



GOVERNMENT OF MAHARASHTRA  
LAW AND JUDICIARY DEPARTMENT

**ACT No. VII OF 1882**

**THE MAHARASHTRA LANDING AND  
WHARFAGE FEES ACT**

*(As modified upto the 17th March 2016)*



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**THE MAHARASHTRA LANDING AND WHARFAGE  
FEES ACT**

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# ACT No. VII OF 1882.<sup>1</sup>

\*[THE MAHARASHTRA LANDING AND WHARFAGE FEES ACT] †

[18th November 1882]

Repealed in part and amended by Act 16 of 1895.

Amended by Bom Acts 5 of 1916 and 2 of 1919.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Adaptation of Laws Order, 1950.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 55 of 1959.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 24 of 1963.

Amended by Mah. 9 of 1973.

Amended by Mah. 15 of 1997 § @ (4.10.1996)\*\*

Amended by Mah. 43 of 1997.

Amended by Mah. 24 of 2012 (22-8-2012)\*\*.

## An Act to provide for the levy of fees for the use of <sup>2\*</sup> landing places.

Preamble.

WHEREAS it is expedient to provide for the levy of fees for the use of <sup>3\*</sup> landing places in certain ports in the <sup>4</sup>[State of Bombay]; It is hereby enacted as follows :—

1. This Act shall be called <sup>5</sup>\*[the Maharashtra Landing and Wharfage Fees Act].

Short title.

2. <sup>5</sup>[(1) <sup>6</sup>[It shall extend to any ports] in the <sup>7</sup>[<sup>8</sup>Mumbai] area of the State of Maharashtra] to which <sup>9</sup>[Government] may from time to time, by notification in the <sup>10</sup>[*Official Gazette*], extend the Act :

Local extent.

Bom. <sup>11</sup>[Provided that on the commencement of the Bombay Landing and Wharfage Fees LV of (Unification and Amendment) Act, 1959, it shall extend at once to the port in which the Okha 1959. Port Rules as continued in force by the Bombay Merged States (Laws) Act, 1950 were in Bom. force immediately before such commencement.] IV of 1950.

<sup>12</sup>(2) It shall extend to any ports in the rest of the <sup>13</sup>[State of Maharashtra] to which Government may, from time to time by notification in the *Official Gazette*, extend the Act;

Bom. Provided that on the commencement of the Bombay Landing and Wharfage Fees LV of (Unification and Amendment) Act, 1959, it shall extend at once to those ports in which 1959. the Saurashtra Ports (Administration) Ordinance, 1950 and the Bombay Landing and Wharfage Fees Act, 1882, as applied to the Kutch area were in force immediately before such Bom. commencement.] IX of 1950.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1881, Pt. V, p. 41; and for Proceedings in Council, see *ibid.*, p. 47.

<sup>2</sup> The word "Public" was deleted by Bom. 55 of 1959, s. 4(a).

<sup>3</sup> The word "Public" was deleted by Bom. 55 of 1959, s. 4(a).

<sup>4</sup> These words were substituted for the words "Bombay Presidency" by Bom. 55 of 1959, s. 4(a).

<sup>5</sup> Section 2 was renumbered as sub-section (1) of that section and sub-section (2) was inserted by Bom. 55 of 1959, s. 4(b).

<sup>6</sup> These words were substituted for the words "It shall extend—(a) to the Ports of Karachi and Aden; (b) to any other ports" by Schedule II of the Amending Act, 1895 (16 of 1895).

<sup>7</sup> These words were substituted for the words "pre-Reorganisation State of Bombay excluding the transferred territories" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>8</sup> The word "Bombay" was amended as "Mumbai" by Mah. 24 of 2012, s. 4.

<sup>9</sup> The word "Government" was substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

<sup>10</sup> The words "*Official Gazette*" were substituted for the words "Bombay Government Gazette and other local *Official Gazette*" by the Adaptation of Indian Laws Order in Council.

<sup>11</sup> This proviso was inserted by Bom. 55 of 1959; s. 4(b).

<sup>12</sup> Section 2 was renumbered as sub-section (1) of that section and sub-section (2) was inserted by Bom. 55 of 1959, s. 4(b).

<sup>13</sup> This words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

\* This short title was amended by Mah. 24 of 2012, Sch, entry, 7 w.e.f. 1-5-1960.

† This Act was extended to any ports in the rest of the State of Bombay to which Government may, from time to time, by notification in the *Official Gazette*, extend that Act *vide* Bom. 55 of 1959, s. 2.

<sup>5</sup> Maharashtra Ordinance No. XVI of 1996 was repealed by Mah. XV of 1997, s. 118.

\*\* This indicates the date of commencement of the Act.

@ Section 117 of Mah. XV. of 1997 reads as under :

Repeal and Savings. 117. On application of this Act to any minor port, the Bombay Landing and Wharfage Fees Act, 1882, shall stand repealed in relation to that port : Bom. VII of 1882.

Provided that, such repeal shall not affect,—

(a) The previous operation of the Act so repealed, or anything duly done or suffered thereunder;

(b) Any right, privilege, obligation or liability acquired, accrued and incurred under the Act, so repealed;

(c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed under the Act, so repealed; or

(d) Any investigation, legal proceedings, or remedy in respect of any such right privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed as if this Act had not been enacted :

Provided further that, subject to the proceeding proviso, anything done or any action taken under the repealed Act, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless until superseded by anything done or any action taken under this Act.”

<sup>1</sup>[Repeal and savings.] 3. <sup>2</sup>[(1)] Bombay Act III of 1879 is hereby repealed, and all fees levied and every declaration, appointment, or rule made under that Act shall be deemed to have been levied and made under this Act. Sau. Ord. IX of 1950.

<sup>3</sup>[(2)] The Saurashtra Ports (Administration) Ordinance, 1950, the Bombay Landing and Wharfage Fees Act, 1882 as applied to the Kutch area and the Okha Port Rules as continued in force by the Bombay Merged States (Laws Act, 1950 are hereby repealed and consequentially the balance standing at the foot of the general account of the Okha Harbour Board under the rule 17 of the Okha Port Rules and that at the foot of each landing and wharfage fees fund account under section 11 of the Bombay Landing and Wharfage Fees Act, 1882 as applied to Kutch area, immediately before the commencement of the Bombay Landing and Wharfage Fees (Unification and Amendment) Act, 1959, shall be credited to the Consolidated Fund of the State : Bom. VII of 1882. Bom. IV of 1950. Bom. VII of 1882. Bom. LV of 1959.

Provided that such repeal shall not affect —

(a) the previous operation of the laws so repealed, or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the Bombay Landing and Wharfage Fees (Unification and Amendment) Act, 1959 had not been passed : Bom. LV of 1959.

Provided further that anything done or any action taken (including notifications issued, limits defined or fixed, remissions or exemptions granted, rules, bye-laws, regulations, delegation

<sup>1</sup> This marginal note was substituted for the original by Bom. 55 of 1959, s. 4(c).

<sup>2</sup> Section 3 was renumbered as sub-section (1) of that section and sub-section (2) was inserted by Bom. 55 of 1959, s. 4(c).

<sup>3</sup> Section 3 was renumbered as sub-section (1) of that section and sub-section (2) was inserted by Bom. 55 of 1959, s. 4(c).



and appointment made, powers conferred and duties imposed, in so far as they are not inconsistent with the provisions of this Act, and the scales of tools, dues, fees rents, rates and charges framed) under the laws so repealed shall continue in force until altered, amended or superseded by anything done or any action taken under this Act.]

4. In this Act <sup>4</sup>[the term "Government" in relation to a major port means the Central Government, and save as aforesaid means the <sup>5</sup>[State] Government;] the <sup>6</sup>[term "landing-place" includes bandar, wharf, pier, jetty, hard and any place used for the landing, shipping, or storage of goods, or for the embarking or disembarking of passengers;]

"Government",  
"Landing-place" and  
"Passengers" defined.

<sup>7</sup>\* \* \* \* \*

<sup>8</sup>[and the term "passengers" means any person of three years of age or upwards, carried in a vessel, other than the master and crew and the owner, his family and servants.]

5. It shall be lawful for <sup>1</sup>[Government] from time to time by notification in the <sup>2</sup>[Official Gazette]—

Government to fix limits of bandars, etc., and the fees to be levied.

XV of 1908.

(a) to define the limits of any port to which this Act is made applicable when such limits have not been defined under the <sup>3</sup>[Indian Ports Act, 1908];

(b) to determine what are <sup>4</sup>\* landing-places to which the provisions of this Act shall apply;

(c) to determine the limits of any such landing-place;

(d) to withdraw this Act from any port in which it is for the time being in force;

<sup>5</sup>[(e) to fix the fees to be levied —

(1) on goods landed, shipped or stored at, and

(2) on passengers embarking or disembarking at, and

(3) on animals or vehicles bringing or removing goods to or from, or playing for hire at, and

(4) on vessels or boats approaching or lying alongside <sup>6</sup>[and

XV of 1980.

(5) for any services (other than those chargeable under the Indian Ports Act, 1908) rendered at or in relation to,

any such landing-place] : ]

<sup>4</sup> The words "the term "Government" in relation to a major port means the Central Government, and save as aforesaid means the Provincial Government" were inserted by the Adaptation of Indian Laws Order in Council.

<sup>5</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>6</sup> The definition of the term "landing-place" was substituted by s. 2(a) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

<sup>7</sup> The definition of the term "Commissioner" was repealed by the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916), s. 2(b).

<sup>8</sup> This definition was added by the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916), s. 2(c).

<sup>1</sup> The word "Government" was substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> The words "Official Gazette" were substituted for the words "Bombay Government Gazette and other local Official Gazette" by the Adaptation of Indian Laws Order in Council.

<sup>3</sup> These words and figures were substituted for the words and figures "Indian Ports Act, 1875" by Bom. 55 of 1959, s. 4(d).

<sup>4</sup> The word "Public" was deleted by Bom. 55 of 1959, s. 4(d).

<sup>5</sup> Clause (e) was substituted by s. 3(1) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

<sup>6</sup> This portion was substituted for the words "any such landing-place" by Bom. 55 of 1959, s. 4(d).

<sup>7</sup>[Provided that it shall be lawful for <sup>1</sup>[Government] at any time to exempt any goods, passengers, vessel, boat, animal or vehicle wholly or partially from any fee to which the same may be liable under this section :]

<sup>7</sup>[Provided further that the fee to be levied on any passenger on each occasion of embarking or disembarking at a landing-place shall not exceed one anna.]

Power of State Government to levy fee at higher rate in relation to minor ports.

<sup>8</sup>[5A. Notwithstanding anything contained in section 5, after the commencement of the Mah. 43 of 1997. <sup>9</sup>[Bombay Landing and Wharfage Fees (Amendment) Act, 1997, it shall be lawful for the State Government by notification in the *Official Gazette*, to levy a fee on any passenger on each occasion of embarking or disembarking at a landing-place in any port (not being a major port) at a rate not exceeding <sup>10</sup>[rupees fifty].

Power and duties under this Act by whom to be exercised and performed.

6. The levy of fees under this Act shall be made and all other powers and duties conferred and imposed by this Act or by any bye-laws made hereunder, shall be exercised and performed by such officers as <sup>1</sup>[Government] shall from time to time direct, or by such person as <sup>11</sup>[it] shall from time to time direct in this behalf.

<sup>12</sup>[The officers and persons (including the Chief Ports Officer, Maharashtra State) empowered as aforesaid shall, in respect of ports other than major ports, be subject to the control of any intermediate authority which the State Government may appoint. The intermediate authority shall in exercising control as aforesaid be subject to the superintendence, direction and control of the State Government.]

Powers, privileges and liabilities of officers who collect fees.

7. The officers and persons whose duty it may be to levy fees under this Act shall have the same powers for collecting and enforcing payment of the same as are exercisable under the provisions of any law, for the time being in force, in respect of duties of sea-customs by the Collector of Customs and his subordinates, and shall have the same privileges and be subject to the same liabilities in respect of anything done by them in collecting and enforcing payment of the said fees as the said Collector of Customs and his subordinates have, or are liable to, under the provisions of any such law.

Punishment of offenders.

The law for the time being in force for the punishment of offences relating to the levy or payment of duties of sea-customs, and for the reward of informers, shall, as far as may be, apply to similar offences committed in respect of the said fees.

<sup>1</sup>[In particular and without prejudice to the generality of the provisions of the foregoing paragraph, the penalty prescribed in the third column of article 1 of section 167 of the Customs Act, 1878, shall be leviable in respect of the contravention of any bye-laws made under this Act.] VIII of 1878.

Tables of fees to be posted up.

8. Tables of the fees leviable under this Act shall be posted up in some conspicuous position at every landing-place at which such fees are leviable, in English and the Vernacular language of the district, <sup>2</sup>[State], or territory in which the port is situate.

Power to make bye-laws.

9. <sup>3</sup>[The Chief Ports Officer, <sup>4</sup>[Maharashtra State] ] may, with the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act : —

(a) regulating the use of every landing-place to which this Act applies;

<sup>7</sup> This and the succeeding provisos were substituted for the original proviso by Bom. 5 of 1916, s. 3(2).

<sup>8</sup> Section 5A was inserted by Mah. 24 of 1963, s. 2.

<sup>9</sup> These words, brackets and figures were substituted for the words, brackets and figures "Bombay Landing and Wharfage Fees (Amendment) Act, 1963" by Mah. 43 of 1997, s. 2(a).

<sup>10</sup> These words were substituted for the words "twenty-five naye paise" by Mah. 24 of 1963, s. 2(b).

<sup>11</sup> The word "it" was substituted for the word "he" by Bom. 5 of 1916, s. 3(2).

<sup>12</sup> This portion was added by Mah. 8 of 1973, s. 2.

<sup>1</sup> This paragraph was inserted by s. 4 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

<sup>2</sup> This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

<sup>3</sup> These words were substituted for the words "The Chief Customs authority" by Bom. 55 of 1959, s. 4(e), read with Mah. 30 of 1960.

<sup>4</sup> These words were substituted for the words "Bombay State" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(b) providing for the management of the traffic over, on or about and to and from every such landing-place;

<sup>5</sup>[(c) regulating the collection and remittance of the fees leviable under all or any of the provisions of this Act; and]

<sup>6</sup>[(d) generally for the guidance of all persons in matters connected with the enforcement of this Act.]

The bye-laws so made, and every alteration of the same and every order repealing the same or any portion thereof, shall be published in the <sup>7</sup>[*Official Gazette*].

10. [*Fees realised under this Act how to be expended.*] Deleted by Bom. 55 of 1959, s. 4 (f).

†11. [*Receipt, expenditure and account of landing and wharfage fees.*] Deleted by Bom. 55 of 1959, s. 4(f).

12. [*Grouping of ports-*] Deleted by Bom. 55 of 1959, s. 4(f).

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<sup>5</sup> Clause (c) was inserted by s. 5(b) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

<sup>6</sup> Clause (d) was renumbered by s. 5(c) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

<sup>7</sup> The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette* and other local *Official Gazette*" by the Adaptation of Indian Laws Order in Council.

† The balance standing at the foot of each landing and wharfage fees fund account under section 11 immediately before the commencement of Bom. 55 of 1959, shall be credited to the Consolidated Fund of the State [*vide* Bom. 55 of 1959, s. 4(f)].



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