

The Orissa Inland Steam Vessels Rules, 1935

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Rule THE-ORISSA-INLAND-STEAM-VESSELS-RULES-1935 of 1935

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The Orissa Inland Steam Vessels Rules, 1935Published vide Notification Bihar and Orissa Gazette, 1935-Part 2 Notification No. 2057-Com./21.5.1935In exercise of the Powers conferred by Sections 19, 52, and 67 of the Inland Steam Vessels Act, 1917 (1 of 1917), and in supersession of the rules, published with the notification of the Government of Bengal, No. 90 Mne., dated the 25th April, 1890, as subsequently amended, the Government of Bihar and Orissa are pleased to make the following rules:

1. Definitions.

- In these rules-(1)"Act" means the Inland Steam-Vessels Act, 1917 (1 of 1917), and all words and expressions defined in the Act and used in these rules shall have the meaning assigned to them by the Act;(2)"Certifying Officer" means the Secretary to the Government of Orissa in the Commerce Department who shall sign certificates of survey on behalf of the Government but if the function of granting such certificates is delegated to any officer by notification under Sub-section (4) of Section 9 of the Act the expression certifying shall mean that officer;(3)"Declared place of survey" means a place which is declared by notification under Clause (a) of Sub-section (1) of Section 4 of the Act to be an Officer, place of survey;(4)"Form" means a Form set out in the First Schedule to these rules;(5)"Government" means the Government of Orissa;(6)"Non-passenger vessel" means a vessel the certificate of survey of which does not permit the carrying of passengers as defined in Clause (3) of Section 2 of the Act;(7)"Receiving Officer" means an officer appointed by notification under Section 6 of the Act to receive survey fees;(8)"Controlling Officer" means the Revenue Divisional Commissioner, Central Division, Orissa, Cuttack;(9)"Smooth water" and "partially smooth water" mean respectively water declared by the State Government under these rules to be smooth or partially smooth water.

2. Application for survey.

(1) Every application for the survey of an inland steam or motor vessel shall be made in Form 1 to the Chief Surveyor of Inland State Vessels, Orissa; P.O. Chandinichowk, District Cuttack at least fifteen clear days before the day on which it is desired that the survey shall take place, stating the date on which the vessel will be ready for survey, and such application shall be accompanied by a duplicate chalan showing that the fees prescribed in the rules have been paid into the treasury. (2) Upon receipt of such an application the Chief Surveyor shall depute a surveyor to undertake the survey, and the surveyor shall, at least seven days before the date fixed by him, send a notice in Form 2 to the applicant informing him of the date and hour at which the survey shall be commenced and of the action which the applicant is required to take to prepare the vessel for survey. (3) Postponement of survey - If the Surveyor is unavoidably prevented from being present at the time fixed for the survey, he shall accordingly inform the applicant as soon as possible, and shall fix some other time, convenient to the applicant and to the Surveyor, for the survey.

3. Time and place of survey.

- Surveys shall be made by the Surveyor on any day in the year except Sundays and other public holidays, at any place of survey : Provided that a survey may be made at a place other than a place of survey and on Sundays and other public holidays on payment of additional fees prescribed in Sub-rules (1) and (3) of Rule 14 : Provided also that this rule shall not be held to prevent a Surveyor from inspecting any inland steam or motor vessel, her equipments or machinery, at any time and place if he has cause to believe that a casualty or damage has occurred to the vessel, equipments or machinery or that the certificate of survey should for any reason be cancelled or suspended under Section 13 of the Act.

4. Surveyors' duties.

- In surveys upon which an Engineer Surveyor and a Ship-Surveyor are employed, the Engineer-Surveyor will survey the engines, boilers, and all machinery required by the Act to be surveyed; and the Ship-Surveyor will inspect the hull, equipments and passenger accommodation, measure and determine the number of passengers the vessel is fit to carry, and ascertain whether the certificates of the master and engineer or engine-driver are such as are required by the Act ; and whether the lights and for-signals are in accordance with the rules for reducing the risk of collision.

5. Declarations.

- The declaration given by the Surveyor to the owner or master under Section 7 of the Act shall be in Form 3 and shall in every case be accompanied by an abstract of the particulars of the vessel in Form 4, and the Surveyor shall make an accurate copy of both which shall be sent to the Chief Surveyor.

6. Receipt for declaration.

(1) A receipt in Form 5 shall be given to the Surveyor by the owner or master of a vessel on receiving the declaration and abstract of particulars from the Surveyor for transmission to the officer appointed under Sub-section (1) of Section 8 of the Act to receive them : Provided that the Surveyor may, if he deems it fit and the owner or master so requests, undertake to transmit on behalf of the owner or master the declaration and abstract of particulars to the officer appointed under Sub-section (1) to Section 8 of the Act to receive them. In such cases no receipt need be given to the Surveyor who shall give the owner or master a receipt in Form 6. (2) Before granting his declaration, the Surveyor shall take possession of the current or last expired certificate of survey of the vessel for transmission to the officer appointed under Sub-section (1) of Section 8 of the Act to receive declaration of survey. All copies marked "Duplicate", may be retained by the owner or master.

7. Delivery of certificate of survey.

- The notice to be given under Clause (b) of Sub-section (1) of Section 9 of the Act to the owner or master, when a certificate is ready for delivery, shall be in Form 7, and shall be signed by the Certifying Officer.

8. Dry docking.

- If in consequence of any accident to a vessel, or for any other reason, the Surveyor considers, it necessary, he may require the vessel to be taken into dry dock for the purpose of surveying the hull.

9. Assistance to Surveyors.

- It shall be the duty of Surveyors to make such returns as the State Government may require with respect to the build, dimensions, draught, displacements, burden, speed, fuel capacity, and the nature and particulars of the machinery and equipments of vessels surveyed by them; and it shall be the duty of the owner, master (or serang), engineer (or driver) of any vessel which is being surveyed, on demand, to give the Surveyors all such information and assistance as they may require for the purpose of making such returns.

10. Defects and withdrawal from survey.

(1) If a Surveyor finds that any defect or shortcoming exists in the hull, machinery, or equipments of an inland steam or motor vessel, he shall, before refusing to give a declaration regarding the vessel under Section 7 of the Act, address a letter in Form 8 to the owner or master of the steam-vessel, pointing out such defect and the repairs, etc., necessary to make good the same. (2) If the owner or his representative declines to execute the repairs required under Sub-rule (1) or if he fails to do so within a reasonable time, which shall in no case be considered to be less than three months, the Surveyor shall with the prior sanction of Government inform the owner by letter in Form 9 that the vessel is deemed to be withdrawn from survey. (3) If a vessel which has been withdrawn from survey

is subsequently re-offered for survey, the subsequent survey shall be deemed to be a separate survey for which full fees shall be payable in accordance with Rules 12, 13 and 14 :Provided that if sufficient cause is shown by the owner the Chief Surveyor may permit a portion of the fees previously paid to count towards the amount payable for the subsequent survey.

11. Certificate of survey.

(1)Certificates of survey shall be printed in English in Form 10-A for passenger vessels and in Form 10-B for non-passenger vessels, and shall be issued to the owner in duplicate in English.(2)When a certificate of survey is to be cancelled or suspended by Government under Section 13 of the Act, notice shall be given to the owner or master by the Certifying Officer in Form II.(3)While a certificate of survey remains in force -(a)the certificate of survey required under Section 10 of the Act to be affixed in a conspicuous part of the vessel shall be continuously exhibited by the owner or master of the vessel in English in a legible manner, protected from defacement by a glass frame securely fixed in such a position that all the terms of the certificate can be easily read by all persons on board the vessel;(b)the name of the vessel, painted or otherwise marked on the vessel as and where approved by the Surveyor, shall not be removed or defaced, and shall not be changed to another name until the lapse of 14 clear days' notice of such intention by the owner to the Certifying Officer, who will instruct the owner in writing to strike out the original name on all copies of the certificate and write after it the new name followed by the words "New name recorded on this certificate under the authority of the Certifying Officer's letter No.....dated....."

12. Survey fees payable by owners.

(1)All sums realised as fees and costs under the Act or under these rules shall be paid in Government treasury by means of chalan and credited to the Government of Orissa under the head "XXIV-Ports and Pilotage-B-Other Ports-a-Registration and other fees".(2)The fees payable by owners to Government for the survey of inland steam or motor vessels shall be at the rates prescribed in Column 2 of the Table of Fees set out in the Second Schedule to these rules, subject to such reductions as are provided for by Rule 13 and such additions as are provided for by Rule 14.

13.

(1)If in his application for survey the applicant shows good and sufficient reason for the issue of certificate of survey for a lesser period than one year, the survey fee shall be calculated for each month or fraction of a month comprised in the period specified in the application at the rate of one-twelfth of the amount prescribed in Column 2 of the Table of Fees, subject to a minimum of one-fourth of that amount :Provided that no such modification of the survey fee shall be made in the case of a new vessel coming under survey for the first time, or in the case of any vessel for which on account of some defect in the vessel, a certificate of survey has been issued for less than one year.(2)Where the survey is-(a)made under the Indian Merchant Shipping Act, 1923 (XXI of 1923) and the Inland Steam-Vessels Act, 1917 (I of 1917), at one and the same time; or(b)made upon a vessel already provided with a certificate of survey under the Indian Merchant Shipping Act, 1923 (XXI of 1923), the date of expiration of which will cover that of the certificate under the Inland

Steam-Vessels Act, 1917 (I of 1917), the fee under the Inland Steam-Vessels Act, 1917, will be one-fourth of the fee prescribed in Column 2 of the Table of Fees : Provided that no such modification shall be made in the case of a new vessel coming under survey for the first time.

14. Additional fees.

(1) When a vessel is required to be surveyed, or to be visited by the Surveyor, at a place other than a place which has been declared in a notification under Section 4 (1) (a) of the Act to be a place of survey, a fee, in addition to the fee payable under Rule 12, shall be paid by the owner in respect of the expenses of the Surveyor's journey to the vessel, at such rates as may be declared by Government. (2) If at the time appointed for a survey the master or owner of the vessel has failed to make the vessel or any part thereof ready for survey and it becomes necessary for the Surveyor by reason of such failure to survey the vessel or any part thereof at a time other than the time appointed, a fee of Rs. 16 shall be paid by the owner or master in, addition to the fee payable under Rule 12. (3) For a survey made at the request of the owner or his representative on a Sunday or a gazetted public holiday a fee of Rs. 60 shall be charged in addition to the fee payable under Rule 12.

15. Duties covered by fee.

- Fees paid under Rules 12, 13 and 14, shall cover all the visits to the vessel required to be made by the Surveyor before granting his declaration; but if a visit to a vessel is made by the Surveyor at the request of the owner while the vessel's certificate of survey is in force, the owner shall pay a fee of Rs. 32 which shall not be deducted from the amount of fees payable at a subsequent survey.

16. Fees to be paid in advance.

- The Surveyor shall not proceed with the survey of any vessel until he is satisfied that the amount of the fees due under Rules 12, 13, 14 and 15 has been paid to the treasury.

17. Remuneration of Surveyors.

(1) Out of the fees specified, in Column 2 of Table of Fees set out in the Second Schedule to these rules the Surveyor, when one such has been employed on the survey, shall be entitled to receive from Government the fees specified in Column 3 of the Table : Provided that in case of the fee paid by the owner being reduced in accordance with Rule 13 the fee payable by Government to the Surveyor shall be proportionately reduced subject to a minimum of thirty two-rupees. (2) When an Engineer-Surveyor, and a Ship-Surveyor are employed on the survey of the same vessel, the fee payable to the Surveyor under Sub-rule (1) shall be divided equally between the two Surveyors. (3) When a Surveyor leaves part of the survey to be completed by another Surveyor, the fee payable under Sub-rule (1) shall be divided between the two Surveyors in the proportion as Government may deem reasonable. (4) Additional fee and expenses payable by the owner to Government under Rule 14 and the fee payable under Rule 15 shall be passed on to the Surveyor without deduction. In the event of two Surveyors being employed, an additional fee under Sub-rule

(2) or (3) of Rule 14 shall be divided equally between the Surveyors.

18. Procedure for payment of Surveyors.

(1)The Surveyor shall submit to the Certifying Officer on the last day of every month in which he has granted a declaration of survey, a bill in Form 12 for the recovery of the fees and travelling expenses due to him under Rule 17.(2)The amount for which the bill shall be accepted by the Certifying Officer shall be calculated from the amounts deposited by owners as recorded by the Surveyor in his declaration of survey in respect of the period covered by the bill.(3)The Certifying Officer shall check the Surveyor's bill and forward it to the Controlling Officer together with the duplicate chalans in respect of the survey lees mentioned in the bill for countersignature who shall send the bill to the Collector, Balasore, after acceptance for payment to the Surveyor.

19. Lost certificates.

- The Certifying Officer may at any time grant a duplicate certificate of survey on sufficient cause being shown by the applicant and on payment of a fee of Rs. 5. This fee shall be paid into a treasury and credited to the Government of Orissa in the manner prescribed in Rule 12 (1) and a copy of the chalan submitted to the Certifying Officer together with the application for the copy.

20. Correspondence.

- All ordinary correspondences relating to a particular survey of an inland steam vessel may be addressed to the Surveyor who made the survey.

21. Obligations of owners, masters and engineers between surveys.

(1)It is the duty of the owner, the master or serang, and the engineer or driver of a vessel, plying under the Act between one survey and another to maintain the vessel, its machinery and necessary equipments as nearly as possible in the state of efficiency and completeness as accepted by the Surveyor when granting his declaration, and to take all reasonable care to preserve safety in the structure, machinery, and equipments of the vessel.(2)Safety valves -(a) In particular the master or serang and the engineer or driver shall, during the period between one survey and another, be careful to assure that all boiler safety valves, whether locked up or not, are in proper working order.(b)If any person places an undue weight, or a weight in excess of that fixed by the Surveyor, upon a safety valve of a vessel under the Act, or if, being the owner, master, serang, engineer or driver of the vessel, he permits the placing of such weight, he shall, in addition to any other liability he may incur, be punished under Section 52 (3) of the Act on conviction by a fine not exceeding Rs. 500 or by imprisonment of either description for a term not exceeding six months, or by both.

22. Towing.

- An owner, master or serang who uses, or permits, his vessel to tow otherwise than in accordance with the terms of the vessel's certificate of survey shall be punished under Sub-section (3) of Section 52 of the Act on conviction with a fine not exceeding Rs. 500 or with imprisonment of either description for a term not exceeding six months, or by both.

23.

The Chief Surveyor shall be the countersigning authority in respect of all contingent bills and of travelling allowance bills of officers subordinate to him. First Schedule List of Forms and Tables Form 1- Application for survey. Form 2- Appointment of date and time of survey. Form 3- Surveyor's declaration of survey. Form 4- Surveyor's abstract of particulars of vessel. Form 5- Owner's receipt for declaration of survey. Form 6- Surveyor's receipt for declaration of survey returned to him for transmission. Form 7- Notice to owner (notice that a certificate of survey is ready for delivery). Form 8- Notice of repairs or alterations required by Surveyor. Form 9- Surveyor's notice of withdrawal from survey. Form 10-A- Certificate of survey for passenger vessel. Form 10-B- Certificate of survey for vessel not entitled to carry passengers. Form 11- Cancellation or suspension of a certificate of survey. Form 12- Surveyor's bill for fees. Second Schedule Table of survey fees

For an inland steam vesel of which the grosstonnage	Fees payable by the owner to the Government of Orissa (Rule 12)	Portion of fee payable by the Government of Orissa to the Surveyor out of a fee received under Column 2 [17(1)]
1	2	3
	Rs.	Rs.
(1) Does not exceed 10 tons	50	30
(2) Exceeds 10 tons but does not exceed 20 tons	60	35
(3) Exceeds 20 tons but does not exceed 30 tons	70	40
(4) Exceeds 30 tons but does not exceed 50 tons	80	50
(5) Exceeds 50 tons but does not exceed 75 tons	90	60
(6) Exceeds 75 tons but does not exceed 100 tons	100	70
(7) Exceeds 100 tons but does not exceed 300 tons	100	80
(8) Exceeds 300 tons but does not exceed 600	125	90

tons		
Exceeds 600 tons but		
(9) does not exceed 900 tons	140	100
Exceeds 900 tons but		
(10) does not exceed 1,200 tons	160	120

Form 12[See Rule 18]Surveyor's bill of fees Due to Shree.....for surveys made or visits paid to vessels under the Inland Steam Vessels Act, 1917 (1 of 1917) during the period :

.....20 to.....20

Vessels surveyed	Tonnage of vessels	Date of declarations	Details of Fees claimed			
Tabular fee (Rule 12)	Reduction (Rule 13)	Additional fee [Rule 14(2) and (3)]	Travelling expenses [Rule 14(1)]	Net amount for vessel		
1	2	3	4	5	6	7 8
			Rs.	Rs.	Rs.	Rs. Rs.
Vessel visited during currency certificate of survey (Rule 15)	Date of each visit	Reason for paying visit	General nature of action taken on or after visit	Amount of fees paid and number and date of treasury chalan together with the name of treasury in which fees paid		
9	10	11	12	13		

Total claim for the period Rs.....Forwarded to the Certifying Officer under Rule 18(1) for disposal, under Rule 18(3) Signed.....Surveyor.....At.....20.....Notification No. 2937-Com., dated the 27th July, 1935 published in the Bihar and Orissa Gazette, 1935, Part-11, page 846]In pursuance of the provisions of Sub-rule (8) of Rule 1 of the rules published with Notification No. 2057-Com., dated the 21st May, 1935, the Government of Bihar and Orissa are pleased to declare that those portions of the rivers mentioned in Column 1 of the Schedule below, which are specified against such rivers in Columns 2 and 3 of the said Schedule, shall be respectively smooth and partially smooth water :

Schedule

Rivers	Smooth water	Partially smooth water
1	2	3
The river Ganges and its		
(1) tributaries within Bihar and Orissa	The whole	None
(2) The river Burhabalang	The whole down to the bar at the mouth	None

(3) The river Dhamra and its tributaries:

(a) on the river Baitarani	The jetty at Chandbali and above	From the jetty at Chandbali	Down to any position inside point Palmyras
(b) on the river Brahmini	Dhamarpur and above	From Dhamarpur	
(c) on the river Kharsua	Raj Kanika creek and above	From Raj Kanika creek	
(4) The river Mahanadi	Paradeep Lock and above	From Paradeep Lock down to the mouth	

Notification No. 361.7-Com., dated the 8th October, 1935[Published in the Bihar and Orissa Gazette, 1935, Part II, page 1034]In pursuance of the provisions of Sub-rule (8) of Rule 1 of the rules published with Notification No. 2057-Com., dated the 21st May, 1935, the Government of Bihar and Orissa are pleased to make the following amendments to the Schedule published with Notification No. 2937-Com., dated the 27th July, 1935 :The following shall be substituted for item (3) in the Schedule :

Rivers	Smooth water	Partially smooth water	
1	2	3	
"(3) The river Dhamra and its tributaries:			
(a) on the river Baitarani	The jetty at Chandbali and above	From the jetty at Chandbali	To a line joining Chandipal Beacon and Palmyraspoint
(b) on the river Brahmani	From Dhamarpur ferry and above	From below Dhamarpur ferry	
(c) on the river Kharsua	Raj Kanika creek and above	From Raj Kanika creek"	

Appointment of Chief Inspector and Inspectors of Boilers as Surveyors of Inland Steam Vessels[Notification No. 890-Com., dated the 2nd June, 1936 [Vide Orissa Gazette, 1936-Part-I.] - In exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 4 of the Inland Steam Vessel Act, 1917 (Act 1 of 1917), read with sub-paragraph (3) of paragraph 8 of the Government of India (Constitution of Orissa) Order, 1935, and in supersession of all previous notifications on the subject, the Governor of Orissa is pleased to appoint the Chief Inspector and the Inspectors of Boilers. Orissa to be Surveyors of inland steam vessels for the place of survey, Cuttack, on the river Mahanadi.]Appointment of the Chief Inspector of Boilers, Orissa as the officer to whom the owner or master of a vessel shall send declaration given to him under Section 7[Notification No. 894-Is-1-Com., dated the 2nd June, 1936 [Vide Orissa Gazette, 1936-Part-I.] - In exercise of the powers conferred by Sub-section (1) of Section 8 of that Inland Steam Vessels Act, 1917 (Act I of 1917) read with sub-paragraph (3) of paragraph 8 of the Government of India (Constitution of Orissa) Order, 1935, and in supersession of all previous notifications on the subject the Governor of

Orissa is pleased to appoint the Chief inspector of Boilers, Orissa to be the officer to whom the owner or master of vessel shall send the declaration given to him under Section 7 of the Act.]