

THE BOMBAY LANDING AND WHARFAGE FEES ACT, 1882

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BOMBAY ACT No. VII OF 1882

[THE BOMBAY LANDING AND WHARFAGE FEES ACT, 1882]†

[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Repealed in part and amended by Act 16 of 1895.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. 8 of 1973.

Amended by Mah. 43 of 1997.

An Act to provide for the levy of fees for the use of ^{2*}landing places.

WHEREAS it is expedient to provide for the levy of fees for the use of ^{2*}landing Places in certain ports in the ³[State of Bombay] ; It is hereby enacted as follows :—

1. This Act shall be called the Bombay Landing and Wharfage Fees Act, 1882. Short title.

2. ⁴[(1)] ⁵[It shall extend to any ports] in the ⁶[Bombay area of the State of Maharashtra] to which ⁷[Government] may from time to time, by notification in the ⁸[Official Gazette,] extend the Act :

Bom. ⁹[Provided that on the commencement of the Bombay Landing and Wharfage Fees (Unification and Amendment) Act, 1959, it shall extend at once to the port in which the Okha Port Rules as continued in force by the Bombay Merged States (Laws) Act, 1950 were in force immediately before such commencement.]

Bom. ⁴[(2)] It shall extend to any ports in the rest of the ¹⁰[State of Maharashtra] to which Government may, from time to time by notification in the ¹¹[Official Gazette] extend the Act :

Bom. ¹²Provided that on the commencement of the Bombay Landing and Wharfage Fees (Unification and Amendment) Act, 1959, it shall extend at once to those ports in which 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 commencement.]

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

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

³These words were substituted for the words " Bombay Presidency ", *ibid.*, s.4(a).

⁴Section 2 was renumbered as sub-section (1) of that section and sub-section (2) was inserted, *ibid.*, s.4(b).

⁵These 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).

⁶These 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

⁷The words " Government " was substituted for the words " the Governor in Council " by the Adaptation of Indian Laws Order in Council.

⁸The words " Official Gazette " were substituted for the words " Bombay Government Gazette and other local Official Gazette ", *ibid.*,

⁹This proviso was inserted by Bom.55 of 1959, s.4(b).

¹⁰These words were substituted for the words " State of Bombay " by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

¹¹This 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).

3. ¹[(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.

¹[(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 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 :

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 proceeding 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 :

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 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 tolls, 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 ³[the term "Government" in relation to a major port means the Central Government, and save as aforesaid means the "[State] Government ; the ⁵term "landing place" includes a 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 ;

* * * * *

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.]

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

²This marginal note was substituted for the original, *ibid.*, s.4(c).

³The 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.

⁴This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵The 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).

⁶The definition of the term "Commissioner" was rendered by s.2(b), *ibid.*

⁷This definition was added by s.2(c), *ibid.*

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5. It shall be lawful for ¹[Government] from time to time by notification in the ²[*Official Gazette*]

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

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

(b) to determine what are ⁴*landing-place 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;

⁵[(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 plying for hire at and

(4) on vessels or boats approaching or lying alongside ⁶[and

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

of 1908.

any such landing-place]:

⁷[Provided that it shall be lawful for ¹[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:]

⁷[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.]

Mah. XLIII of 1997.

⁸[5A. Notwithstanding anything contained in section 5, after the commencement of the ⁹[*Bombay Landing and Wharfage (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 ¹⁰[rupees fifty].

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

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 ¹[Government] shall from time to time direct or by such person as ¹¹[it] shall from time to time direct in this behalf.

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

¹²[The officers and person (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.]

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

²The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette* and other local *Official Gazette*", *ibid.*

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

⁴The word "Public" was deleted, *ibid.*, s.4(d).

⁵Clause (e) was substituted by s.3(1) of the *Bombay Landing and Wharfage fees (Amendment) Act, 1916* (Bom. 5 of 1916).

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

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

⁸Section 5A was inserted by Mah. 24 of 1963, s.2.

⁹These words were substituted for the words "*Bombay Landing and Wharfage (Amendment) Act, 1997*" by Mah. 43 of 1997, s.2(9).

¹⁰These words were substituted for the words "twenty five naye paise" *ibid.*, s.2(b).

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

¹²This portion was added by Mah. 8 of 1973, s.2.

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 or 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.

¹[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 VIII section 167 of the Sea-Customs Act, 1878, shall be leviable in respect of the of 1878. contravention of any bye-law made under this Act.]

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, ²[State], or territory in which the port is situate.

Power to make Laws. 9. ³[The Chief Ports Officer, ⁴[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 ;

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

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

⁶[(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 same and every order repealing the same or any portion thereof, shall be published in the ⁷[Official Gazette]

10. [Fee realised under this Act how to be expended.] Deleted by Bo. 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).

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

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

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

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

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

⁶Clause (d) was renumbered by s.5(c), *ibid*.

⁷The 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)].