

THE CALCUTTA PORT (PILOTAGE) ACT, 1948

ACT No. 33 OF 1948

[16th April, 1948.]

An Act to provide for the transfer of control over pilotage on the River Hooghly to the Commissioners for the Port of Calcutta.

WHEREAS it is expedient to provide for the transfer of control over pilotage on the River Hooghly to the Commissioners for the Port of Calcutta and for other matters incidental thereto, and to make certain consequential amendments in the Calcutta Pilots Act 12 of 1859;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Calcutta Port (Pilotage) Act, 1948.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context, —

(a) “Appointed day” means the date on which this Act comes into force;

(b) “Commissioners” means the Commissioners for the Part of Calcutta incorporated under the Calcutta Port Act, 1890 (Ben, Act 3 of 1890);

(c) “Hooghly area” means the part, of the Hooghly River extending from the Port of Calcutta to the sea to which section 31 of the Indian Ports Act, 1908 (15 of 1908), has been extended.

3. Commissioners’ duty to maintain pilots.—As from the appointed day it shall be the duty of the Commissioners to maintain pilots for the safe navigation of vessels in the Hooghly area and the Commissioners shall be bound to maintain a sufficient number of pilots for the purpose as may be prescribed by the Central Government from time to time.

4. Appointment of pilots.—No person shall be appointed to be a pilot by the Commissioners who is not for the time being authorised by the Central Government under the provisions of the Indian Ports Act, 1908 (15 of 1908), to pilot vessels.

5. Rules regulating Pilots.—(1) The Commissioners may from time to time make rules—

(a) For fixing and regulating the salaries, wages and allowances for pilot age to be received by the Pilots, and

(b) For regulating the behaviour and conduct of pilots,

and may enforce the observance of such rules by the imposition of pecuniary penalties not exceeding two hundred rupees for every breach thereof or by suspension or deprivation of appointment or otherwise, as to them may appear expedient:

Provided that any such order made by the Commissioners shall, as respects any officer whose salary amounts to or exceeds one thousand rupees, be subject to the previous sanction of the Central Government.

(2) No such rules shall take effect until they are approved by the Central Government and published in the Official Gazette.

1. 16th May, 1948, *vide* notification No. 27-M (iii)/47, dated 19th May, 1948, *see* Gazette of India, 1948, Part I.

6. Levy of pilotage fees.—As from the appointed day the Commissioners shall be entitled to levy fees for the pilot age of vessels in the Hooghly area at rates fixed under the Indian Ports Act, 1908 (15 of 1908).

¹[**7. Pilot age fees and fines and penalties levied under the Act.**—All fees for pilotage and all fines and penalties levied under this Act from pilot or other persons employed in the pilot service, except fines and penalties imposed by a Court, shall be accounted for and expended by the Commissioners in accordance with the provisions of section 36 of the Indian Ports Act, 1908 (15 of 1908).]

8. [Expenditure in pilotage account.]— Repealed by the Port Trust and Ports (Amendment) Act, 1951 (35 of 1951), s. 194 (w.e.f. 16-7-1951).

9. Power to transfer moneys from the general account to pilot age account and vice versa.—The Commissioners shall have the power, with the previous sanction of the Central Government, to apply ²[any sum out of] the moneys credited to the general account towards meeting deficits, if any, in the pilotage account ³[maintained under section 36 of the Indian Ports Act, 1908 (15 of 1908)] and to transfer the whole or ³[part of the surplus funds, if any, in such pilot age account] to the general account.

⁴[**10. Application of certain provisions of Bengal Act 3 of 1890.**—Section 18, 19, 24B, 29 to 34 (both inclusive), 47 to 54 (both inclusive), 55, 57, 58 and 69 to 80A (both inclusive) of the Calcutta Port Act, 1890 are hereby incorporated in this Act subject to the following modifications, namely:—

(a) That the references in the said sections to the Calcutta Port Act, 1890 (Ben. Act 3 of 1890) shall be taken as references to this Act;

(b) That in clause (b) of section 19, for the words “the tolls, dues, rates, rents and charges”, the words “the pilotage fees” shall be substituted;

(c) That the proviso to sub-section (2) of section 30 shall be omitted;

(d) That in sub-section (1) of section 34, the words “the Deputy Chairman or to” shall be omitted.

(e) That sub-section (2) of section 34 shall be omitted.]

11. [Amendment of the Calcutta Pilots Act 12 of 1859] Rep. by the Repealing and Amending Act, 1950 (Act 35 of 1950), s. 2 and the First Schedule.

1. Subs. by Act 35 of 1951, s. 193, for section 7, (w.e.f. 16-7-1951).

2. Ins. by s. 195, *ibid*

3. Subs. by s. 195, *ibid*, for “part of the surplus funds in the pilotage account”.

4. Subs. by s. 196, *ibid*, for section 10.