 10
4	Scrap (i) Mill scrap	Ton 20
	(ii) Scrap vessel	LDT 50
	(iii) Other scrap	Ton 50
5	All other iron and steel products and other metals	Ton 50
E. MINERALS		
1	Iron ore including fines	Ton 25
2	Copper ore including fines	Ton 25
3	Bauxite including calcined Bauxite	Ton 20
4	Bentonite and clay in lumps/powder	Ton 15
5	Coal and coke	Ton 25
6	Lignite	Ton 20
7	Limestone	Ton 20
8	Rock Phosphate	Ton 25
9	Sulphur	Ton 25
10	Sand (Other than ballast)	Ton 15
11	Fluorspar	Ton 30
12	Valuable stones like marble, granite, etc., including mosaic and glazed tiles	Ton 40
13	Other stones used for construction including stone chips	Ton 15
14	All other minerals	Ton 35
F. Machinery And Parts		

1	Machineries/Equipments	Ton 60
2	Spares and Tools	Ton 50
	G. Containers	
	(i) 20 feet loaded	Each 720
	(ii) 20 feet empty	Each 180
	iii) 40 feet loaded 1080	
	(iv) 40 feet empty	Each 270
	H. Other Dry Cargo	
1	Fertilizers of all types	Ton 30
2	Cement and Clinker	Ton 30
3	Animal feed	
	(i) Oil cakes and de-oiled extractions	Ton 20
	(ii) All other animal feed	Ton 20
	I. Automobiles And Spares	
1	Two/Three Wheelers	Each 100
2	Light Motor Vehicles	Each 500
3	Heavy Motor Vehicles	Each 1000
4	Automobile spares	Ton 500
	J. Electricals and Electronics	
1	Television sets	Each 50
2	Computers/Lap tops	Each 50
3	Electrical goods	Ton 100
4	Electronic spares	Ton 100
5	Others	Ton 100
	K. Miscellaneous	
1	Animal	
	(i) Goat and sheep	Each 20
	(ii) Cows, Bullocks and buffaloes	Each 35
	(iii) All other animals	Each 40
2	Coir and jute-yarn, ropes and other products	Ton 20
3	Raw cotton	Ton 20
4	Textiles	Ton 150
5	Wood and Timber	Ton 40
6	Wool including goat hair and its products	Bale 30
7	All other (Un-enumerated) goods	Ton 40

Section-II Rates For Containers At Greenfield Ports

Classification of Containers Unit Rate chargeable in Rupees

Concessional Rates		Full Rates	
Option-1		Option-2	
(i) 20 feet loaded	Each 345	120	720
(ii) 20 feet empty	Each 86	30	180
(iii) 40 feet loaded	Each 518	180	1080
(iv) 40 feet empty	Each 130	45	270

(1)The rates under option 1 or 2 for handling containers are applicable only to the Greenfield ports that are being developed in a special nature with larger investments.(2)The rate is applicable also to the Greenfield Captive ports that are permitted to handle commercial cargo.(3)The rates are applicable for the container cargo considering the special nature and higher investment in the development, operation and maintenance of container terminals.(4)All the above rates are subject to escalation by 20 percent at the end of every 3(three) years.(5)The rates under option-1 are applicable for the entire period of 30 years.(6)The rates under option 2 is applicable only for a period of 15 (fifteen) years after which the developer has to pay the full Scale of rates to Tamil Nadu Maritime Board.(7)The rates applicable for a period of 15 (fifteen) or 30 (thirty) years as opted by the Port developer, keeping in line the trend and general norms of the industrial payback period and to allow the Developer/Captive user to compete with the industrial competitiveness in the initial period of the project.

Section- III Launching Fee For New Build Flotilla Crafts
The Launching fees for new build flotilla crafts shall be levied at the following rates :-

Sl. No.	Description	Units	Rate
1	Tug/Launch (i) Up to 500 Break Horse Power	Per vessel	Rs.1,00,000
	(ii) Above 500 Break Horse Power	Per 100 Break Horse Power or part thereof	Rs.20,000 subject to a minimum of Rs. 1,00,000
2	Dumb Barges	Per Gross Registered Tonnage	Rs. 100 subject to a minimum of Rs.1,00,000
3	Self propelled barges	Per Gross Registered Tonnage	Rs. 100 subject to a minimum of Rs.5,00,000
4	Fishing vessels/Trawlers(i) Up to 100 Gross Registered Tonnage	Per vessel	Rs.25,000
	(ii) Above 100 Gross Registered Tonnage	Per vessel	Rs. 50,000
5	Sailing vessels	Per Gross Registered Tonnage	Rs. 100 subject to a minimum of Rs.50,000
6	Other vessels	Per Gross Registered Tonnage	Rs. 100 subject to a minimum of Rs.10,00,000

Section-IV Passenger Embarking And Disembarking Fee(1)Rs. 20 per adult.(2)Rs. 10 per child below 12 years of age and no fee shall be levied for infants below three years of age.

Section-V Shed Rent
I. Godown or shed rent:

Details

	Per month or part thereof (Rate per 10 squaremetre in Rupees)	Per half year or part thereof (Rate per 10square metre in Rupees)	Minimum charges (in Rupees)
1	2	3	4
Reinforced Cement Concrete Roof Shed	200	1000	500
Asbestos Sheet Shed	150	800	400
Platform	80	400	200

II. For Passenger Luggage:(1)24 hours from the time of landing is free.(2)For the first 10 days including free period Rs.5 per package per day.(3)For the next 5 days after 10 days including free period Rs. 8 per package per day.(4)For the next 5 days after 15 days including free period Rs. 10 per package per day.(5)For beyond 20 days including free period Rs. 15 per package per day.III. For Vehicles:(1)Two wheelers Rs. 10 per day(2)Light Motor Vehicles Rs. 20 per day(3)Heavy Motor Vehicles Rs. 50 per day.Explanation. - (1) Day shall be reckoned as 24 hours of storage.(2)The landing time shall be reckoned from the time the last passenger enters into the customs examination shed.(3)The passenger luggage and other packages shall be stored in the port godowns which are in the custody of Customs Department and the Tamil Nadu Maritime Board shall not accept any responsibility for the safe custody of the luggage and other packages.(4)The vehicles shall be stored only in the open ground.Section-VIGround Rent on Land for Marine PurposesScale of rates of rents on lands within port limits in the Tamil Nadu State for marine purposes for a period of less than one year:

Sl. No.	District	Port	For space occupied for cargo stacking before shipment or after landing or vessels under construction or repairs, fish curing, drying of fishing nets and storage of fish(Rate per 10 square metres or part thereof per week or partthereof)	For any other marine Purposes (Rate per 10square metres or part thereof per week or part thereof)
1	2	3	4	5
1	Thiruvallur	Kattupalli	Rs. 5 (Rupees Five only)	Rs. 10 (Rupees ten only)
2	Thiruvallur	Ennore Minor Port		
3	Cuddalore	Cuddalore		
4	Cuddalore	Thiruchopuram		
5	Cuddalore	Silambiman-galam Shipyard Port	Rs. 5 (Rupees Five only)	Rs. 10 (Rupees ten only)
6	Nagapattinam	Thirukkadaaiyur		
7	Nagapattinam	Nagapattinam		
8	Nagapattinam	Thirukkuvalai		
9	Ramanathapuram	Pamban		

10	Ramanathapuram Rameswaram		
11	Ramanathapuram Valinokkam	Rs. 5 (Rupees Five only)	Rs. 10 (Rupees ten only)
12	Thoothukudi	Punnakayal	
13	Thoothukudi	Manappad	
14	Thirunelveli	Koodankulam	
15	Kanyakumari	Kanyakumari	
16	Kanyakumari	Colachel	

Rent for the space occupied by Cargo stacked before shipment or after landing in the port land shall be collected as follows :-(1)First three days free of charge.(2)The ground rent will be levied according to the above scale of rates in column (4) of the Table upto one week including free days.(3)The ground rent will be Rs. 10, if the cargo is kept from beyond one week to commencement of third week.(4)The ground rent will be Rs. 15, if the cargo is kept from beyond second week to the commencement of fourth week.(5)The Port authority may levy rent as it deems fit and appropriate, but not less than Rs. 20 from fourth week onwards till the cargo is completely cleared from the Port.II. Scale of rates for using the land licenced within and outside the port limits for various purposes.

(a) Rate of rent to be charged on land of 10square meters or part thereof per annum	Rs. 250 (Rupees two hundred and fifty only)
(b) Rate of rent to be charged on land per acreor part thereof per annum for salt pan purposes	Rs. 800 (Rupees eight hundred only)

III. Scale of rates for using the water-front licenced within and outside the port limits for various purposes.

(i) Rate of rent to be charged on water-frontlength of 100 meters or part thereof per annum or part thereof	Rs. 24,000 (Rupees Twenty four thousand only)
(ii) Rate for sea weed cultivation like RedMarine Sea Weed, Carrageenan, Hypnea, Eucheuma, etc. per Raft per annum.	Rs. 15 (Rupees fifteen only)

Section-VIIVehicle Entry FeeFee for the entry of vehicles into the premises of the ports under the control of Tamil Nadu Maritime Board.I. The vehicles plying within the port area for the transport of passengers and or cargo shall be licensed by the port officer, after collecting the annual licence fee at the rates specified below :-

(i) Lorry or Tractor	Rs. 1,000
(ii) Taxi	Rs. 750
(iii) Hackney Carriage	Rs. 500
(iv) Bullock Cart	Rs. 250
(v) Hand Cart	Rs. 150

II. Vehicles which are not licensed as above also may be permitted to enter the wharf area on payment of the at the following rates, namely :-

(i) Lorry or Tractor	Rs. 15 per trip
(ii) Taxi	

	Rs. 10 per trip
(iii) Hackney Carriage	Rs. 10 per trip
(iv) Bullock Cart	Rs. 5 per trip
(v) Hand Cart	Rs. 5 per trip

III. No fee shall be collected for vehicles (Lorry or Tractor) entering into the port solely for the purpose of weighment in the port weighbridge. Section-VIII Weighbridge Fees Nagapattinam Port

Rate for each weighment

- | | |
|--|--------|
| (1) Weighment of vehicles laden with cargo,: | Rs. 25 |
| (2) Weighment of empty vehicles,: | Rs. 15 |
| (3) Weighment of cargo alone,: | Rs. 10 |

Section-IX Charges For The Goods Wagon Entering Port Limits A fee of Rs. 100 (Rupees one hundred only) per wagon shall be collected from the parties using the Railway sidings in the port area for loading and unloading. Section-X Rates For Supply of Fresh Water to Ships or Vessels When fresh water is supplied by private boats, the rate chargeable is Rs. 10 (Rupees ten only) per metric tonne. Section-XI Rates for Using the Slipway at Nagapattinam Hire charges per day: Rs. 400 (Rupees four hundred only) Section-XII Licence Fee For Construction Of Jetties, Piers, Quays, Wharves Or Any Other Marine Structure.

Cargo jetties, moorings, piers, pipelines, etc. Rs. 10,000 per annum (Rupees ten thousand only)

Section-XIII Fee for Issue of Private Pilot Licence For issuing of private pilot licence for piloting the vessels in the minor port under the control of Tamil Nadu Maritime Board. Rs. 5,000 each (Rupees five thousand only) Section-XIV Merchant Overtime Fees Rates of overtime fees for collection from merchants

Category of Officers	Fee per hour or part thereof on Working Days	Fee per hour or part thereof on Holidays		
06.00 to 20.00 Hours (in Rupees)	20.00 to 06.00 Hours (in Rupees)	06.00 to 20.00 Hours (in Rupees)	20.00 to 06.00 Hours (in Rupees)	
1	2	3	4	5
Administrative Officer, Superintendent, Port Conservator, Junior Engineer (Electrical/ Mechanical)	60	80	100	120
Assistant, Junior Assistant, Assistant Port Conservator, Typist, VHP Operator	40	50	70	90
Office Assistants, Watchman, Assistant Lightkeeper, Wireman	30	40	50	60

High Ways Department Conducting of Departmental Examination Lower Grade and Higher Grade Revision of Syllabus For Tamil Nadu Maritime Board(G.O. Ms. No. 60, Highways (NH2), dated the 31st March 2004)No. II(2)/HW/365/2004. - The revised syllabus shall be applicable to the examination to be conducted after the lapse of a period of six months from the date of publication of the revised syllabus in Tamil Nadu Government Gazette. Annexure Proposed Revised Syllabus For Tamil Nadu Maritime Board Test The Syllabus for the Tamil Nadu Maritime Board Test, Lower Grade (3 hours) (with Books) shall be as follows:-

1. The Tamil Nadu Port Manual (the whole)

2. The Indian Port Act, 1908 (the whole) and rules issued thereunder.

3. The Tamil Nadu Minor Ports Harbour Craft Rules, 1953 (the whole)

4. The Tamil Nadu Maritime Board Act, 1995.

5. Preparation of Pay, Travelling Allowance, Contingent and Miscellaneous Bills (Relevant Chapters in the Respective code and manual detailed below)

(a) Fundamental Rules: Chapters II, III, IV, X, XI and annexure III. (b) Tamil Nadu T.A. Rules: Part II Rules 2 to 32 and 39 to 95. (c) Tamil Nadu Financial Code Vol. 1 - Chapter II, Chapter III (Articles 13 to 22 - 32 to 36)

**Chapter IV
(Articles 52 to 55)**

**Chapter V
(Articles 72 to 90)**

**Chapter VI
, VII, Chapter X (Articles 226 to 229)**

Chapter XII

(d) Tamil Nadu Treasury Code Volume-I

Part II – Chapter V, VI, VII

(e) Tamil Nadu Budget Manual Chapter II, III, VII, IX. II. The Syllabus for the Tamil Nadu Maritime

Board Test Higher Grade 3 hours(with Book) shall be as follows:

- 1. Tamil Nadu Port Manual (the whole)**
- 2. The Merchant Shipping Act, 1958 and rules issued thereunder (excluding Part II, IV, IX-A and X-A)**
- 3. The Indian Ports Act, 1908 (the whole) and the rule issued thereunder.**
- 4. Tamil Nadu Maritime Board Act, 1995.**
- 5. Tamil Nadu Minor Port Harbour Craft Rules, 1953 (the whole)**
- 6. The Indian Light House Act (the whole)**
- 7. The Indian Port Health Rules (the whole)**
- 8. Code of Strom warning signals for use at Indian Maritime Ports.**
- 9. All circulars, Government orders and rules issued in connection with Mercantile Marine Department (including Notices to Mariners of a permanent nature)**

	Maximum	Minimum	Duration
Marks: Higher Grade	100	40	3 hours
Lower Grade	100	40	3 hours
Application of Provisions to Py3 Port In Cuddalore District Under Tamil Nadu Maritime Board Act(G.O. Ms. No. 298, Transport, dated the 23rd December 1997)No. H(2)/TRA 2588 (d-2)/97. - In exercise of the powers conferred by subsection (4) of section 1 of the Tamil Nadu Maritime Board Act, 1995 (Tamil Nadu Act 4 of 1996), the Governor of Tamil Nadu hereby applies the provisions of the said Act to PY3 Port in Cuddalore district with effect on and from the Twenty-third of December 1997.Application of The Provisions of The Tamil Nadu Maritime Board Act To Kudankulam Port In Tirunelveli District[G.O. Ms. No. 242, Highways (NH2), dated the 25th August 2004]No. H(2)/HW/771(c-3)/2004. - In exercise of the powers conferred by subsection (4) of section 1 of the Tamil Nadu Maritime Board Act, 1995 (Tamil Nadu Act 4 of 1996), the Governor of Tamil Nadu hereby applies the provisions of the said Act to the Kudankulam Port in the Tirunelveli District with effect on and from 9th January 2001.Direction Regarding Fees To Be Collected For Scrap Vessels At Valinokkam Port Under The Tamil Nadu Maritime Board Act(No. TN No. TNMB/12048/2000-1)No. VI-3(a)/169/2000. - In exercise of the powers conferred by section 40 of the Tamil Nadu Maritime Board Act, 1995 (Tamil Nadu Act 4 of 1996) and as required by section 41 of the said Act and as sanctioned by the Government of Tamil Nadu in G.O. Ms. No. 150, Highways			

Department, dated the 5th September 2000, the Tamil Nadu Maritime Board hereby directs that the fees as specified hereunder shall be collected from Messrs. Nand Ship-breaking Industries Private Limited for scrap vessels at Valinokkam port subject to the terms and conditions mentioned below and shall have effect from the date of the notification:- (A) Landing fees at Rs. 10.00. per LDT for scrap vessels. (B) Licence fee for allotment of water-front length at Rs. 20,000 per unit of 100 Mts., or part thereof per annum. (C) Port dues as per the approved schedule of rates. Terms and Conditions

- 1. The period of agreement shall be 15 years subject to review at the end of every 5th year.**
- 2. The company should establish at the end of the first 5th year that an investment of Rs. 50,000 crores has been made in this project.**
- 3. The difference amount between the approved schedule of rate, LDT charge and the concessional rate shall be taken as rebate and this rebate shall be allowed until the recovery of investment of Rs. 50,000 crores to be made by the company or up to 15 years, whichever is earlier.**
- 4. The ship-breaking tonnage for the initial period of 5 years including the gestation period of 2 years shall be 3.00 lakh tonnes. For the next 5 years, the tonnage shall be 7.00 lakh tonnes and for the remaining period of 5 years, the tonnage shall be 10.00 lakh tonnes.**

[Substituted by the Tamil Nadu Maritime Board (Amendment) Act, 1997 (Tamil Nadu Act 15 of 1997).]