

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY -1947**

**The Control of Shipping
Bill**

I. List of Reports of Select Committees
presented to the Legislative Assembly
of the Indian Legislature in 1947.

S.No.	Short title of the Bill.	Date of presen- tation.	Date of publica- tion.
1.	The Indian Navy (Discipline) (Amendment) Bill.	3.2.1947.	15.2.1947
2.	The Motor Vehicles (Amendment) Bill.	3.2.1947.	15.2.1947
3.	The Motor Vehicles (Second Amendment) Bill.	3.2.1947.	15.2.1947
4.	The Foreign Exchange Regulation Bill.	3.2.1947.	15.2.1947
5.	The Industrial Disputes Bill.	3.2.1947.	15.2.1947
6.	The Railways (Transport of Goods) Bill.	17.2.1947.	1.3.1947
7.	The Banking Companies Bill.	17.2.1947.	1.3.1947
8.	The Indian Trade Unions (Amendment) Bill.	26.2.1947.	5.4.1947
9.	The Insurance (Second Amendment) Bill.	5.3.1947.	15.3.1947
10.	The Delhi and Ajmer-Merwara Rent Control Bill.	12.3.1947.	22.3.1947
11.	The Imports and Exports (Control) Bill.	12.3.1947.	22.3.1947
12.	The Income-tax and Excess Profits Tax (Amendment) Bill.	19.3.1947.	29.3.1947
13.	The Business Profits Tax Bill.	19.3.1947.	29.3.1947
14.	The Rubber (Production and Marketing) Bill.	1.4.1947.	12.4.1947
15.	The Control of Shipping Bill.	1.4.1947.	12.4.1947
16.	The Capital Issues (Continuance of Control) Bill.	7.4.1947.	12.4.1947

S.No.	Short title of the Bill.	Date of presenta- tion.	Date of publica- tion.
17.	The Taxation on Income (Investigation Commission) Bill.	7. 4.1947.	19. 4.19

II. List of Reports of Select Committees
Presented to the ~~Legis~~ Constituent
Assembly of India (Legislative) in
1947.

1. The Delhi and Ajmer-Merwara
Rent Control (Amendment) Bill. 1. 12.1947. 13.12.19
2. The Delhi Premises (Requisi-
tion and Eviction) Bill. 1.12.1947. 13.12.19
3. The Extra-Provincial Juris-
diction Bill. 6.12.1947. 13.12.19

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LEGISLATIVE ASSEMBLY

REPORT OF THE SELECT COMMITTEE ON THE CONTROL OF SHIPPING BILL, 1947

We, the undersigned, members of the Select Committee to which the Bill to provide for the control of shipping 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 1 (3).—As we assume that further legislation in regard to shipping will be necessary after consideration by Government of the report of the Reconstruction Policy Sub-Committee on Shipping, we consider that it will suffice to give this Bill a life of one year only in the first instance, with power to Government to extend it for one year more if circumstances so require. We also amend the commencement provision to secure continuity of control after the expiry of the Ordinance referred to in clause 3 (6) of the Bill.

Clauses 2 and 7.—Our amendments are formal and consequential.

Clause 5 (1) (a).—We propose a clarifying insertion.

Clauses 6 and 9.—We are of opinion that in the matter of fixing shipping rates Government should constitute a Board representative of all interests concerned to advise them, and with this object in view we make insertions in these two clauses.

Clause 8 (5).—The ordinary director of a company is not normally in close touch with, or responsible for, the day to day working of the concern, and for this reason we think that he should not be included among those liable for offences committed by his company. We therefore replace the word "director" by "managing director".

2. The Bill was published in part V of the Gazette of India, dated the 22nd March, 1947.

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

JOGENDRA NATH MANDAL
ISMAIL I. CHUNDRIGAR
N. V. GADGIL
T. V. SATAKOPACHARI
THAKUR DAS BHARGAVA
M. A. F. HIRTZEL
*AHMED E. H. JAFFER
*TAMIZUDDIN KHAN
P. G. SOLANKI
R. VENKATASUBBA REDDIAR

NEW DELHI ;

The 1st April, 1947.

*Subject to a minute of dissent.

MINUTE OF DISSENT

It is a notorious fact that fares for pilgrims to the Hedjaj are being inordinately raised almost every year. This requires an early remedy. Government should be given adequate powers to regulate such fares. We think clause 5 of the Bill gives such powers to Government in respect of ships registered in India, but no such powers are given in respect of ships registered elsewhere which may carry passengers from Indian ports to ports abroad. We are of opinion that clause 5 should be appropriately amended to give such powers to Government.

NEW DELHI ;

The 1st April, 1947.

TAMIZUDDIN KHAN

AHMED E. H. JAFFER

[BILL AS AMENDED BY THE SELECT COMMITTEE]

(Words underlined or sidelined indicate the amendments made by the Select Committee ; asterisks indicate omissions).

A
BILL

to provide for the control of shipping.

WHEREAS it is expedient to provide for the control of shipping for a limited period ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Control of Shipping Act^{Short title, extent, commencement and duration.} 1947.

(2) It extends to the whole of British India, and applies also to, and to persons on, ships registered in British India, wherever they may be.

(3) It shall be deemed to have come into force on the 25th day of March 1947, and it shall remain in force only up to the 31st day of March 1948 :

Provided that the Central Government may, by notification in the official Gazette, direct that it shall remain in force for a further period not exceeding one year.

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

(a) "master" and "passenger" have the meanings respectively assigned to them in the Indian Merchant Shipping Act, XXI of 1923 ;

(b) "owner" includes the agent of an owner ;

(c) "prescribed" means prescribed by rules made under section 9 ;

(d) "ship" does not include a ship of less than 150 gross registered tons or a sailing ship ;

(e) "Shipping Authority" means any authority or officer authorised by the Central Government by notification in the official Gazette to perform the functions of a Shipping Authority under this Act.

3. (1) No ship registered in British India shall be taken to sea from a port or place within or outside British India except under a valid licence granted by a Shipping Authority under this section. Licences.

(2) A licence granted under this section may be either a general licence or a specified voyage licence.

(3) A general licence shall remain valid until it is revoked by the Shipping Authority which granted it, and a specified voyage licence shall be valid only for the particular voyage for which it is granted.

(4) A licence granted under this section may contain such limitations and conditions as the Shipping Authority granting it may think fit to impose with respect to the trades in which the ship may engage and the voyages which it may undertake, and such limitations and conditions may be imposed so as to apply to the ship wherever it may be, or while in such waters or engaged in such trades or on such voyages, as may be specified.

(5) When a licence ceases to be valid, the person to whom it was granted shall, without unreasonable delay, return it or cause it to be returned to the Shipping Authority which granted it.

(6) For the avoidance of doubts it is hereby declared that any licence granted under an order made under rule 65 of the Defence of India Rules or that rule as continued in force by the Emergency Provisions (Continuance) Ordinance, 1946, and valid immediately ~~XX~~ **XXI** of 1946 before the expiry of the said Ordinance shall continue to be valid according to its tenor and shall be deemed to have been granted under this section.

No port-clearance until licence is produced.

4. Without prejudice to the provisions of section 127 of the Indian Merchant Shipping Act, 1923, no officer of Customs shall **XXI** of 1933 grant a port-clearance to a ship registered in British India until after the production by the owner or master thereof of a valid licence granted under this Act in respect of the ship.

Power to give directions.

5. (1) The Shipping Authority which granted a licence in respect of a ship under section 3 may, from time to time while the licence is valid, by order in writing give directions with respect to—

(a) the ports or places, whether within or outside British India, to which, and the routes by which, the ship shall proceed for any particular purpose;

(b) the classes of passengers or cargo which may be carried in the ship;

(c) the order of priority in which passengers or cargo may be taken on or put off the ship at any port or place, whether within or outside British India.

(2) The Central Government or any Shipping Authority may from time to time by order in writing give general or special directions applicable to any ship registered outside British India and about to proceed from a port or place in British India to any port or place in the continent of India with respect to the order of priority in which passengers or cargo may be taken on the ship at such port or place in British India :

Provided that no directions under this sub-section shall apply to any such ship which is not taking on passengers or cargo at a port or place in British India for discharge at any port or place in the continent of India.

Power to fix shipping rates.

6. The Central Government may from time to time, by order published in the official Gazette, fix in the prescribed manner the rates at which any ship registered in British India may be hired, and the rates which may be charged for the carriage of passengers or cargo taken on any ship whether registered in British India or not, at a port or place in British India for discharge at any port or place in the continent of India.

7. A Shipping Authority may, by notice served by post, require— Power to call for information.

(a) the master or owner of any ship in respect of which a licence granted by the Shipping Authority under this Act is in force, or

(b) the master or the agent in British India of the owner of any ship in respect of which any directions have been or may be given under sub-section (2) of section 5,—

to furnish, within the period specified in the notice, information regarding any of the following matters, namely:—

(i) the classes of passengers and cargo which the ship is about to carry or is capable of carrying;

(ii) the rates of passenger fares and freight charges applicable to the ship;

(iii) any other matter which may be prescribed.

8. (1) If the provisions of sub-section (1) of section 3 or of an order under section 6 or, without reasonable excuse, any limitations or conditions contained in a licence granted under this Act or any directions given under section 5, are contravened, the master and the owner (or in the case of a ship registered outside British India, the agent in British India of the owner) of the ship in respect of which the contravention has taken place shall each be punishable with imprisonment for a term which may extend to six months, or with fine, or with both. Penalties and procedure.

(2) If any person on whom a notice has been served under section 7 fails to furnish the information required within the specified time or, in furnishing such information, makes any statement which he knows to be false in any material particular, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) If any licence is not returned to the Shipping Authority which granted it within a reasonable period after it has ceased to be valid, the person to whom it was granted shall be punishable with fine which may extend to one hundred rupees.

(4) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this section.

(5) If the person committing an offence punishable under this section is a company or other body corporate, every managing director, manager, secretary or other officer or agent thereof shall, unless he proves that he exercised all due diligence to prevent the commission of the offence, be deemed to be guilty of such offence.

9. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for any of the following matters, namely:—

(a) the forms of licences granted under this Act;

(b) the manner in which rates shall be fixed under section 6, including the constitution and functions of a Board to advise the Central Government in respect of such rates;

(c) the matters regarding which information may be required to be furnished under section 7.

GOVERNMENT OF INDIA
LEGISLATIVE ASSEMBLY DEPARTMENT

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to provide for the control of shipping ; and Annexure.

(The Honourable Mr. Ismail I. Chundrigar)