

THE PUDUCHERRY LANDING AND SHIPPING FEES ACT, 1971
(No. 16 of 1971)

ARRANGEMENT OF SECTIONS

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THE PUDUCHERRY LANDING AND SHIPPING FEES ACT, 1971
(Act No. 16 of 1971)

4th August, 1971.

AN ACT

to provide for the levy of landing and shipping fees in the port of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty- second Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Landing and Shipping Fees Act, 1971.
- (2) It extends to the whole of the Union territory of Puducherry.
- (3) It shall come into force on such date¹ as the Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,-

(a) "drift" includes timber or other floating matter whether the same is in the possession or under the control of any person or not;

(b) "goods" includes wares and merchandise of every description and carts, carriages, animals, baggage and other articles;

(c) "Government" means the Administrator of the Union territory of Puducherry appointed by the President under article 239 of the Constitution;

(d) "Official Gazette" means the La Gazette de l'Etat de Puducherry;

(e) "owner" when used in relation to goods, or drift includes any consignor, consignee, shipper or agent for the sale, custody, landing or shipping of such goods or drift;

(f) "pier" includes any stage, stairs, landing place, hard, jetty, floating barge or pontoon, and any bridges or other works connected therewith;

1. The Act has been extended with effect from 1-10-1963 under Puducherry (Laws) Regulation, 1963 vide G.O.No.36, dated 30-3-1971.

(g) "port" means the space within such limits as may, from time to time, be defined by the Government for the purpose of this Act by notification in the Official Gazette and until a notification is so issued within such limits as may have been defined by the Government under the provisions of the Indian Ports Act, 1908 (Central Act 15 of 1908);

(h) "prescribed" means prescribed by rules made under this Act;

(i) "quay" means a landing place conveniently fitted on the shore for the loading or unloading of vessels and includes a wharf;

(j) "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;

(k) "vessel" means anything made for the conveyance by water of human beings or property.

Levy of landing and shipping fees.

3. (1) On and from the commencement of this Act, there shall be levied a fee to be called "Landing and shipping fee", upon all the passengers and goods landed from or shipped into any vessel lying or being within the limits of any port within the Union territory of Puducherry at such rate which the Government, may, having regard to the nature of the benefits conferred, services rendered and amenities provided, prescribe in this behalf.

(2) The fees levied under sub-section (1) shall be in addition to any other tolls or charges that are lawfully levied within the port at the commencement of the Act.

(3) The Government may, by general or special order, exempt any class or category of passengers or goods from the payment of fees leviable under sub-section (1) and may remit the whole or any portion of the fees already levied in relation to such class or category of passengers or goods if it is satisfied that there are special grounds for so doing.

Rates of fees to be notified.

4. The rates shall be notified in the Official Gazette and shall also be exhibited at such places, in such language or languages as may be prescribed.

Mode of utilisation of landing and shipping fees collected

5. All amounts collected by way of landing and shipping fees (excluding the cost of collection) under this Act shall be utilised for the following purposes, namely: --

(a) to meet the expenditure on the pay and allowance of the officers and establishment of the Port Department, Puducherry;

(b) to provide for special facilities in respect of import and export of goods from the port such as maintenance of pier, maintenance of trolley lines and providing trolley lines;

(c) to make available adequate quantity of water and power within the port premises;

(d) to build resting places and waiting sheds for passengers;

(e) for such other purposes as are incidental to the aforesaid purposes.

Detention of goods until payment of fees

6. It shall be lawful for the officer appointed in this behalf by the Government or any of his assistants to detain any such goods until the fees are paid and it shall be the duty of such officer to give notice in writing to the owner stating the amount of fees and charges payable in respect of such goods and in the event of such payment being refused or delayed for fourteen days from the date of such notice if the owner or consignee of such goods shall be in the port concerned, or otherwise for a period of thirty days from the date on which such fees are payable, it shall be lawful for such officer to sell or cause to be sold by public auction the said goods, and after paying the expenses of such detention and sale and double the amount of the fees by way of a fine, to pay the surplus, if any, of the proceeds of the sale to the owner or consignee or other person entitled thereto, if claimed within six months from the date of sale:

Provided that if the goods are of a perishable nature, the said officer may sell the same or cause them to be sold at such earlier period being not less than twenty-four hours after the landing of the goods as he thinks fit.

Recovery of damages from the owner of vessel, etc.

7. Where any vessel or drift fouls a pier, jetty, wharf or quay and causes damage thereto, the owner or master of the vessel or the owner of the drift, as the case may be, shall be liable for the amount of such damage which may be ascertained in the manner prescribed and recovered in accordance with the rules made by the Government either by seizure and sale of such vessel or drift and of any property thereon or in such other manner as may be prescribed.

Penalties

8. (1) The law for the time being in force for the punishment of offences relating to the levy or payment of duties of Customs and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of fees leviable under this Act.

(2) Save as provided in sub-section (1), any contravention of any rule made under this Act shall be punishable with fine which may extend to one hundred rupees.

Power to make rules

9. (1) The Government may, subject to the condition of previous publication and by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897 (10 of 1897), shall not be less than thirty days from the date on which the draft of the proposed rules was published.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provided for ---

(a) appointing places where goods or particular classes of goods intended for shipment or landed from ships within the port are to be placed for the purpose of assessing the fee payable and places where passengers may land or embark;

(b) the places, the language or languages in which the rates of fees shall be notified under section 4;

(c) regulating the manner in which such fees shall be assessed and the time within which they shall be paid;

(d) Providing for the ascertainment and recovery of the amount of any damage that may be caused to a pier, jetty, quay, wharf or other work in a port by any person or by any vessel or drift; and

(e) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act shall be laid as soon as possible after it is made, before the Legislative Assembly, Puducherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and, if before the expiry of the session or the sessions in which it is so laid, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS FOR ACT 16 OF 1971

The Indian Ports Act, 1908 (15 of 1908) has been extended to this territory with effect from 1-10-1963 under the Puducherry (Laws) Regulation, 1963. Although the said Act provides, among other things, for the collection of various dues and charges, it does not provide for the collection of landing and shipping fees. This Bill is intended to empower this Government to collect the landing and shipping fees.
