

JOINT SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1927

The Indian Lighthouse Bill

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1927.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Steel Industry (Protection) Bill.	7.2.27.	
2.	The Indian Merchant Shipping (Amendment) Bill.	26.3.27.	
3.	The Gold Standard and Reserve Bank of India Bill.	18.8.27.	Report of the Joint Committee.
4.	The Imperial Bank of India Bill.	18.8.27.	-do-
5.	The Indian Lighthouse Bill.	31.8.27.	-do-
6.	The Indian Securities (Amendment) Bill.	31.8.27.	
7.	The Indian Tariff (Amendment) Bill.	31.8.27.	
8.	The Indian Tariff (Cotton Yarn Amendment) Bill.	31.8.27.	
9.	The Bamboo Paper Industry (Protection) Bill.	31.8.27.	
10.	The Indian Forest Bill.	1.9.27.	
10.	The Indian Criminal Law (Amendment) Bill.	14.9.27.	

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Joint Committee to which the Bill to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India was referred, have considered the Bill, and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

Clause 2.—We have amended the definition in sub-clause (a) in order to bring it into line with the wording of the Sea Customs Act, 1878.

We propose that the definition of “ the Merchant Shipping Acts ” given in sub-clause (h) should be omitted as it seems unnecessary and may have the effect of excluding the application of future Merchant Shipping Acts.

Clause 3.—We are of opinion that the administration and control of lighthouses would be more efficient if the technical staff of Inspectors were placed at the disposal of the Chief Inspector of Lighthouses at his own headquarters, so that he will be in a position to send the most suitable man for a particular piece of work, and to concentrate his staff where required. For this purpose, it is suggested that the District Inspectors should be called “ Inspectors ” and that their powers should not be confined to a particular district. We have amended clause 3 accordingly, and have made consequential amendments in clauses 6 and 21.

As regards the personnel of this staff, and of the expert mechanics under them, it may be found necessary to begin with to recruit them from England, but the Committee recommends to Government that an Indian personnel should be trained in the special work as quickly as possible so as to fit them for these posts.

Clause 4.—Sub-clause (1), as drafted, would make it optional on the Governor General in Council to consult the Central Advisory Committee, and, as we understand that it is the Governor General in Council’s intention invariably to consult the Committee on the matters specified in this sub-clause, we have made an amendment to give effect to the real intention. The question of inserting a provision requiring that the advice of the Central Advisory Committee should always be accepted was discussed, and we strongly recommend to Government that its advice should in all ordinary cases be accepted.

We have deleted the latter portion of sub-clause (3). It might happen that, after the Governor General in Council has appointed a Central Advisory Committee in which the representation of all the various interests is accurately balanced, a District Advisory Committee might come into existence, and the election by that Committee of another member or members to the Central Advisory Committee might be undesirable.

As regards the constitution of the Central Advisory Committee, we recommend that the Commerce

Secretary should be Chairman, and that the Committee should include representatives of the following interests :—

- (1) The Royal Indian Marine (or Royal Indian Navy),
- (2) Shipping registered in India, and
- (3) Commerce, both British and Indian, which should each be represented by an equal number of members, appointed after consultation with the commercial bodies concerned.

Clause 9.—We have deleted the words “ whether within or beyond the limits of British India ” as they are unnecessary.

Clause 10.—In sub-clause (2) we have made a small amendment in order to give greater precision to the date from which the period of thirty days shall run in the case of dues paid on departure.

We have also added a third sub-clause which will provide that foreign shipping will have notice of any alteration in the scale of light-dues.

The difficulties connected with the port of Aden were discussed. One class of cases is that of ships trading to Australia, East Africa and elsewhere, which do not touch at any port in India proper, but touch at Aden. It is reasonable that these ships should contribute something to the cost of the Indian lighthouse administration, for they use lights which will be provided and maintained from Indian light-dues. But it is undesirable that the dues should be so much as to cause ships to pass Aden by or to divert them to other ports of call.

Another class is that of ships sailing from the United Kingdom which touch at Aden and then proceed to Calcutta or some other port in India, and then return on their homeward voyage. Here, again, if full light-dues are levied at Aden, the thirty days allowed will be largely consumed in the two long ocean voyages from Aden to the nearest point on the Indian coast and back again.

Other difficulties can be imagined, and they are likely to be so numerous that it is inexpedient to attempt to make specific provision for them in the Statute. They can all be met by an exercise of the powers of the Governor General in Council proposed in clause 18 of the Bill, which confers a wide discretion to exempt ships, classes of ships and ships performing specified voyages from the whole or part of the light-dues payable. We are assured that Government will consider the recommendations of the Central Advisory Committee in all such cases.

Clause 12.—The insertion proposed in sub-clause (3) is to secure that these mercantile cases shall be tried only by experienced Magistrates.

Clause 18.—At present in Burma ships up to fifty tons tonnage are exempted from the payment of light-dues. It seems to us undesirable to withdraw this exemption, and we propose to extend the limit now in force in Burma to the whole of British India and have accordingly changed "thirty" in sub-clause (b) to "fifty".

Clause 19.—We have increased the period of three months to six months in order to meet the case of long voyages.

Clause 20.—We have not amended this clause, but we here record our recommendation that any

surplus to the credit of the lighthouse account should be definitely earmarked for the purpose of lighthouse administration, and should not be appropriated for any other purpose. This, we consider, is the intention of clause 9 read with clause 20.

2. The Bill was published in the Gazette of India, dated the 19th February, 1927.

3. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

The 16th August, 1927.

K. C. NEOGY.

G. L. CORBETT.

J. W. A. BELL.

P. C. D. CHARI.

SARABHAI N. HAJI.

(Words printed in italics indicate the amendments suggested by the Committee.)

A
BILL

TO

Consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India.

WHEREAS it is expedient to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India; It is hereby enacted as follows:—

PRELIMINARY.

1. (1) This Act may be called the Indian Lighthouse Act, 192 .
Short title, extent and commencement.

(2) It extends to the whole of British India.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

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

Definitions.

- (a) "Customs-collector" means an officer of customs exercising the powers of a Customs-collector under the Sea Customs Act, 1878, and includes any person VIII of 1872 appointed by the Governor General in Council to discharge the functions of a Customs-collector under this Act;
- (b) "district" means an area defined as a district for the purposes of this Act under section 3;
- (c) "general lighthouse" means any lighthouse which the Governor General in Council may, by notification in the Gazette of India, declare to be a general lighthouse for the purposes of this Act;
- (d) "lighthouse" includes any light-vessel, fog-signal, buoy, beacon, or any mark, sign or apparatus exhibited or used for the guidance of ships;
- (e) "local lighthouse" means any lighthouse which is not a general lighthouse;
- (f) "local lighthouse authority" means a Local Government, local authority or other person having the superintendence and management of a local lighthouse;
- (g) "owner" includes any part-owner, charterer, or mortgagee in possession and any agent to whom a ship is consigned;
- * * * * *
- (h) "port" means any port, as defined in the Indian Ports Act, 1908, to which that XV of 1908. Act extends; and
- (i) words and expressions used in this Act and not otherwise defined have the same meanings respectively as in the Indian Merchant Shipping Act, 1923. XXI of 1923

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 3. The Governor General in Council may, by notification in the Gazette of India,—
 Appointment of officers

- (a) define areas to be districts for the purposes of this Act ;
- (b) appoint a person to be the Superintendent of Lighthouses in each district ;
- (c) appoint a person to be the Chief Inspector of Lighthouses in British India ; and
- (d) appoint persons * * * to be * * * Inspectors of Lighthouses.

4. (1) The Governor General in Council shall appoint a Central Advisory Committee and shall consult it in regard to—
 Advisory Committees

- (a) the erection or position of lighthouses or of any works appertaining thereto ;
- (b) additions to, or the alteration or removal of, lighthouses ;
- (c) the variation of the character of any lighthouse or of the mode of use thereof ;
- (d) the cost of any proposals relating to lighthouses ; or
- (e) the making or alteration of any rules or rates of dues under this Act.

(2) The Governor General in Council may, if he thinks fit, appoint an Advisory Committee for any district for the purpose of advising in regard to any of the matters specified in sub-section (1) in so far as the interests of the district are affected thereby.

(3) Advisory Committees shall consist of persons representing interests affected by this Act or having special knowledge of the subject-matter thereof * * * * *

GENERAL LIGHTHOUSES.

5. (1) The superintendence and management of all general lighthouses are vested in the Governor General in Council.
 Management of general lighthouses by the Governor General in Council and delegation of management.

(2) The Governor General in Council may require any local lighthouse authority to undertake the superintendence and management of any general lighthouse situated in or adjacent to the local limits within which the authority exercises its powers, and shall pay to the authority such sums to defray the cost of superintendence and management as he may determine.

LOCAL LIGHTHOUSES.

6. (1) The Chief Inspector of Lighthouses may, at any time, and any lighthouse. Superintendent or * * * Inspector of Lighthouses may, if authorised in this behalf by a general or special order in writing of the Governor General in Council, enter upon and inspect any local lighthouse and make such inquiries in respect thereof or of the management thereof as he thinks fit.
 Power to inspect local lighthouses.

(2) Every person having the charge of, or concerned in the management of, any lighthouse shall be bound to furnish to any officer authorised by or under sub-section (1) to inspect the lighthouse all such information regarding the same as the officer may require.

(3) Every local lighthouse authority shall furnish to the Governor General in Council all such returns and other information in respect of the lighthouses under its supervision and management, or of any of them, as he may require.

7. (1) If, after an inspection under section 6 or such other inquiry as he thinks fit, the Governor General in Council is satisfied that a direction under this sub-section is necessary or expedient for the safety, or otherwise in the interests, of shipping, he may direct any local lighthouse authority—

- Control of local lighthouses by the Governor General in Council.
- (a) to remove or discontinue or to refrain from moving or discontinuing any lighthouse under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such lighthouse, or
 - (b) to erect, place or maintain, or to refrain from erecting, placing or maintaining, any lighthouse within the local limits within which the local lighthouse authority exercises its powers.

(2) A local lighthouse authority shall not erect, place, remove or discontinue any lighthouse or vary the character or mode of use of any lighthouse, unless it has given to the Governor General in Council at least one month's notice in writing of its intention so to do:

Provided that, in cases of emergency, a local lighthouse authority may take such action as it deems necessary and shall give immediate notice of the same to the Governor General in Council and, so far as is possible, to all shipping approaching or in the vicinity of the lighthouse.

(3) If a local lighthouse authority—

- (a) fails to comply with any direction made under sub-section (1), or
- (b) fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of lighthouses conferred or imposed upon it by or under any law for the time being in force, or
- (c) fails to make adequate financial provision for the performance of any such duty,

the Governor General in Council may, by order in writing, require the local lighthouse authority to comply with the direction, or to make arrangements to his satisfaction for the proper exercise of the power or performance of the duty, or to make financial provision to his satisfaction for the performance of the duty, as the case may be, within such period as he may specify.

(4) If the local lighthouse authority fails to comply with an order made under sub-section (3) within the specified period or within such further time as the Governor General in Council may allow, the Governor General in Council may

exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local lighthouse authority shall be liable to repay to the Governor General in Council any expenditure incurred by him in so doing.

8. The Governor General in Council may, at the request of a local lighthouse authority, under-
Management of local lighthouses by the Governor General in Council. take the superintendence and management of any local lighthouse on its behalf, and the local lighthouse authority shall pay to the Governor General in Council such sums to defray the cost of superintendence and management as may be agreed.

LIGHT-DUES.

9. For the purpose of providing or maintaining or of providing and maintaining lighthouses * *
Levy and collection of light-dues. * * for the benefit of ships voyaging to or from British India or between ports in British India, the Governor General in Council shall, subject to the provisions of this Act, cause light-dues to be levied and collected in respect of every ship arriving at or departing from any port in British India.

10. (1) The Governor General in Council may, by notification in the Rates of light-dues leviable. Gazette of India, prescribe rates, not exceeding two annas per ton, at which light-dues shall be payable, and may prescribe different rates for different classes of ships, or for ships of the same class when in use for different purposes or in different circumstances.

(2) Light-dues payable in respect of a ship shall be paid by the owner or master of the ship on its arrival at, and on its departure from, any port in British India :

Provided that, if light-dues have been paid in accordance with the provisions of this Act in respect of any ship, no further dues shall become payable in respect of that ship for a period of thirty days from the date on which the dues so paid became payable.

(3) *An order under sub-section (1) imposing, abolishing or varying light-dues shall not take effect till the expiration of thirty days from the day on which the order was notified in the Gazette of India.*

11. Light-dues shall be paid to the Customs-collector who shall grant Receipts for light-dues. to the person paying the same a receipt in writing specifying—

- (a) the port at which the dues have been paid ;
- (b) the amount of the payment ;
- (c) the date on which the dues became payable ; and
- (d) the name, tonnage and other proper description of the ship in respect of which the payment is made.

12. (1) For the purpose of the levy of light-dues, a ship's tonnage shall be reckoned as under Ascertainment of tonnage. the Merchant Shipping Acts for dues payable on a ship's tonnage, with the addition required under section 85 of the Merchant Shipping Act, 1894, with respect to 57 & 58 Vict., s. 60. deck cargo.

(2) In order to ascertain the tonnage of any ship for the purpose of levying light-dues, the Customs-collector may—

- (a) if the ship is registered under any law for the time being in force in British India or under the law of any foreign country in respect of which an Order in Council has been made under section 84 of the Merchant Shipping Act, 1894, that ^{57 & 58} ships of that country shall be deemed ^{Vict., c. 60.} to be of the tonnage denoted in their certificates of registry or other national papers (any such ship being hereafter in this section referred to as a registered ship), require the owner or master or other person having possession of the ship's register or other papers denoting her tonnage to produce the same for inspection and, if such owner, master or other person refuses or neglects to produce the register or papers, as the case may be, or otherwise to satisfy the Customs-collector as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or
- (b) if the ship is not a registered ship and the owner or master fails to satisfy the Customs-collector as to the true tonnage thereof according to the mode of measurement prescribed by the law for the time being in force for regulating the measurement of registered ships, cause the ship to be measured and the tonnage thereof to be ascertained according to such mode.

(3) If any person refuses or neglects to produce any register or other papers or otherwise to satisfy the Customs-collector as to the true tonnage of any ship when required to do so under this section, such person shall be liable to pay the expenses of the measurement of the ship and of the ascertainment of the tonnage, and, if the ship is a registered ship, shall further, *on conviction by a Presidency Magistrate or Magistrate of the first class having jurisdiction in the port where the ship lies or in any port to which she may proceed*, be punishable with fine which may extend to one thousand rupees.

13. (1) If the owner or master of any ship refuses or neglects to pay ^{Recovery of light-dues, expenses and costs.} to the Customs-collector on demand the amount of any light-dues or expenses payable under this Act in respect of the ship, the Customs-collector may seize the ship and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of the dues or expenses, together with the costs of the seizure and detention, is paid.

(2) If any part of such dues, expenses or costs remains unpaid after the expiry of five days following the date of the seizure, the Customs-collector may cause the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the dues, expenses or costs remaining unpaid, together with the costs of the sale, and shall repay the surplus, if any, to the person by whom the same were payable.

14. The officer whose duty it is to grant a port-clearance for any ship shall not grant the port-clearance until the amount of all light-dues, expenses and costs payable in respect of the ship under this Act and of any fines imposed thereunder has been paid, or until security for the payment thereof has been given to his satisfaction.

15. If any dispute arises as to whether light-dues, expenses or costs are payable in respect of any ship under this Act or as to the amount of such dues, expenses or costs, the dispute shall, on application made in this behalf by either of the disputing parties, be heard and determined by a Presidency Magistrate or Magistrate of the first class having jurisdiction at the place where the dispute arises, and the decision of such Magistrate shall be final.

16. (1) If the master of any ship in respect of which any light-dues are payable at any port causes the ship to leave such port without having paid the same, the Customs-collector at that port may by writing require the Customs-collector at any other port in British India to which the ship may proceed or in which she may be to recover the dues remaining unpaid.

(2) Any Customs-collector to whom such a requisition is directed shall proceed to levy such sum as if it were payable under this Act at the port at which he is the Customs-collector, and a certificate by the Customs-collector at the port at which the light-dues first became payable, stating the amount payable, shall be sufficient proof in any proceeding under section 13 or section 15 that such amount is payable.

17. (1) If the owner or master of a ship evades or attempts to evade the payment of any light-dues, expenses or costs payable in respect of the ship under this Act, he shall, on conviction by a Presidency Magistrate or Magistrate of the first class having jurisdiction in any port to which the vessel may proceed or in which she may be found, be punishable with fine which may extend to five times the amount of the sum payable.

(2) In any proceeding before a Magistrate in a prosecution under sub-section (1), any such certificate as is mentioned in sub-section (2) of section 16, stating that the owner or master has evaded such payment, shall be sufficient proof of the evasion, unless the owner or master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable grounds for such departure.

18. The following ships shall be exempted from the payment of light-dues under this Act, namely :—

- (a) any ship belonging to His Majesty or the Government or to a foreign Prince or State and not carrying cargo or passengers for freight or fares; and

(b) any ship of a tonnage of less than *fifty* tons ;

and the Governor General in Council may, by notification in the Gazette of India, exempt any other ships or classes of ships or ships performing specified voyages from such payment, either wholly or to such extent only as may be specified in the notification.

19. Where light-dues have been paid in respect of any ship in excess of the amount payable under this Act, no claim to refund of such excess payment shall be admissible, unless it is made within *six* months from the date of each payment.

Refund of excess payments.

ACCOUNTS.

20. (1) The Governor General in Council shall cause to be maintained a separate account of all amounts received by way of light-dues, expenses, costs and fines under this Act and of all expenditure incurred for the purposes of this Act, and shall cause such account to be laid before the Central Advisory Committee, as soon as possible, after the close of each financial year.

Accounts, etc.

(2) The Governor General in Council shall cause to be laid before the Central Advisory Committee before the close of each financial year a statement of the estimated receipts under, and expenditure for the purposes of, this Act during the forthcoming year.

RULES.

21. (1) The Governor General in Council may make rules consistent with this Act to carry into effect the purposes thereof.

Power to make rules.

(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) the powers and duties of the Chief Inspector of Lighthouses and of Superintendents and * * * Inspectors of Lighthouses ;
- (b) the procedure and conduct of business of Advisory Committees constituted under this Act ;
- (c) the rate of travelling and subsistence allowance payable to members of Advisory Committees ; and
- (d) the period in respect of which and the form in which the separate account referred to in sub-section (1) of section 20 shall be kept and the forms in which that account and the statement referred to in sub-section (2) of that section shall respectively be presented to the Central Advisory Committee.

REPEALS.

22. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

Repeals.

THE SCHEDULE.

(See section 22.)

ENACTMENTS REPEALED.

Year.	No.	Short title.	Extent of repeal.
1879 .	IX	The Burma Coast-lights Act, 1879.	The whole.
1904 .	IX	The Madras Coast-lights Act, 1904.	Do.
1915 .	II	The Sind Coast-lights Act, 1915.	Do.

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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

Report of the Joint Committee on the Bill to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India, with the Bill as amended.