

The Mormugao Harbour Craft Rules, 1976

UNION OF INDIA

India

The Mormugao Harbour Craft Rules, 1976

Rule THE-MORMUGAO-HARBOUR-CRAFT-RULES-1976 of 1976

- Published on 6 January 1977
- Commenced on 6 January 1977
- [This is the version of this document from 6 January 1977.]
- [Note: The original publication document is not available and this content could not be verified.]

The Mormugao Harbour Craft Rules, 1976Published vide Notification Gazette of India, Part 2, Section 3(i), page 335.

2024.

G.S.R. 147, dated 6th January, 1977. - Whereas draft of the Mormugao Harbour Craft Rules, 1976, was published as required by sub-section (2) of Sec. 6 of the Indian Ports Act, 1908 (15 of 1908), at pages 731 to 735 of the Gazette of India, Part II, Sec. 3, sub-section (i), dated the 13th March, 1976, under the Notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. G.S.R. 390, dated the 25th February, 1976, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of sixty days from the date of publication of that notification in the Official Gazette.And whereas the said Gazette was made available to the public on the 17th March, 1976;And whereas no objections or suggestions have been received from the public.Now, therefore, in exercise of the powers conferred by clause (k) of sub-section (1) of Sec. 6 of the said Act, the Central Government hereby makes the following rules, namely :

1. Short title, application and commencement.

(1)These rules maybe called the Mormugao Harbour Craft Rules, 1976.(2)These rules shall apply to any harbour craft or other vessel while it is plying within the limits of the port of Mormugao but save as otherwise provided in these rules, they shall not apply to any mechanically propelled vessel registered under the Inland Steam-vessels Act, 1917 (1 of 1917) or the Coasting Vessels Act, 1838 (19 of 1838).(3)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

-In these rules, unless the context otherwise requires,(a)"Conservator", means the officer or the body of persons appointed as Conservator under the Indian Ports Act, 1908 (15 of 1908);(b)"Deputy Conservator", means the Deputy Conservator of the Mormugao Port Trust;(c)"Form", means a form appended to these rules;(d)"harbour craft", means any craft, power driven or otherwise plying exclusively within the limits of the Port or partly within and partly without such limits, whether for hire or not, and whether regularly or only occasionally;(e)"licensed harbour craft", means any harbour craft licensed under these rules;(f)"owner", in relation to a harbour craft, includes any part owner, agent mortgagee in possession thereof;(g)"Port", means the Port of Mormugao as defined in the notification of the Government of India in the late Ministry of Transport (Transport Wing), G.S.R. 1831, dated 16th November, 1963.(h)"Tindal", includes master or any other person incharge of a harbour craft.

3. Harbour craft to be licensed.

(1)No harbour craft shall ply whether regularly or occasionally, exclusively within the limits of the port or partly within and partly without such limits, unless it holds a licence as specified in Form 1.(2)Such licence in the case of self-propelled harbour craft shall not be issued unless they are registered under either the Inland Steam-vessels Act, 1917 (1 of 1917) or Coasting-vessels Act, 1838 (19 of 1838) as the case may be, and are insured against all risks including salvage thereof, if necessary :Provided that nothing in these rules shall apply to,(a)boats forming part of the equipment of a ship or steamer; or(b)any harbour craft maintained solely for purposes of pleasure; or(c)harbour craft belonging to the major ports or the Central Government or a State Government :Provided further that the Deputy Conservator may, if he so deems necessary direct, by an order in writing, that Cl. (a) of the foregoing proviso shall not apply to any boat or harbour craft or shall apply to such boat or harbour craft either unconditionally or subject to such conditions and restrictions as he may specify in the said order.

4. Licensing of harbour craft.

(1)Every application for the licensing of a harbour craft under rule 3 shall be made in writing to the Deputy Conservator and shall contain the following particulars namely:(a)the owner's name and address in full and if the owner is a minor, the name and address of his guardian also;(b)the name and address of the agent, if any, duly authorised by the owner to act on his behalf;(c)the name of the tindal whom the owner proposes to place incharge of the harbour craft;(d)the nature of the licence required, that is, whether it is required for a passenger boat, or cargo boat, or a passenger and cargo boat or for carriage of hazardous cargo or for any other purpose; and(e)the details of the harbour craft in respect of its measurement, gross tonnage and other relevant particulars.(2)On receipt of an application for licence under sub-rule (1), the Deputy Conservator shall survey and measure the harbour craft, or cause it to be so surveyed and measured in the presence of the owner, or any other person duly authorised by the owner in this behalf and on being satisfied that the harbour craft is seaworthy and fit for service at the port or upon the production of a certificate in writing from the officer who surveyed the harbour craft certifying.(a)that such craft is seaworthy, properly equipped

and suited for the purpose for which the licence is required;(b)the number of passengers that such craft is capable of carrying under all conditions;(c)the number of crew required for the safe navigation of such craft; and(d)that the equipment of such craft is in good order and conditions.The Deputy Conservator shall grant to the owner of the harbour craft a licence in the form specified in Form 1 on payment of fees specified in rule 30.(3)Every licence granted under these rules shall be valid for twelve months from the date of its issue or for such shorter period as may be specified therein.(4)Subject to the provisions of sub-rule (1) of rule 11, a licence granted under these rules may be renewed from time to time on payment of annual fees for the grant of such licence.(5)Where the Deputy Conservator is satisfied that it is practicable for the owner of any harbour craft to renew the licence of such craft in accordance with the provisions of sub-rule (1) of rule 11 for any reasons, he may extend.the validity of such licence by a period not exceeding two months.(6)For purposes of the survey and measurements under sub-rule (2), the owner shall cause the harbour craft to be brought to such place as the Deputy Conservator may appoint.

5. Minor owners.

-If the owner of a harbour craft is a minor, the licence may be obtained by the guardian or the agent of the minor. In any case the guardian or the agent, as the case may be, shall be deemed to be the owner for the purposes of rule 4.

6. Licence, rules, etc.

, to be produced on demand.-The owner of a harbour craft shall furnishor cause to be furnished a copy of these rules together with copies of any written directions issued by the Deputy Conservator to the tindal, who shall, on demand, produce them to any person being the hirer or consignor or passenger of such harbour craft. The owner shall be responsible for ensuring that the tindal understands the said rules and directions and in token thereof he shall obtain a declaration from the tindal to that effect. Such declaration shall, on demand, be produced by him before the Deputy Conservator.

7. Distinctive numbering of licensed harbour craft.

(1)The owner of a licensed harbour craft shall paint or cause to be painted on a conspicuous part of the bow of the harbour craft on one side, licence number of such craft, upon a dark background in white Arabic numerals of not less than ten centimetres in length and on the quarter of the other side, the number of the harbour craft, as indicated in the licence.(2)No person shall paint or counterfeit or cause to be painted or counterfeited upon any harbour craft not duly licensed under rule 4, any such numbers aforesaid or any other mark likely to induce the belief that such harbour craft has been so licensed.

8. Change of ownership or control of licensed harbour craft.

-When the holder of a licence in Form 1 transfers the ownership of the harbour craft to another

person, or mortgages or otherwise places such craft under the control of any other person, the licence shall cease to be valid on the expiry of six days from the date of such transfer, unless an endorsement on the licence is made by the Deputy Conservator to the effect that notwithstanding the transfer of ownership, mortgage or transfer of the craft to such other person the licence shall continue to remain valid.

9. Changes in crew or carrying capacity of licensed harbour craft to be reported.

(1) Whenever the tindal of any licensed harbour craft is changed, or any alteration in such craft is made so as to affect any of the particulars specified in the licence granted in respect of such craft, such change or alteration shall forthwith be reported by the owner thereof to the Deputy Conservator : Provided that, if such change or alteration takes place at a time when the harbour craft is away from the port, it may be reported immediately on return of the harbour craft to the port. (2) Where any report made under sub-rule (1) relates merely to a change of tindal or to any minor alteration not affecting the carrying capacity of the harbour craft, the Deputy Conservator shall, on interviewing the new tindal or, on inspecting the alterations made in the craft, as the case may be, amend the particulars in the licence of the craft as may be deemed necessary and make necessary entries thereof in the register maintained under rule 10. (3) Where any report made under sub-rule (1) relates to any alteration affecting the carrying capacity of the harbour craft, the licence issued in respect of such craft shall be surrendered to the Deputy Conservator and a fresh licence may be issued after the provisions of sub-rule (2) of rule 4 have been complied with.

10. Registration of tindals.

(1) At the time of licensing of any harbour craft under rule 4, the name of its tindal as entered in the licence and other particulars relating to him shall be entered in a register which shall be maintained by the Deputy Conservator in the form specified in Form 2. (2) No person shall be employed or registered as tindal of a licensed harbour craft unless he has been found by the Deputy Conservator efficient and accustomed to the use of the harbour craft to be placed under his charge. (3) The owner of every licensed harbour craft shall, for the purposes of verification of entries in the licence, produce the tindal of the harbour craft before the Deputy Conservator every year in the month of March on a date fixed by prior appointment with the Deputy Conservator : Provided that if such harbour craft is away from the port on the date so fixed, the owner shall produce the tindal before the Deputy Conservator within 24 hours of its return to the Port.

11. Annual and special inspection of licensed harbour craft.

(1) The owner of every harbour craft which has been granted a licence under these rules shall submit, or cause to be submitted, such craft before the Deputy Conservator for annual inspection. (2) Notwithstanding anything contained in sub-rule (1), the Deputy Conservator may, by an order in writing, require any harbour craft to be submitted for special inspection at any time for reasons to be recorded in such order.

12. Repairs of licensed harbour craft ordered for inspection.

-The owner of every licensed harbour craft shall execute such repairs thereto as the Deputy Conservator may direct in order to render such harbour craft efficient, and no owner or person shall ply any such harbour craft or cause or permit it to be plied until such repairs have been duly executed and the Deputy Conservator has granted permission for its use. For the purposes of such repairs, the owner shall cause the harbour craft to be hauled up only to such places on the foreshore as the Deputy Conservator may from time to time direct.

13. Control of working of licensed harbour craft.

(1) If any licence granted to the owner of any harbour craft under rule 4, the Deputy Conservator shall specify: (i) the equipment to be provided on board; (ii) full complement of crew for the fair weather season; (iii) full complement of crew for the foul weather season; (iv) the number of passengers such harbour craft is certified to carry in fair weather season; and (v) the number of passengers such harbour craft is certified to carry in foul weather season. (2) At no time the harbour craft shall have on board equipment or crew less than that specified in the licence or more number of passengers or quantity of cargo than its certified carrying capacity for the season so indicated in the licence. Any breach of this requirement shall render the owner, agent, tindaal or any other person responsible for the operation of such harbour craft, guilty of an offence punishable under the Indian Ports Act, 1908 (15 to 1908).

14. Provision of life saving appliances.

(1) No licensed harbour craft shall ply unless it carries such number of approved life buoys, or approved buoyant apparatus, as may be specified by the Deputy Conservator. (2) Where, on any voyage, a licensed harbour craft does not carry passengers to the extent it is certified to carry, the Deputy Conservator may permit it to carry a reduced number of life buoys or buoyant apparatus for that voyage. (3) Where, for any reason, the owner of any harbour craft does not or is unable to provide the number of life buoys or buoyant apparatus specified under sub-rule (1), the Deputy Conservator may reduce the certified carrying capacity of such craft and allow such craft to ply subject to such conditions as may be specified in an endorsement to be made in the licence.

15. Comforts and protection of passengers.

(1) Every harbour craft licensed for the carriage of passengers shall be fitted with wooden benches or similar construction providing sufficient seating accommodation for the full complement of passengers it is certified to carry. (2) Every such craft shall be provided with awnings and weather-screens to protect passengers from exposure to weather.

16. Obstruction of port traffic.

(1) No person in charge of nor any member of the crew serving in any licensed harbour craft shall, without reasonable excuse, obstruct or hinder the loading, discharging or service of such harbour craft, or of any other licensed harbour craft, or obstruct or hinder any vessel working in the port or obstruct the free navigation of the port or the approaches to wharves or jetties. (2) All licensed harbour crafts shall use such jetties, wharves or berths as directed by the Deputy Conservator from time to time.

17. Harbour craft to render all possible services if required by the port for general safety.

-If, at any time, the Deputy Conservator requires, in the event of an emergency, the services of any harbour craft for the general safety of the port or shipping in the harbour, the tindal shall immediately proceed with his harbour craft to such place as he may be directed by word of mouth or in writing and take whatever action that may be possible under the circumstances, subject to the safety of his own craft.

18. Compliance with the provisions regarding prevention of collisions at sea.

-All licensed harbour crafts shall comply with the provisions of the Merchant Shipping (Prevention of Collisions at Sea) Regulations, 1965.'

19. Refusal to ply without lawful excuse.

-If the owner tindal or the person incharge of a licensed harbour craft plying regularly for hire refuses, without reasonable excuse, to ply such harbour craft for hire when required to do so, the Deputy Conservator may, subject to the provisions of rule 28, revoke the licence of such harbour craft.

20. Working of the licensed harbour craft in bad weather.

-No licensed harbour craft shall ply west of the Breakwater when a prescribed signal indicating bad weather is displayed at the port.

21. Permissible load of licensed harbour craft.

(1) No person shall load a licensed harbour craft with passengers or livestock or other cargo in contravention of the terms of its licence. (2) No tindal of any licensed harbour craft shall permit any livestock to be loaded in it, unless the harbour craft has been provided with sand ballast or straw sufficient to form a flat floor and unless such craft complies with such other requirements as may be specified by the Deputy Conservator in this behalf. (3) Where any livestock is carried in a licensed harbour craft, no other cargo or passengers except such number of attendants as may be permitted

by the Deputy Conservator shall be carried therein.

22. Power of the tindal to prevent overloading.

-Whenever the number of passengers or the quantity of cargo in a licensed harbour craft exceeds the number of persons or quantity of cargo such craft is permitted to carry under the licence granted to it, the tindal shall, before commencing the intended voyage, require the excess number of passengers or quantity of cargo to be off loaded.

23. Licensed harbour craft not to interfere with mooring or approaching vessels before they anchor.

-No person incharge of navigating any licensed harbour craft shall fasten the craft to any mooring or marker buoy or attempt to do so or take it alongside of a vessel approaching an anchoring or mooring before such vessel had come to anchor or has been moored to a buoy.

24. Landing and shipping of passengers and goods to be within the port.

- All passengers and goods shall be landed or shipped in such places within the limits of the port as may from time to time, be fixed by the Conservator of the port for the purpose and no person shall ship or land passengers or goods outside such places unless otherwise permitted by the Conservator or the Customs Officer of the port.

25. Rates of hire for harbour craft.

-No owner, his agent or person in charge of a harbour craft licensed to carry passengers for hire shall demand from any passenger a rate of hire exceeding the rate of hire sanctioned by the Conservator and for the time being in force and no owner or person in charge of a harbour craft of any member of its crew shall demand or accept any gratuity or present or gift from any passenger.

26. Prohibition of employment of convicted tindals, etc.

-If the tindal or any member of the crew of a licensed harbour craft is convicted for a breach of any of the provisions of these rules, the owner of the harbour craft shall, on being required so to do by the Deputy Conservator, remove such tindal or member of the crew from his employment.

27. Cancellation of licence.

-If the Deputy Conservator is satisfied that the owner of any licensed harbour craft has contravened any of these rules, he may, without prejudice to any other action that may be taken against such owner in respect of the contravention and subject to the provisions of rule 28, cancel the licence of such harbour craft.

28. Opportunity to the owner of being heard before licence of a harbour craft is cancelled.

-Notwithstanding any provisions in these rules, no licence granted under these rules shall be revoked or cancelled unless the owner of the harbour craft is given an opportunity of being heard and whenever any licence is revoked or cancelled, reasons thereof shall be recorded in writing and communicated to the owner.

29. Appeal from Deputy Conservator's decision.

-An appeal against any order of the Deputy Conservator issued under rule 19 or, as the case may be, under rule 27, shall lie with the Conservator of the port. Any such appeal shall be preferred in writing within fourteen days from the date on which the said order of the Deputy Conservator has been communicated in writing to the party or parties concerned.

30. Fees.

-Fees under these rules shall be levied at the rates and for the purposes specified in Form 3.

31. Report of casualty.

(1)The owner of any licensed harbour craft shall report any accident or casualty suffered by such craft within the port limits to the Deputy Conservator.(2)In the event of sinking of any licensed harbour craft, the report made under rule (1) shall include particulars of the place and time of occurrence of the casualty.(3)When any harbour craft is long overdue and is feared as missing the report made under sub-rule (1) shall include particulars of the place and time where it was last seen, the place it was heading for and the intended course of voyage, if known. Form 1[See rules 3 and 41]Licence granted to.....owner of harbour craft measuringmetres long.....metres broad andmetres deep, Registered tons. To carry cargo (other than animals) or passengers or animals to the extent specified below under the restrictions and subject to the penalties laid down in the Mormugao Harbour Craft Rules, 1976.

Date of Registry	Name, Number and description of harbour craft	Rig and equipment	When built and where	When repaired last and in what condition	Cargo without passengers
1	2	3	4	5	6
					In fair weather season
					In foul

weather
season
Infair
weather
season
Infoul
weather
season

Particulars respecting the owner or owners of the harbour craft

Particulars respecting the tindal of the harbour craft

Period for which the licence is to be in force

Remarks

Name or names

Occupation

Place or places of residence

Name

Place of residence

10

11

12

13

14

15

Note.- Period from 14th May to 15th September will be deemed as foul weather

season. Date.....19 Extended to.....19 Extended to.....19 Extended to.....19

.....19 SEAL

Form 2[See rule 10]Register showing the names, ages, places of residence and signature/thumb impression of tindals employed in the Port of Mormugao, for the year 19.....

Date of Registry	Number of harbour craft	Names	Age	Places of residence	Signature/thumb impression	Remarks
			Years	Months	Days	
1	2	3	4	5	6	7 8 9

Form 3[See rule 30]Rates of fees to be levied

Services rendered Cargo Boats Passengers Boats Fishing Boats Other power

	Power driven	Dumbcraft, sailing vessels, etc. which are not mechanically powered	Power driven	Other than power driven	Power driven	Other than power driven like rowing boats, canoes, etc.
1	2	3	4	5	6	7
1. Licensing per annum	40P. per ton of carrying capacity,	20P. per ton of carrying capacity, subject to a	Re.1 per passenger carrying	50P. per passenger capacity,	Rs.20	Rs.2

	subject to a minimum of Rs. 20	minimum of Rs. 10	capacity, subject to a minimum of Rs. 20	subject to a minimum of Rs.10			
2. Annual Inspection	40P. per ton of carrying capacity, subject to a minimum of Rs. 20	20P. per ton of carrying capacity, subject to a minimum of Rs. 10	Re.1 per passenger carrying capacity, subject to a minimum of Rs. 20	50P. per passenger capacity, subject to a minimum of Rs. 10	Rs.20	Rs.2	
3. Survey and Measurement.	Rs.1.20 per ton of carrying capacity, subject to a minimum of Rs. 60	60P. per ton of carrying capacity, subject to a minimum of Rs. 30	Rs.3 per passenger carrying capacity, subject to a minimum of Rs. 60	Rs.1.50 per passenger carrying capacity, subject to a minimum of Rs.30	Rs.60	Rs.6	
4. Inspection of carrying explosive hazardous cargoes, animals, etc.	50%over and above licensing fees.	50%over and above licensing fees.	50%over and above licensing fees.	50%over and above licensing fees.	50%over and above licensing fees.	50%over and above licensing fees.	50%over and above licensing fees.
5. Special Inspection if desired to be carried out by the owner at any time other than annual inspection.	100%over above annual inspection charges.	100%over above annual inspection charges.	100%over above annual inspection charges.	100%over above annual inspection charges.	100%over above annual inspection charges.	100%over above annual inspection charges.	100%over above annual inspection charges.
6. Extension of license		...1/6th of annual licensing fees for a month or part thereof.					
7. Miscellaneous:							
(i) Registration of Tindal	Rs.5						
(ii) Endorsement of charge of Tindal or ownership.	Rs.10 per harbour carft.						
(iii) Duplicate	Rs.2						

licence issued of.