

S.L. No. 21

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 30 OF 2025

IN THE MATTER OF:

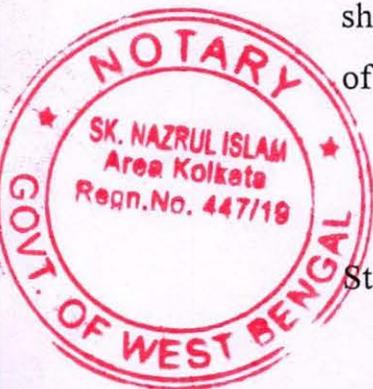
In Re: Sinking B'deshi vessel dumps toxic fly ash in river near Ghoramara, shows video shared by panchayat member News item published in the Times of India, Kolkata Section dt. 17.02.2025

...Applicant

-Versus-

State of West Bengal & Ors.

.... Respondent (s)

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Date: 25.04.2025

Place: Kolkata

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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4, INLAND WATERWAYS AUTHORITY OF INDIA TO THE ORIGINAL APPLICATION NO. 30 OF 2025.

I, Ravindra Kumar Singh S/o Late Shri Jagdish Singh aged about 59, Director of Inland Waterways Authority of India, located at resident of 14/4C, Genexx Valley, Kolkata-700104 (West Bengal), do hereby solemnly affirms and declares as under:

1. That this Hon'ble Tribunal is currently seized of the above captioned matter which was taken up *Suo Moto* based on a News Article published in the Times of India, Kolkata Section on 17.02.2025 titled, '*Sinking B'deshi vessel dumps toxic fly ash in river near Ghoramara, shows video shared by panchayat member*'.
2. That this Hon'ble Tribunal on 19.02.2025 directed impleadment of Respondent No. 4, Inland Waterways Authority of India (hereinafter, 'IWAI' or 'answering respondent'), among others in the array of Respondents and Notices were issued accordingly. Thereafter, on the next date of hearing i.e. 07.03.2025, this Hon'ble Tribunal granted time to the answering Respondent/IWAI for filing its Counter Affidavit. Consequently, the present Counter Affidavit is being filed by the

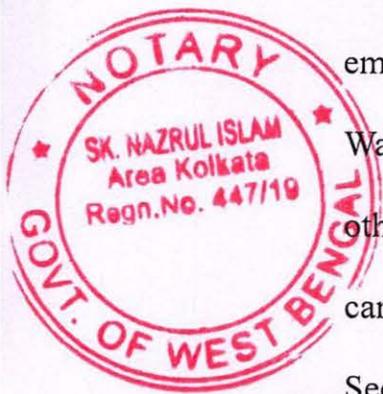


answering Respondent/IWAI to clarify the action taken by it with regard to the above unfortunate accident and in terms of all applicable norms as would be discussed in the subsequent paragraphs.

PRELIMINARY OBJECTIONS

I. Response to Accidents on the Inland Waterways – shared responsibility of multiple agencies

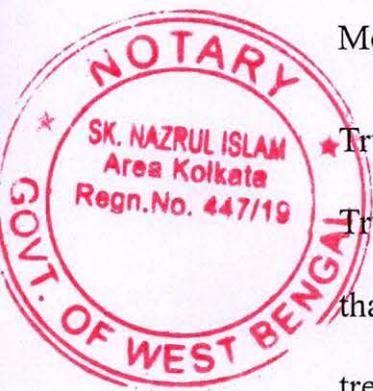
3. That, before delving into the specifics of the accident and the prompt action taken by the answering Respondent, it would be prudent to understand the context within which the Protocol Route between India and Bangladesh operates, including the terms of engagement between the two countries. That in the year 1972, an agreement was signed between India and Bangladesh whereby for the first time the Indo-Bangladesh Protocol Route was notified, which was updated on 06.06.2015. A copy of the said agreement is appended as **ANNEXURE R/1**.
4. That subsequently, in the year 1985, the Inland Waterways Authority of India Act, 1985 (hereinafter referred as 'IWAI Act, 1985') was enacted and brought into force on 27.10.1986 by the Central Government. The IWAI Act, 1985 empowers the IWAI to undertake functions such as maintenance of National Waterways, removing obstructions, carrying out conservancy measures, among others. Further, the answering Respondent/IWAI carries out and proposes to carry out only such activities that are statutorily mandated as enumerated under Section 14 of the IWAI Act, 1985. It is humbly submitted that IWAI has established itself as a proactive and responsible Authority of Government of India. Moreover, to avoid any conflict with the duties of the Port authorities, Section 27 states that the provisions of the IWAI Act of 1985 will be in addition to the provisions of the Indian Ports Act, 1908 and the Major Ports Act, 1963 and that nothing would impact the jurisdiction, functions, powers or duties of



the Conservator under the Indian Ports Act, 1908 and the Board of Trustees under the Major Ports Act, 1963. Thus, the Conservator of Respondent No. 6, the Syama Prasad Mukherjee Port is primarily responsible for functions such as removal of impediments, prevention of discharge of any material in the navigable limits of the port, among others. The relevant extracts of the IWAI Act, 1985 are appended as **ANNEXURE R/2**.

5. That the answering Respondent/IWAI was designated as the Competent Authority on behalf of the Government of India under the Protocol on Inland Water Transit & Trade (hereinafter referred as 'PIWT&T') for implementation of the PIWT&T agreement vide Ministry of Shipping Order No. WTC-15014/2/2001-IWT dated 29.08.2003, with effect from 08.09.2003. More specifically, IWAI has functional jurisdiction on the NW-1 and Indo-Bangladesh Protocol ('IBP') Route 1, 2, 3 and 4 from North of Konnagar and from South of Diamond Harbour near Kulpi. Further, the IBP Route in Indian waters is maintained:

- i. from Hem Nagar border point till Silvertree point by the answering Respondent i.e. IWAI for Shipping and Navigation; and
- ii. after Silvertree point till Kolkata Port by the Respondent No. 6 i.e. Syama Prasad Mookerjee Trust.

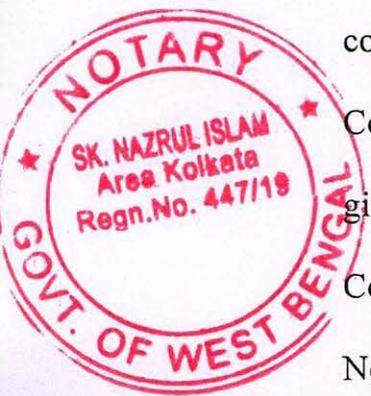


True copy of the Map depicting the jurisdiction of the IWAI and the Kolkata Port Trust on the IBP Route is appended as **ANNEXURE R/3**. It is pertinent to note that the accident took place near Ghoramara which is to the south of the silver tree point and thus beyond the jurisdiction of the IWAI as is evident from the map.

6. That according to the Inland Vessels Act, 2021, Respondent No. 5 i.e. the State Government, is the competent authority for provisions relating to the operation of the Inland Vessels in the State of West Bengal. Under the said Act, the State

Government is responsible for grant of Certificate of Survey to Inland Vessels for operations of mechanically propelled inland vessels after the approval of designated Surveyor. Thus, the State Government is fully responsible for carrying out investigation and proceedings into causalities of inland vessels and also responsible for prevention and control of pollution and protection of inland waters. It is pertinent to highlight that under the Inland Vessels Act, 2021, the State Government also has the power to impose penalty and initiate legal proceedings against inland vessels. However, with respect to vessels plying under the Indo-Bangladesh Protocol Route, specifically Bangladeshi vessels, the Bangladesh Inland Water Transport Authority ('BIWTA'), is responsible for granting the Certificate of Survey. As per Article 12 of the Indo Bangladesh Protocol, the Certificate of Survey of one country for the vessel registered in it and running to or through the other will be recognised and accepted as valid by the other country. Relevant extracts of the Inland Vessels Act, 2021 are appended as **ANNEXURE R/4**.

7. That the Fly Ash Notification, 2021 issued under the Environment Protection Act, 1986, clearly stipulates at Para C. (4) that it is the responsibility of the transporters or vehicle owner to deliver ash to authorized purchaser or user agency. Further, in the event of mis-delivery, an environmental compensation will be imposed besides prosecution of such non-compliant transporters by the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC). The Central Pollution Control Board on 14.10.2024 has given categorical directions to the State Pollution Control Board/ Pollution Control Committees for compliance with the provisions of the Fly Ash Notification, 2021. The said Direction clearly states at Para (i) that the SPCB / PCC has to ensure that the transporter of the vehicle owner delivers the ash to the authorized purchaser or user agency only and takes appropriate action for the



non-compliant cases as per the provisions of the Fly Ash Notification, 2021, which include imposition of environmental compensation and prosecution of such non-compliant transporters. Thus, it is clear that for failure to deliver the fly ash to the authorized purchaser/user agency, the liability for non-compliance is of the vehicle owner/transporter. Relevant extracts of the Fly Ash Notification, 2021 are appended as **ANNEXURE R/5**.

8. The true copy of the Direction of the Central Pollution Control Board dated 14.10.2024 is marked and annexed as **ANNEXURE R/6**.
9. That from the preceding paragraphs, it becomes evident that Inland Waterways Transport (IWT) is overseen by various agencies/organisations with well-defined functions, such as illustrated below:
 - i. IWAI under the Ministry of Ports, Shipping & Waterways, Government of India;
 - ii. Inland Water Transport (IWT) Departments/State Maritime Boards under State Governments;
 - iii. Shyama Prasad Mookherjee Port Trust;
 - iv. State Pollution Control Boards;
 - v. State Disaster Management Department/Authority;
 - vi. Customs and Immigration Department in case of EXIM cargo;
 - vii. Vessel owners;
 - viii. Vessel Operators;
 - ix. Indian Coast Guard;
 - x. Exporters/transporters/vessel's agents including those transporting fly ash or any other goods.

The legislations governing the inland vessels engaged in transportation of cargo, such as fly ash, are as below:

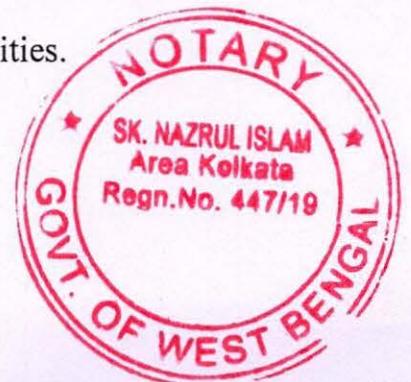


- a) Inland Vessels Act, 2021 and the nodal responsibility of which lies with the State Transport Department as per Allocation of Business Rules;
- b) Inland Waterways Authority Act, 1985; and
- c) Protocol on IWT&T between India and Bangladesh, 1972 is the responsibility of IWAI in Indian waters.

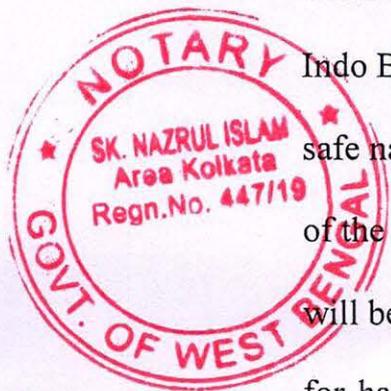
Out of the above instruments, the obligations of the answering Respondent/IWAI are governed by the IWAI Act, 1985 and the Indo-Bangladesh Protocol on Inland Water Transit and Trade, 1972.

II. Existing Mechanism of IWAI to deal with Accidents on the IBP Route

10. That the PIWT&T is a bilateral agreement between India and Bangladesh under which inland vessels of one country can transit through the specified routes of the other country under certain agreed terms and conditions and also call at various ports for loading/discharging as per agreement. Be that as it may, IWAI has taken detailed measures to maintain the Waterway safety and safe navigation.
11. That before entering Indian waters, all vessels from Bangladesh carry voyage permission issued by the Protocol Authority in Bangladesh i.e. the Bangladesh Inland Water Transport Authority ('BIWTA') after due verification of Registration Certificate, Survey Certificate or Fitness Certificate among other prerequisites. Pertinently, prior to entering Indian waters, every Bangladeshi vessel needs to obtain inward permission from the Protocol Authority in India for PIWT&T i.e. the answering Respondent/IWAI. The inward permit is issued after inspection of vessels and documents crossing the Hemnagar Border Entry Point. The IWAI has evolved a sound inspection system before the barges/vessels enter Indian waters at the border. Specifically, a team is constituted and deployed at the border to inspect vessels for ascertaining its fitness. Other verifications in this regard are done by the State Government and the Custom Authorities.



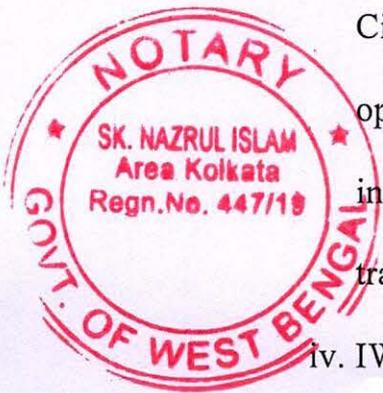
12. That a 'Standard Operating Procedure for Movement of Vessels Registered under Inland Vessels Act on National Waterways' was issued by the answering Respondent/IWAI to facilitate safe movement and operation of vessels on National Waterways. It comprehensively takes into account laws rules and regulations such as the Prevention of Collision on National Waterways Regulations, 2002; National Waterway, Safety of Navigation and Shipping Regulations, 2002; Inland Waterways Authority of India (Classification of Inland Waterways in India) Regulations, 2006; and the Inland Vessels Act, 1917 among others. The copy of the SOP for Movement of Vessels Registered under the Inland Vessels Act on National Waterways, is marked and annexed as **ANNEXURE R/7**.
13. That in 2021, the Inland Vessels Act, 1917 has been superseded by the Inland Vessels Act, 2021. The Inland Vessels Act of 2021 *inter alia* clarifies in detail the procedure for obtaining the Certificate of Survey, registration, manning, navigation safety signals, prevention of pollution, wreck and salvage, inquiry into casualty accident and wreck.
14. That, subsequently, the answering Respondent also developed a Draft of the detailed Standard Operating Procedure ('SOP') in view of the Inland Vessels Act, 2021 and the numerous Rules issued thereunder in July, 2022. The said Draft SOP specifies, in detail, the responsibilities of the Central Government, State Government and the answering Respondent at every stage of the accident and the procedure for containment of the same. The said SOP of 2021 was put for consideration and finalisation before Standing Committee constituted under the Indo Bangladesh Protocol for periodic review of the Protocol and facilitating the safe navigation and transit of vessels on the Protocol Route. In the 22nd Meeting of the Standing Committee on 20.12.2023, it was decided that a Joint Committee will be constituted for framing the Draft SOP presented for addressing the issues for harmonisation of standards from both vessels, environment, compensation,



rescue of capsized vessels, among others. This, as and when approved by the competent authority, shall be the guiding instrument to deal with any unfortunate accident in the future. The said Joint Committee is considering the same however there has been a little delay due to the current geopolitical situation. The Draft SOP of 2021, which has also obtained the approval of this Hon'ble Tribunal in the case of Dakshinbanga Matsyajibi Forum v. IWAI and Others (OA No. 64/2020), is marked and annexed as **ANNEXURE R/8**. The Copy of the Minutes of the Standing Committee dated 20.12.2023 is marked and annexed as **ANNEXURE R/9**.

15. That additionally, the answering Respondent/IWAI keeps a close vigil on the accidents that take place on National Waterways/IBP Route. The steps taken include as under:

- i. After getting information of an accident/incident, a committee of IWAI officials are deputed to the site for assessment of the cause and to take all possible remedial measures;
- ii. In the event an incident involves a Bangladeshi vessel, IWAI takes up the matter immediately with its Bangladeshi counterpart i.e. BIWTA as well as with the local agents of the vessels to ensure that the vessel and cargo are salvaged and that there is no pollution caused to the environment;
- iii. Circulars and notices are regularly issued to provide precautionary steps needed to avoid accidents on the National Waterways. These include the Circular dated 11.11.2024 mandating all Inland Waterways Transport operators are to install an Automatic Identification System on vessels plying in National Waterways as well PIWT&T routes under the Protocol for tracking and safe navigation.
- iv. IWAI warns BIWTA of the likelihood of the occurrence of any possible mishap due to natural disasters and inclement weather conditions on the



Protocol Route that can be predicted through meteorological data and weather forecasts; and

- v. The removal of spillage such as fly ash or any other material is the responsibility of the shipping agent and the designated department of the State Government under the Inland Vessels Act, 2021.
16. That further, the abovementioned measures have also been communicated and adopted by the Standing Committee for implementation vis a vis the vessels registered in Bangladesh. A case in point is the record of the minutes of the Standing Committee dated 08.04.2024 wherein BIWTA has informed that they have also constituted a committee for installation of Automatic Identification System and the matter is pending finalisation by their technical committee from the Ministry of Shipping, Bangladesh. The copy of the Record dated 08.04.2024 is marked and annexed as **ANNEXURE R/10**.
17. That despite multiple measures in place to ensure safe navigation of vessels on inland waterways, accidents happen due to reasons which are sometimes beyond human control such as cyclones, mechanical failures of the vessels, inclement weather and also sometimes due to human errors including negligence of the crew among others.
- ACCIDENT OF BANGLADESH FLAG VESSEL M.V. SEA WORLD AT GHORAMARA ON 13.02.2025 AND ACTION TAKEN BY RESPONDENT NO. 4, IWAI**
18. That on 11.02.2025, the Bangladesh Flag Vessel M.V. Sea World, M-7490 loaded 1190 MT of dry fly ash from Budge Budge Jetty-4, Kolkata and departed on 12.02.2025. However, on 13.02.2025, the said vessel got grounded near Ghoramara Char due to acute fog and developed a crack in the middle of the barge upon hitting a sandbar.



19. That the Indian Shipping Agent i.e. M/s Ajbela Navigation informed the Officer-in-Charge, Sagar Police Station immediately about the crack seen in M.V. Sea World at Goramara. It was informed by the agent that the vessel was loaded with 1190.00 MT of dry fly ash from Budge Budge Jetty-4, Kolkata on 11.02.2025 and the vessel departed on 12.02.2025. However, on 13.02.2025 at around 1:30 p.m., the barge developed a crack in the middle near Goramara Chor. Further, there were twelve crew members on the vessel (where the accident took place) and who are now under the watch of the Sagar Police Station. Pertinently, the Indian Shipping Agent, on the same day, intimated the answering Respondent/IWAI about the accident telephonically and also via mail. A true copy of the communications dated 14.02.2025 from M/s Ajbela Navigation have been appended herewith as **ANNEXURE R/11 (COLLY)**.

20. That immediately after being informed by the Indian Shipping Agent of the accident involving M.V. Sea World (M-7490), officials of the answering Respondent/IWAI comprising the Assistant Hydrographic Surveyor, Nodal Officer of the Stretch and Junior Engineer (Mechanical) of the Vessel inspection Unit visited the location of the accident on 14.02.2025. It was informed by the Master of the distressed vessel, M.V. Sea World (M-7490), that the vessel was anchored at Ghoramora on 12.02.2025. Thereafter, on 13.02.2025, the Indian Pilot sailed back on another empty vessel after guiding the route to the Vessel Master. Due to Flood tide (i.e. during high water) pressure, anchor was lifted and sailed through the Pilot guided route and the fog made visibility of the route difficult. Ultimately, the vessel got struck over the sand bar near Ghoramara and developed a crack in the middle. The local community nearby guided the vessel's crew to the nearest Police Station. It was observed that the Indian Shipping Agent deployed an Indian vessel, namely M.V. Garai along with a salvage team and that the Petroleum, Oil and Lubricants ('POL') were moved into barrels and placed



over the Deck. Additionally, Day and Night Cautionary Marks were found to be placed at the location of the distressed vessel. All the crew were found to be in a safe condition and were under the custody of the local police. Considering these observations, the answering Respondent/IWAI advised representative of the Indian Shipping Agent to take the following action on an immediate basis:

- i. To evacuate the fly ash through proper way and to repair the crack;
- ii. to evacuate the fly ash and also submit photographs to IWAI;
- iii. to deploy repair team after salvaging the vessel on priority basis;
- iv. to submit a detailed report and day to day progress of works of the affected vessel to IWAI officials, Kolkata; and
- v. Agent was instructed to keep day and night cautionary marks for identification of affected vessel till the vessel refloats.

A true copy of the Inspection Report dated 14.02.2025 has been appended herewith as **ANNEXURE R/12**.

21. That, thereafter, on 17.02.2025, the Regional Office of the answering Respondent/IWAI at Kolkata directed the Indian Shipping Agent to:

- i. Take the vessel to a safe location with the support of empty vessels and also to ensure the safety of the vessel and crew;
- ii. Provide anchor ball and night navigation lights at the location;
- iii. Take necessary action to rectify the defects immediately and a detailed report may be forwarded immediately about the condition of the vessel;
- iv. Take necessary action to keep the distressed vessel afloat and also to evacuate the cargo and POL immediately; and
- v. To provide the action taken report on the day-to-day progress.

A true copy of the communication dated 17.02.2025 from the Regional Office of IWAI at Kolkata to the Indian Shipping Agent is appended as **ANNEXURE R/13**.

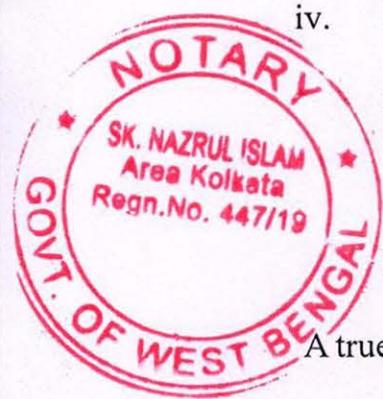


22. That the answering Respondent/IWAI as well as its Regional Office at Kolkata have been continuously monitoring the progress of the salvage operations through the daily reporting of the Indian Shipping Agent. In this regard, illustratively, below are the updates provided by the Indian Shipping Agent to the answering Respondent/IWAI:

- i. E-Mail dated 21.02.2025, whereby it is informed that a salvage team is dealing with the situation by unloading Fly Ash with the help of boats (Nauka) and the Salvage team has already unloaded some fly ash and is trying its best to finish the same as early as possible.
- ii. E-Mail dated 22 & 24.04.2025, whereby it is reported that the liquid Fly Ash is in the progress of being transferred from M.V. Sea World to M.V. Garai (W.B. 1367). Most of the liquid fly ash has been transferred to M.V. Garai.
- iii. E-Mail dated 27.02.2025 reporting that the distressed Barge is under repair and is in floating position. Approximately 600 ltrs of POL has been shifted to Indian Flag Vessel namely M.V. Garai safely. No spillage of POL is in the river. The liquid fly ash has been shifted to M.V. Garai partially and dry fly ash has been moved to the shore.
- iv. E-Mail dated 28.02.2025 reporting that the distressed vessel has been shifted from Ghoramara (location of the accident) to the nearby shore at Lot-8 with the help of two barges M.V. Garai (Indian) and M.V. Sea Pental (Bangladesh Flag Vessel) for further repair purposes.

A true copy of the E-Mails have collectively been appended as **ANNEXURE R/14 (Colly.)**.

23. That the answering Respondent has also been corresponding with the West Bengal Pollution Control Board (hereinafter, 'WBPCB') on the progress of the salvage operations. For instance, on 28.02.2025, the Regional Office of the answering Respondent at Kolkata submitted its Inspection Report along with the action taken



by the Indian Shipping Agent. Subsequently, upon the intimation of the WBPCB dated 03.03.2025, WBPCB conducted an inspection on 04.03.2025 and shared its findings with the answering Respondent through a letter dated 05.03.2025. During the above said inspection, it was found that:

- i. partially recovered Fly Ash from sunken Bangladesh Flag vessel MV Sea World has been kept in another vessel namely MV Garai near Lot 8 of Kakdwip besides Fly Ash from sunken Bangladesh Flag vessel MV Sea World; and
- ii. both sunken Bangladesh Flag vessel MV Sea World as well as MV Garai are kept near Lot 8, Kakdwip.

Hence, the Regional Office of the answering Respondent was asked to direct its Indian Shipping Agent to dispose the Fly ash from both vessels in an environmentally safe manner (for use of Cement and Concrete Industry, Brick and Block Making Industry, Land filling with proper lining to prevent leaching) and to, then, submit a report mentioning the quantity of Fly Ash safely disposed (with documentary evidence like Geo tagging, photographs, video, Work Order). A true copy of the Letter from WBPCB to IWAI, Kolkata dated 05.03.2025 has been appended herewith as **ANNEXURE R/15**.

24. That, in furtherance of the Letter of WBPCB dated 05.03.2025, the answering Respondent/IWAI on 06.03.2025 directed the Indian Shipping Agent accordingly to dispose the fly ash from both the vessels in an environmentally safe manner for use of cement and concrete industry, brick and block making industry, landfilling with proper lining to prevent leaching and to submit a report mentioning the quantity of fly ash which has been safely disposed with documentary evidence like geotagged photographs, video, work order. A true copy of the direction dated 06.03.2025 has been appended herewith as **ANNEXURE R/16**.



25. That, on the same day i.e. 06.03.2025, the answering Respondent also wrote to BIWTA intimating that all the crew of the Bangladesh Flag Vessel MV Sea World, M-7490 are safe. Further, salvage operations have been carried out by the Indian Shipping Agent i.e. M/s Ajbela Navigation and presently MV Sea World has been floated and shifted from the location of the accident to near the shore at Lot 8, Kakdwip for repair works. A true copy of the Letter to BIWTA dated 06.03.2025 has been appended herewith as **ANNEXURE R/17**.
26. That, on 07.03.2024, the answering Respondent/IWAI also enquired from the Indian Shipping Agent, Ajbela Navigation, the cause for the disposal of fly ash into the river water. On 10.03.2025, the Indian Shipping Agent has informed that after the development of the crack in the vessel, the cargo holds loaded with fly ash started oozing into the water. The crew was helpless to prevent the discharge of the fly ash, who were taking all the requisite steps to prevent further damage to the vessel as well as their own safety. Further, as soon as the crew was safe, the Indian Shipping Agent immediately deployed a salvage team for preventing further discharge of the fly ash from the cargo holds into the river water and 550 MT was salvaged at M.V.Garai, 50 MT was salvaged nearby the shore area, 100 MT was pumped out and another 50 MT is remaining on board the Sea World. However, due to the crack, approximately 490 MT has oozed out into the river water. The Copy of the Letter dated 10.03.2025 is marked and annexed as **ANNEXURE R/18 (COLLY)**.
27. That subsequently, the Indian Shipping Agent on 20.03.2023 informed the Regional Office of the answering Respondent/IWAI that fly ash quantity of approximately 750 MT as loaded in M.V. Garai has been discharged at RKB Udyog Private Limited in Kulpi. Further, M/s RKB Udyog Private Limited, a brick making company, has received the Fly Ash for manufacturing of bricks this year. A true



copy of the E-Mail dated 20.03.2025 along with receipts has been appended herewith as **ANNEXURE R/19**.

28. That the Indian Shipping Agent reported on 22.03.2025 that repair works for M.V. Sea World are complete and the barge can now sail. Further, BIWTA has permitted M.V. Sea Paradise (M-25322) to tow M.V. Sea World along with its crew members from India to Narayangong, Bangladesh. Likewise, a request for inward permission for the barge is requested from IWAI. A true copy of the E-Mail dated 22.03.2025 along with the Inward Permission from BIWTA dated 10.03.2025 has been appended herewith as **ANNEXURE R/20**.

29. That, accordingly, on the same day i.e. 22.03.2025, the answering Respondent wrote to the WBPCB regarding the safe disposal of recovered Fly Ash from the Indian Vessel MV Garai and evacuation of remaining Fly Ash from the distressed Bangladesh Flag Vessel M.V. Sea World (M 7490). It was informed that all repair works have been carried out and that BIWTA has issued a voyage permission for towing the distressed vessel M.V. Sea World (M-7490) by another empty Bangladesh Flag Vessel namely M.V. Sea Paradise (M-25322), along with crew, from Indian waters to Narayanganj, Bangladesh. A true copy of the Letter dated 22.03.2025 from IWAI to WBPCB has been appended herewith as **ANNEXURE R/21**. It is pertinent to add that the vessel has not yet been accorded the outward permission from IWAI.

30. That, as illustrated above, the answering Respondent/IWAI has been proactive and thorough in its actions right from when the accident was reported to the answering Respondent. Pertinently, the Regional Office of the answering Respondent/IWAI at Kolkata, among other arrangements, has been proactive in its monitoring as well as in coordinating with others such as its Head Quarters at New Delhi, BIWTA, WBPCB as well as the Indian Shipping Agent. Further, action will be undertaken against the vessel owner as well as the master of the vessel in accordance with



Chapter XI of the Inland Vessel Act, 2021 and subject to the Indo-Bangladesh Protocol on the subject. Further, since the vessel is registered in Bangladesh, the requisite imposition of penalty, if any, will be taken up in the Steering Committee meeting of the Indo-Bangladesh Protocol. Also, as per the Fly Ash Notification of 2021, the requisite penalty/environmental compensation may be taken up by the West Bengal Pollution Control Board within the framework of the Environment Protection Act, 1986, with the Indian Shipping Agent as the Fly Ash Notification, 2021 as well as the Inland Vessel Act, 2021 clearly states that the responsibility for safe transportation of fly ash is with the Vessel owner and thereby also the Indian Shipping agent who was acting on their behalf. However, the entire incident has to also pass muster in the Steering Committee meeting of the Indo-Bangladesh Protocol

31. That the latest status is that the salvage operations have been completed and the vessel is in floating position with the help of the Indian Flag vessel MV Garai & Bangladeshi Flag Vessel MV Pental. Any remnant issue is the responsibility of the State Government in accordance with the Inland Vessels Act, 2021 and as stated in para 29 above.
32. That while the answering Respondent has been continually following up on the daily updates, it is important to highlight that functional jurisdiction to deal with such accidents is distributed between the Shyama Prasad Mookerjee Port Trust, the State Government and the answering Respondent/IWAI in accordance with the Inland Vessels Act, 2021.
33. That the above information is for the perusal of this Hon'ble Tribunal for passing appropriate orders.

Date: 25.04.2025
Place: Kolkata

Solely Affirmed and
Declared before me U/S 139
CPC, U/S 297 (C) CrPC

Notary
Sk. Nazrul Islam
Notary, Govt. of W.B.
Regn. No. 447/19
City Civil Court, Kolkata

25 APR 2025

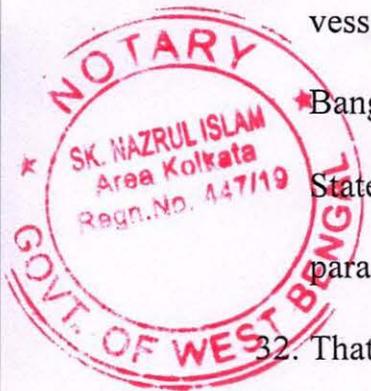
Ravindra Kumar Singh

Director
Inland Waterways Authority of India
Ministry of Ports, Shipping and Waterways, Govt. of India
P-78, Garden Reach Road, Kolkata - 700043

DEPONENT

IDENTIFIED BY ME

Rabizul Islam
MB/250/195
ADVOCATE
High Court, Kolkata



VERIFICATION

I, the deponent abovenamed do hereby verify the contents of this Affidavit from Para 1 to 33 are true to my knowledge and nothing material has been concealed therefrom

Verified at Kolkata on this 25th day of April, 2025.

Ravindra Kumar Singh
DEPONENT

Director
Inland Waterways Authority of India
Ministry of Ports, Shipping and Waterways, Govt. of India
P-78, Garden Reach Road, Kolkata - 700043



PROTOCOL ON INLAND WATER TRANSIT AND
TRADE

In pursuance of Article VIII of the Trade Agreement entered into between the Government of the Republic of India and the Government of the People's Republic of Bangladesh on the Sixth day of June, 2015 wherein the two governments agree to make mutually beneficial arrangements for the use of their waterways for commerce between the two countries and for passage of goods between two places in one country and to third countries through the territory of the other under the terms mutually agreed upon.

In such cases, fees and charges, if leviable as per international agreements, conventions or practices, may be applied and transit guarantee regime may be established through mutual consultations. It is further agreed as following:

1. Definition:

For the purpose of this Protocol unless the context otherwise requires:

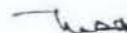
1.1 The term "**Competent Authorities**" will mean the authorities authorized by the respective Government:

1.2 The term "**route**" will refer to the routes:

(1) Kolkata- Haldia- Raimongal- Chalna- Khulna- Mongla- Kawkhali- Barisal- Hizla- Chandpur- Narayanganj- Aricha- Sirajganj- Bahadurabad- Chilmari- Dhubri- Pandu- Shilghat.



1



(2) Shilghat- Pandu- Dhubri- Chilmari- Bahadurabad- Sirajganj- Aricha- Narayanganj- Chandpur- Hizla- Barisal- Kawkhali- Mongla- Khulna- Chalna- Raimongal- Haldia- Kolkata.

(3) Kolkata- Haldia- Raimongal- Mongla- Kawkhali- Barisal- Hizla- Chandpur- Narayanganj- Bhairab Bazar- Ashuganj- Ajmiriganj- Markuli- Sherpur- Fenchuganj- Zakiganj- Karimganj.

(4) Karimganj- Zakiganj- Fenchuganj- Sherpur- Markuli- Ajmiriganj- Ashuganj- Bhairab Bazar- Narayanganj- Chandpur- Hizla- Barisal- Kawkhali- Mongla- Raimongal- Haldia- Kolkata.

(5) Rajshahi- Godagari- Dhulian.

(6) Dhulian- Godagari- Rajshahi.

(7) Karimganj- Zakiganj- Fenchuganj- Sherpur- Markuli- Ajmiriganj- Ashuganj- Bhairab Bazar- Narayanganj- Chandpur- Aricha- Sirajganj- Bahadurabad- Chilmari- Dhubri- Pandu- Shilghat.

(8) Shilghat- Pandu- Dhubri- Chilmari- Bahadurabad- Sirajganj- Aricha- Chandpur- Narayanganj- Bhairab Bazar- Ashuganj- Ajmiriganj- Markuli- Sherpur- Fenchuganj- Zakiganj- Karimganj

or such other routes as may be prescribed by the Competent Authorities from time to time.

1.3. The term "**Vessels**" will mean the watercrafts which are registered under Inland Vessels Act, 1917, as amended from time to time in case of Indian Vessels and the Inland Shipping Ordinance, 1976 as amended from time to time in case of Bangladesh vessels. This will cover vessels which carry only commercial goods stated in the preamble of the Protocol.



2. Conservancy and pilotage:

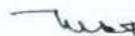
2.1 Each country will maintain the river routes falling within its territory in a navigable condition and provide all the essential pilotage and conservancy services, including hydrographic surveys and supply of charts, if prepared and available for commercial navigational use to inland water transport operators, and aids to night navigation where facilities for such navigation already exist.

2.2 Acknowledging that there may be routes or parts of routes in one country, primarily being used by the transit traffic of the other, the country maintaining such routes will provide aids to night navigation on such routes, provided the country using such routes pays, by mutual agreement, for the installation and maintenance of such aids. The amount to be paid and the manner of its payment shall be mutually agreed upon by the two sides.

3. Port dues and other charges:

3.1 Port dues may be levied by the competent authorities in either country on the vessels belonging to the other country and engaged in inter country trade.

3.2 The competent authorities in either country may also levy on the vessels of the other country charges for conservancy, pilotage and other specific services at par with those charged from the local vessels. The charges will be determined with reference to cargo carrying capacity of the vessels, as applicable to local vessels. Charges for such services shall be paid within 30 (thirty) days of receipt of the bills by the Competent Authority, failing which further voyage will not be permitted.



3.3 Acknowledging that one country may be required to maintain routes or parts of routes primarily on account of the transit traffic of the other, the country utilizing such routes will provide to the other country an agreed sum of money for the maintenance of such routes including conservancy and pilotage.

3.4 The routes between Sirajganj and Daikhawa in the Northern Delta Section of the River Jamuna-Brahamaputra and the route between Sherpur and Zakiganj in the North Eastern Delta Section of the Kushiara river are recognized by both sides as routes being maintained primarily for the use of Indian transit traffic.

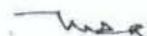
3.5 For the maintenance of the above mentioned services on these routes, the Government of India has been paying to the Government of Bangladesh in convertible currency (in USD) at the rate of BD taka 1000 lakh for the period April 1, 2015 to March 31, 2016. The sum may be enhanced considering prevailing market prices of operational aspects as and when required on mutual agreement.

4. Handling facilities:

Each country will permit the vessels of the other country to utilize all available cranes and other handling facilities on the same terms and conditions as are applicable to local vessels.

5. Supply of bunkers:

The vessels of either country plying between the two countries and also between places in the same country through the other country will be permitted to purchase the fuel required by them for the purpose of their operations on payment of the convertible currency. Vessels of one country may be bunkered at the following points of other country:



<u>India</u>	<u>Bangladesh</u>
Kolkata	Sheikbaria
Budge Budge	Mongla
Haldia	Khulna
Namkhana	Barisal
Karimganj	Chandpur
Dhubri	Narayanganj
Jogigopa	Sirajganj
Papdu	Chilmari

or at any other points as determined mutually from time to time by the Competent Authorities of both the countries.

6. Purchase of essential stores:

The vessels operating in either country will be allowed to purchase in convertible currency the stores which they may require for their operation during the voyage in the other country at places of bunkering. In order to do so, conversion facilities will be provided at the bunkering points.

7. Purchase of provisions by the fleet personnel during voyage:

Fresh food and other provisions essential for fleet personnel will be allowed to be purchased in either country to meet the requirements of voyage. The purchase will be made in convertible currency at the points of bunkering. In order to do so, conversion facilities will be provided at the bunkering points. In exceptional circumstances only purchases may be made at places other than the bunkering points. The appropriate authorities of either country may prescribe the manner in which such purchases may be made should it be deemed necessary.



8. Repair facilities:

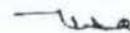
Vessels of either country calling for urgent repairs on route will be allowed to have repairs done at the Government owned or any reputed marine workshop in either country with the prior permission of the respective Competent Authority. The expenditure incurred on such repairs will be reported by the operators to the concerned foreign exchange authorities for their clearance in accordance with the provisions of Article 25.

9. Assistance to be provided by either country to the vessels of the other in distress :

Each country will provide all the necessary facilities to the vessels of the other, which may be grounded or otherwise in distress during their voyage in its waterways. Expenditure incurred in salvage operations, if required on such occasions, shall be cleared in accordance with the arrangements to be made under Article 25.

10. Submission of voyage forecast for voyage permission to use waterways:

The vessels of one country before using the waterways of the other country will obtain the permission of the other country for entry. In such cases the voyage forecasts, in the prescribed form, for the vessels of one country will be submitted to the competent authority of the other country at least four days before the expected date of entry into the country of entry.

 6

11. Nomination of "Ports of Call" on equal basis:

One country will provide the facilities of "Ports of Call" to the vessels of the other country engaged in inter country trade and number of such Ports of Call will be equal in both countries. Both sides agreed that the following would be treated as 'Ports of Call' in their respective country.

<u>India</u>	<u>Bangladesh</u>
Kolkata	Narayanganj
Haldia	Khulna
Karimganj	Mongla
Pandu	Sirajganj
Shilghat	Ashuganj

12. Recognition of survey certificates and other documents:

The survey certificates and other documents issued by the appropriate authorities in one country for the vessels registered in it and running to or through the other will be recognized and accepted as valid by the other. These certificates or documents shall be produced by the Master of the vessels concerned at the points of entry and at the other points, as may be required, during the voyage.

13. Flying of Flags:

The vessels of each country will carry its national flag and the national flag of the country through which it is transiting besides its house flag.

14. Use of radio-telephone by river craft:

Inland vessels will be allowed to be equipped with radio-telephone for facilities of speedy commercial communications, specially in emergencies, in conformity with the current regulations of the country through which the vessels are in transit.




15. Registration and issue of identity cards:

The personnel manning vessels plying through or between the two countries shall carry certificate of employment and permits with a photograph of the concerned individual duly authenticated by the authorities to be nominated by the respective countries in regard to their personnel. Officers supervising or controlling the fleet of the operators in either country shall carry passport endorsed with multiple entry visas.

16. Permission to fleet personnel and travelling officers to go by rail, road or air in special circumstances:

Fleet personnel and travelling officers posted to any of the vessels, carrying transit cargo in either country will be allowed to travel by rail, road or air, whenever they are required to join duty on the vessels, or when they have to leave their duty on the vessels by reason of sickness or other urgent contingencies. Such movements will be simultaneously reported to the appropriate authorities of either country.

17. Prohibition on vessels carrying transit cargo:

Vessels carrying transit cargo through one country will not be engaged in inter country trade and will not take or discharge cargo or passengers in the country through which they are passing. All necessary facilities for inspection will be accorded by each country to the Customs and other agencies. No undue delay will be caused to the voyage of any vessels on account of such inspections.

18. Sharing of inter-country trade and transit cargo:

The two Governments agree to sharing of the carriage of inter country trade and transit cargo on an equal tonnage basis (i.e. 50:50) as far as practicable by the vessels of signatory countries to and from ports of call/customs stations including extended places of loading and unloading under customs formalities and supervision. The competent authorities of



the two countries will take steps to operationalise the sharing through appropriate measures keeping in view that expeditious transportation of cargo is in the mutual interest of both countries.

19. Common freight rates:

The operators in both the countries will charge to the extent practicable uniform freight rates for both inter-country trade and transit traffic. Such rates will be fixed by the competent authorities by mutual consultations.

20. Evolving uniform documentation for vessels:

The document issued in accordance with the regulations in one country, in respect of the cargoes carried by vessels going to or through the other country will be accepted by the other. Efforts will be made to evolve uniform documentation in both the countries as early as possible.

A Manifest in duplicate for in-transit goods in addition to the Manifest Book shall be submitted to the Customs Officer at the point of entry. One copy of the Manifest will be retained by him and the other, duly endorsed will be sent in sealed cover through the Master of the vessel to the Customs Officer at the exit points.

21. Customs checks and documentation:

Both the countries agree to reduce customs documentation and other requirements to the essential minimum for the purpose of transit and to have custom stations at or near the points of entry and exit in each country.

22. Freight remittance facilities:

The freight earned by the vessels of either country from the traffic, originating in the other and carried by them, will be allowed to be remitted to the owners of the vessels in accordance with the arrangements for remittance of surplus collection between the two countries that may be in force from time to time in accordance with Article 25.



23. Permission to operate trucks between places in India and river stations in Bangladesh:

23.1 Bangladesh Truck and/or Tractor-Trailers may carry cargoes transshipped from river crafts at Sherpur and Ashuganj to the Indian border.

23.2 Cargoes brought by deeper draft vessels from India up to Sherpur and Ashuganj or any other point on the waterways in Bangladesh may be transhipped into shallow draft vessels for destination in India. Conversely, transshipments can also be made from shallow draft vessels to deeper draft vessels. Transshipments will be carried out under the supervision of BIWTA and Customs authorities of Bangladesh.

24. Opening of branch offices and appointment of agents:

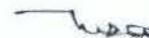
The operators of vessels in one country will be allowed to open their branch offices or appoint their agents only at major inland ports and secondary river ports in the other. However, such branch offices will be opened with due approval from the country concerned.

25. Arrangements for settlement, clearance & remittance:

Subject to their respective foreign exchange regulations, the competent authorities of India and Bangladesh, shall through mutual consultations, establish a comprehensive system for quick settlement, clearance and remittance of all sums, claims, or dues on account of goods supplied, services rendered or facilities accorded to the vessels of one country in or by the other.

26. Setting up of a Standing Committee:

For evaluation and reviewing the working of this Protocol and for the purpose of improvement of inland water transportation between the two countries, there shall be a Standing Committee, including representatives



of the Department of Shipping, Ministry of Shipping, Road Transport and Highways of India and the Ministry of Shipping of Bangladesh, the representatives of the Ministry of Finance of India and of Bangladesh, the representatives of IWAI and CIWTC of India and BIWTA, BIWTC of Bangladesh and, the concerned Customs officials of both countries and two representatives of the operators, one from each country.

The Committee may co-opt members whose participation is considered necessary by it. The Standing Committee shall meet at least once in six months and its findings shall be forwarded to the respective Governments for necessary action.

27. Addition of new Routes and more Ports of Call:

Amendment, alteration, addition, repeal of any provision of this Protocol may be done by both the Governments by mutual consultations and through exchange of letters.

28. Term of the Protocol:

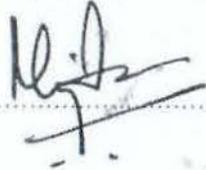
This Protocol shall be automatically renewed in line with India - Bangladesh Trade Agreement. This Protocol shall come into force from the Sixth day of June 2015. It shall automatically be extended for successive five years unless either Government terminates the Protocol by giving a written notice of its intention to terminate to the other Government at least 6 months before end of term. In case of termination, it shall cease to operate on the expiry of the respective term. But termination shall not affect the actions taken or agreements reached pursuant to this Protocol.

To assess the progress of operation of PIWT&T as well as to take instant decision considering the circumstances, Shipping Secretary of both the countries will meet at least once in every two years.

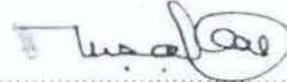


Done in Dhaka on the Sixth day of June, 2015 in two original copies, both in English.

For the Government of the
Republic of India



For the Government of the
People's Republic of
Bangladesh



Shafique Alam Mehdi
Secretary
Ministry of Shipping
Govt. of the People's Republic
of Bangladesh



**Addendum to the
Protocol on Inland Water Transit and Trade between the Government of the
People's Republic of Bangladesh and the Government of the Republic of India
signed on 6 June 2015.**

In pursuance of the Article 27 of the Protocol on Inland Water Transit and Trade (hereinafter referred to as "Protocol") between the Government of the People's Republic of Bangladesh and the Government of the Republic of India signed on 6 June 2015 (hereinafter referred to singularly as "Party" and collectively as "Parties"), the Parties have agreed to make an Addendum to add new routes and following amendments/ modifications in the said Protocol.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED as follows:

1. For the purpose of mutual benefit of the Parties, an additional route "**Pangaon**" in the Bangladesh Part and "**Dhubri**" in the Indian Part shall be added in the term "route" mentioned in Article 1.2 of Article 1 of the Protocol and the additional routes including the existing routes shall be as follows:

- (1) Kolkata- Haldia- Raimongal- Chalna- Khulna- Mongla- Kawkhali- Barisal- Hizla- Chandpur- Narayangonj- **Pangaon** - Aricha- Sirajganj- Bahadurabad- Chilmari- **Dhubri**- Pandu- Shilghat.
- (2) Shilghat- Pandu- **Dhubri**-Chilmari- Bahadurabad- Sirajganj- Aricha- Narayangonj- **Pangaon** - Chandpur- Hizla- Barisal- Kawkhali- Mongla- Khulna- Chalna- Raimongal- Haldia- Kolkata.
- (3) Kolkata- Haldia- Raimongal- Mongla- Kawkhali- Barisal- Hizla- Chandpur- Narayangonj- **Pangaon** -Bhairab Bazar- Ashuganj- Ajmiriganj-Markuli- Sherpur- Fenchuganj- Zakiganj- Karimganj.
- (4) Karimganj - Zakiganj- Fenchuganj- Sherpur- Markuli- Ajmiriganj- Ashuganj- Bhairab Bazar- Narayangonj- **Pangaon** - Chandpur- Hizla- Barisal- Kawkhali- Mongla- Raimongal- Haldia- Kolkata.
- (5) Rajshahi- Godagari- Dhulian.
- (6) Dhulian- Godagari- Rajshahi.
- (7) Karimganj- Zakiganj- Fenchuganj- Sherpur- Markuli- Ajmiriganj- Ashuganj- Bhairab Bazar- Narayangonj- **Pangaon** - Chandpur- Aricha- Sirajganj- Bahadurabad- Chilmari- **Dhubri**- Pandu- Shilghat.

(8) Shilghat- Pandu- **Dhubri**- Chilmari- Bahadurabad- Sirajganj- Aricha- Chandpur- Narayangonj- **Pangaon** - Bhairab Bazar- Ashuganj- Ajmiriganj- Markuli- Sherpur- Fenchuganj- Zakiganj- Karimganj.

2. The additional routes mentioned in Article 1 of the Addendum shall be deemed to be incorporated in place of Article 1.2 of the Protocol.

3. A new sub Article 2.3 shall be inserted as under:

“To avoid any difficulties in emergency, conservancy services as well as for rescue activities in no man’s area of Indo-Bangladesh border of the waterway, team of personnel with required vessel instruments will be allowed to do the needful there as and when required through flag meeting by the local BSF and BGB instantly.”

4. A new Article 29 “Deaths on Board” shall be inserted as under:

Article 29: Deaths on Board:

- i. The master of every vessel will record in the log book every case of death happening on board, including the date and the supposed cause of death of any crew who dies on board and shall, when the vessel arrives at her destination, immediately notify the competent authority of both the parties.
- ii. Upon receiving the information, the competent authority will notify all concerned agencies, such as local police station, border customs and local consular office (if any), without any delay with the aim to send back the mortal remains to the country of the deceased.
- iii. The competent authority will also inform about the death and the measures taken to its counterparts at the earliest.

5. Article 3.5, 11 and 23.1 in PIWT&T would be modified as given below:-

Article 3.5

For the maintenance of the above mentioned services on these routes, a tender for fairway development contract shall be issued and thereafter the Government of India will bear 80% and Government of Bangladesh 20% of the actual amount finalized in the tender. The modalities of maintenance of above mentioned routes would be as per MoU between India and Bangladesh for fairway development of Ashuganj-Zakiganj stretch of Kushiyara River and Sirajganj – Daikhawa stretch of Jamuna River in the Indo-Bangladesh Protocol Route signed on 8.4.2017.

Article 11

One country will provide facilities of "Ports of Call" to the vessels of the other country engaged in inter country trade and number of such Ports of Call will be equal in both countries. Both sides agree that the following would be treated as 'Ports of Call' in their respective country:

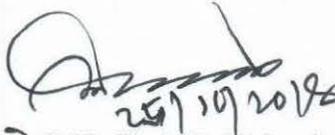
Bangladesh	India
Narayanganj	Kolkata
Khulna	Haldia
Mongla	Karimganj
Sirajganj	Pandu
Ashuganj	Silghat
Pangaon	Dhubri

Article 23.1

Bangladesh Truck and/or Tractor-Trailers may carry cargoes/transshipment from river crafts at Sherpur and Ashuganj to the destination at Agartala, ICP (India) only.

This Addendum is made on this 25th day of October, 2018 in two originals in English and shall remain in force till the validity of the Protocol.

**For and on behalf of the
Government of the People's Republic of
Bangladesh**


25/10/2018
(Md. Shahidul Islam)
Chairman, BIWTA

**For and on behalf of the
Government of the Republic of
India**


(Pravir Pandey)
Chairman, IWAI

**2nd Addendum to the Protocol on Inland Water Transit and Trade
between the Government of the Republic of India and the
Government of the People's Republic of Bangladesh**

In pursuance of the Article 27 of the Protocol on Inland Water Transit and Trade (PIWTT) (hereinafter referred to as "Protocol") between the Government of the Republic of India and the Government of the People's Republic of Bangladesh signed on 06th June, 2015 (hereinafter referred to singularly as "Party" and collectively as "Parties"), the Parties have agreed to make this 2nd Addendum to the Protocol to effect following amendments/modifications in the Protocol.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED as follows:

1. For the purpose of mutual benefit of the Parties; additional route(s) **Badarpur, Sonamura, Kolaghat, Maia and Jogigopha** in India and **Ghorasal, Daudkhandi, Sultanganj, Aricha and Bahadurabad** in Bangladesh shall be added in the term route mentioned in Article 1.2 of Article 1 of the Protocol and the additional routes including the existing routes shall be as follows:

(1) Kolkata- **Kolaghat**- Haldia- Raimongal- Chalna- Khulna- Mongla- Kawkhali- Barisal- Hizla- Chandpur- Narayangonj- Pangaon- Aricha- Sirajganj- Bahadurabad- Chilmari- Dhubri- **Jogigopha**-Pandu- Shilghat.

(2) Shilghat- Pandu-**Jogigopha**- Dhubri-Chilmari- Bahadurabad- Sirajganj- Aricha- Narayangonj- Pangaon - Chandpur- Hizla- Barisal- Kawkhali- Mongla- Khulna- Chalna- Raimongal- Haldia- **Kolaghat**- Kolkata

(3) Kolkata- **Kolaghat**- Haldia- Raimongal- Mongla- Kawkhali- Barisal- Hizla- Chandpur- Narayangonj- Pangaon- **Ghorasal**- Bhairab Bazar- Ashuganj- Ajmiriganj-Markuli- Sherpur- Fenchuganj- Zakiganj- Karimganj- **Badarpur**

(4) **Badarpur**- Karimganj- Zakiganj- Fenchuganj- Sherpur- Markuli- Ajmiriganj- Ashuganj- Bhairab Bazar- **Ghorasal**- Pangaon- Narayangonj- Chandpur- Hizla- Barisal- Kawkhali- Mongla- Raimongal- Haldia- **Kolaghat**-Kolkata

(5) **Aricha**-Rajshahi- Godagari-**Sultanganj**-**Maia**-Dhulian

(6) Dhulian-**Maia**-**Sultanganj**-Godagari- Rajshahi-**Aricha**




(7) **Badarpur- Karimganj- Zakiganj- Fenchuganj- Sherpur- Markuli- Ajmiriganj- Ashuganj- Bhairab Bazar- Ghorasal- Narayangonj- Pangaon- Chandpur- Aricha- Sirajganj- Bahadurabad- Chilmari- Dhubri- Jogigopha- Pandu- Shilghat**

(8) **Shilghat- Pandu- Jogigopha - Dhubri- Chilmari- Bahadurabad- Sirajganj- Aricha- Chandpur- Narayangonj- Pangaon- Ghorasal- Bhairab Bazar- Ashuganj- Ajmiriganj- Markuli- Sherpur- Fenchuganj- Zakiganj- Karimganj- Badarpur**

(9) **Sonamura-Daudkandi**

(10) **Daudkandi- Sonamura**

2. The additional routes mentioned in Article 1 of the 2nd Addendum shall be deemed to be incorporated in place of Article 1.2 of the Protocol.

3. New sub articles 3.5 A and 3.5 B shall be inserted as under:

Article 3.5 A

The Government of India shall release BDT 10 crore to Government of Bangladesh as per provisions of PIWT&T for the financial year 2018-19. Since the dredging work in Ashuganj- Zakiganj/Karimganj and Sirajganj-Daikhawa stretch (for which Government of India is already sharing 80% of the dredging cost), will commence before next financial year, it was decided that Government of India will discontinue the release of this amount from FY 2019-20 and onwards.

Article 3.5 B

Joint hydrographic survey and dredging in navigation channel in no man's land will also be taken up under the already approved dredging projects for Sirajganj- Daikhawa and Ashuganj- Zakiganj/ Karimganj stretches under the supervision of security agencies of both the countries. The expenditure on hydrographic survey and dredging in these stretches of no man's land will also be shared in 80:20 ratio between India and Bangladesh respectively in terms of MoU signed between India and Bangladesh on 08.04.2017.

4. Article 11 shall be modified as given below: -

Article 11

One country will provide facilities of Ports of Call including their specified Extended Ports of Call to the vessels of the other country engaged in inter-country trade and number of such Ports of Call and Extended Ports of Call will be equal in both countries. Both sides agree that the following would be treated as Ports of Call and Extended Ports of Call in their respective countries:

Bangladesh		India	
Ports of Call	Extended Ports of Call	Ports of Call	Extended Ports of Call
Narayanganj	Ghorasal	Kolkata	Tribeni (Bandel)
Khulna	--	Haldia	--
Mongla	--	Karimganj	Badarpur
Sirajganj	--	Pandu	--
Ashuganj	--	Silghat	--
Pangaon	Muktarpur	Dhubri	--
Rajshahi	--	Dhulian	--
Sultanganj	--	Maia	--
Chilmari	--	Kolaghat	--
Daudkandi	--	Sonamura	--
Bahadurabad	--	Jogigopha	--

5. This 2nd Addendum to the Protocol is made on this 20th day of May 2020 in two originals in English and shall remain in force till the validity of the Protocol.

For and on behalf of the
Government of the Republic
of India

(Riva Ganguly Das)
High Commissioner of India

For and on behalf of the
Government of the People's Republic
of Bangladesh

(Mohammed Mezbah Uddin Chowdhury)
Secretary, Ministry of Shipping

THE INLAND WATERWAYS AUTHORITY OF INDIA ACT, 1985

ARRANGEMENT OF SECTIONS

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PRELIMINARY

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1. Short title and commencement.
2. Definitions.

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INLAND WATERWAYS AUTHORITY OF INDIA

3. Constitution and incorporation of the Inland Waterways Authority of India.
4. Conditions of service of members.
- 4A. Disqualifications for appointment as member.
5. Powers of Chairman and Vice-Chairman.
- 5A. Meetings.
6. Removal, etc., of members.
7. Vacancy, etc., not to invalidate proceedings of the Authority.
8. Secretary and other officers.
9. Advisory Committees.
10. Authority to act on business principles.

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11. Transfer of assets and liabilities of the Central Government to the Authority.
12. Contracts by the Authority.
13. Mode of executing contracts on behalf of the Authority.

CHAPTER IV

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14. Functions of the Authority.
15. Amendment of schemes.
16. [*Omitted.*]

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FINANCE, ACCOUNTS AND AUDIT

17. Levy and collection of fees and charges.
18. Grants and loans by the Central Government.
- 18A. Borrowing powers of the Authority.
19. Constitution of the Fund.

SECTIONS

20. Budget.
21. Investment of funds.
22. Annual report.
23. Accounts and audit.
24. Annual report and auditors' report to be laid before Parliament.

CHAPTER VI

MISCELLANEOUS

25. Power of Central Government to issue directions.
26. Compulsory acquisition of land for the Authority.
27. Application, etc., of certain laws.
28. Power to enter.
29. Delegation.
30. Authentication of orders and other instruments of the Authority.
31. Members, officers and employees of the Authority to be public servants.
32. Protection of action taken in good faith.
33. Power of Central Government to supersede the Authority.
34. Power to make rules.
35. Power to make regulations.
36. Rules and regulations to be laid before Parliament.
37. Power to remove difficulties.
38. Amendment of Act 49 of 1982.

THE INLAND WATERWAYS AUTHORITY OF INDIA ACT, 1985

ACT NO. 82 OF 1985

[30th December, 1985.]

An Act to provide for the constitution of an Authority for the regulation and development of inland waterways for purposes of shipping and navigation and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Inland Waterways Authority of India Act, 1985.

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

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appurtenant land” means all lands appurtenant to a national waterway, whether demarcated or not;

(b) “Authority” means the Inland Waterways Authority of India constituted under section 3;

(c) “channel” means any waterway, whether natural or artificial;

(d) “conservancy” includes dredging, training, closure, diversion or abandoning channels;

(e) “conservancy measures” means measures for purposes of conservancy, but does not include measures for protection of banks against floods or for restricting banks which have become eroded mainly on account of reasons not connected with shipping and navigation;

(f) “infrastructure” includes structures such as docks, wharves, jetties, landing stages, locks, buoys, inland ports, cargo handling equipment, road and rail access and cargo storage spaces, and the expression “infrastructural facilities” shall be construed accordingly;

(g) “member” means a member of the Authority appointed under sub-section (3) of section 3;

(h) “national waterway” means the inland waterway declared by section 2 of the National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi-Hooghly River) Act, 1982 (49 of 1982), to be a national waterway.

Explanation.—If Parliament declares by law any other waterway to be a national waterway, then from the date on which such declaration takes effect, such other waterway—

(i) shall be deemed also to be a national waterway within the meaning of this clause; and

(ii) the provisions of this Act shall, with necessary modifications (including modification for construing any reference to the commencement of this Act as a reference to the date aforesaid), apply to such national waterway;

(i) “navigable channel” means a channel navigable during the whole or a part of the year;

(j) “prescribed” means prescribed by rules made under this Act;

1. 27th October, 1986, *vide* notification No. S.O. 763(E), dated 27th October, 1986, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

(k) “regulations” means regulations made by the Authority under this Act; and

(l) “rules” means rules made by the Central Government under this Act.

CHAPTER II

INLAND WATERWAYS AUTHORITY OF INDIA

3. Constitution and incorporation of the Inland Waterways Authority of India.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted for the purposes of this Act an Authority, to be called the Inland Waterways Authority of India.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

¹[(3) The Authority shall consist of the following members, namely:—

- (a) a Chairman;
- (b) a Vice-Chairman;
- (c) not more than three full-time members; and
- (d) not more than three part-time members,

to be appointed by the Central Government by notification in the Official Gazette.]

(4) The Authority may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Authority relevant to the purpose for which he has been associated, but shall not be entitled to vote.

4. Conditions of service of members.—The term of office and other conditions of service of the members shall be such as may be prescribed.

²[**4A. Disqualifications for appointment as member.**—A person shall be disqualified for being appointed as a member, if he—

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (b) is an undischarged insolvent; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a company owned or controlled by the Government; or
- (e) has, in the opinion of the Central Government, such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.]

5. Powers of Chairman and Vice-Chairman.—(1) The Chairman of the Authority shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and duties of the Authority as may be delegated to him by the Authority and such other powers and duties as may be prescribed.

(2) The Vice-Chairman of the Authority shall exercise and discharge such of the powers and duties of the Chairman as may be prescribed or as may be delegated to him by the Authority.

1. Subs. by Act 40 of 2001, s. 2, for sub-section (3) (w.e.f. 1-7-2003).

2. Ins. by s. 3, *ibid.* (w.e.f. 1-7-2003).

12. Contracts by the Authority.—Subject to the provisions of section 13, the Authority shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

13. Mode of executing contracts on behalf of the Authority.—(1) Every contract shall, on behalf of the Authority, be made by the Chairman or such other member or such officer of the Authority as may be generally or specially empowered in this behalf by the Authority and such contracts or class of contracts as may be specified in the regulations shall be sealed with the common seal of the Authority:

Provided that no contract exceeding such value or amount as the Central Government may, from time to time, by order, fix in this behalf shall be made unless it has been previously approved by the Authority:

Provided further that no contract for the acquisition or sale of immovable property or for the lease of any such property for a term exceeding thirty years and no other contract exceeding such value or amount as the Central Government may, from time to time, by order, fix in this behalf shall be made unless it has been previously approved by the Central Government.

(2) Subject to the provisions of sub-section (1), the form and manner in which any contract shall be made under this Act shall be such as may be prescribed by regulations.

(3) No contract which is not in accordance with the provisions of this Act and the regulations shall be binding on the Authority.

CHAPTER IV

FUNCTIONS AND POWERS OF THE AUTHORITY

14. Functions of the Authority.—(1) The Authority may—

(a) carry out surveys and investigations for the development, maintenance and better utilisation of the national waterways and the appurtenant land for shipping and navigation and prepare schemes in this behalf;

(b) provide or permit setting up of infrastructural facilities for national waterways;

(c) carry out conservancy measures and training works and do all other acts necessary for the safety and convenience of shipping and navigation and improvement of the national waterways;

(d) control activities such as throwing rubbish, dumping or removal of material, in or from the bed of the national waterways and appurtenant land, in so far as they may affect safe and efficient, shipping and navigation, maintenance of navigable channels, river training and conservancy measures;

(e) remove or alter any obstruction or impediment in the national waterways and the appurtenant land which may impede the safe navigation or endanger safety of infrastructural facilities or conservancy measures where such obstruction or impediment has been lawfully made or has become lawful by reason of long continuance of such obstruction or impediment or otherwise, after making compensation to person suffering damage by such removal or alteration;

(f) provide for the regulation of navigation and traffic (including the rule of the road) on national waterways;

(g) regulate the construction or alteration of structures on, across or under the national waterways;

(h) disseminate navigational meteorological information about national waterways;

(i) ensure co-ordination of inland water transport on national waterways with other modes of transport; and

(j) establish and maintain pilotage on national waterways;

¹[(k) enter into joint ventures concerning inland shipping by way of equity participation.]

1. Ins. by Act 40 of 2001, s. 5 (w.e.f. 1-7-2003).

(2) The Authority may also—

- (a) advise the Central Government on matters relating to inland water transport;
- (b) study the transport requirement with a view to co-ordinating inland water transport with other modes of transport;
- (c) carry out hydrographic surveys and publish river charts;
- (d) assist, on such terms and conditions as may be mutually agreed upon, any State Government in formulation and implementation of scheme for inland water transport development;
- (e) develop consultancy services and provide such services, on such terms and conditions as may be mutually agreed upon, in India and abroad in relation to planning and development of waterways for shipping and navigation or any facility thereat;
- (f) conduct research in matters relating to inland water transport including development of craft design, mechanisation of country crafts, technique of towage, landing and terminal facilities, port installations and survey techniques;
- (g) lay down standards for classification of inland waterways;
- (h) arrange programme of technical training for inland water transport personnel within and outside the country; and
- (i) perform such other functions as may be necessary to carry out the provisions of this Act.

(3) Any dispute arising out of or concerning the compensation referred to in clause (e) of sub-section (1) shall be determined according to the law relating to like disputes in the case of land required for public purposes.

(4) Every scheme, prepared by the Authority to carry out functions under sub-sections (1) and (2), involving capital expenditure exceeding the amount as may be prescribed, shall be submitted to the Central Government for approval.

(5) The Central Government may either approve the scheme submitted to it under sub-section (4) without modification or with such modifications as it may consider necessary or reject the scheme with directions to the Authority to prepare a fresh scheme according to such directions.

15. Amendment of schemes.—The Authority shall not make any material change in the scheme approved under sub-section (5) of section 14 without the prior approval of the Central Government.

Explanation.—For the purposes of this section, “material change” means an increase in the cost of the scheme by more than twenty per cent. of its cost or a change in the benefit and cost ratio which either makes the cost component in the ratio exceeds the benefit or reduces the benefit component by more than twenty per cent.

16. [Power to fix maximum and minimum rates for passenger fares and freight for goods.]—Omitted by the Inland Waterways Authority of India (Amendment) Act, 1993 (8 of 1994), s. 2 (w.e.f. 7-1-1994).

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

17. Levy and collection of fees and charges.—(1) The Authority may, with the previous approval of the Central Government, levy fees and charges at such rates as may be laid down by regulations made in this behalf for services or benefits rendered in relation to the use of the national waterways for the purposes of shipping, navigation, infrastructural facilities, including facilities for passengers and facilities relating to the berthing of vessels, handling of cargoes and storage of cargoes.

(2) The fees and charges levied under sub-section (1) shall be collected in such manner as may be determined by regulations.

18. Grants and loans by the Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

¹[**18A. Borrowing powers of the Authority.**—The Authority may, in such manner and subject to such terms and conditions as may be determined by regulations, borrow money from any source by the issue of bonds, debentures or other instruments as it may think fit for discharge of all or any of its functions under the Act.]

19. Constitution of the Fund.—(1) There shall be constituted a Fund to be called the Inland Waterways Authority of India Fund and there shall be credited thereto—

(a) any grants and loans made to the Authority by the Central Government under section 18;

(b) all fees and charges received by the Authority under this Act; and

(c) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) salary, allowances and other remuneration of the members, officers and other employees of the Authority;

(b) expenses of the Authority in the discharge of its functions under section 14; and

(c) expenses on objects and for purposes authorised by this Act.

20. Budget.—The Authority shall prepare, in such form and at such time each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the Central Government.

21. Investment of funds.—The Authority may invest its funds (including any reserve fund) in the securities of the Central Government or in such other manner as may be prescribed.

22. Annual report.—The Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

23. Accounts and audit.—The accounts of the Authority shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Authority shall furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with the auditors' report thereon.

24. Annual report and auditors' report to be laid before Parliament.—The Central Government shall cause the annual report and auditors' report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER VI

MISCELLANEOUS

25. Power of Central Government to issue directions.—(1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

26. Compulsory acquisition of land for the Authority.—Any land required by the Authority for discharging its functions under this Act shall be deemed to be needed for a public purpose and such land

1. Ins. by Act 40 of 2001, s. 6 (w.e.f. 1-7-2003).

may be acquired for the Authority under the provisions of the Land Acquisition Act, 1894 (1 of 1894) or of any other corresponding law for the time being in force.

27. Application, etc., of certain laws.—(1) The provisions of this Act shall be in addition to the provisions of the Indian Ports Act, 1908 (15 of 1908) and the Major Port Trusts Act, 1963 (38 of 1963) and in particular nothing in this Act shall affect any jurisdiction, functions, powers or duties required to be exercised, performed or discharged by—

(a) the conservator of any port or by any officer or authority under the Indian Ports Act, 1908 (15 of 1908), or

(b) the Board of Trustees for any major port or by any officer or authority under the Major Port Trusts Act, 1963 (38 of 1963),

in or in relation to any portion of an inland waterway (including the national waterway) falling within the limits of such port or major port.

(2) Nothing in this Act shall affect the operation of the Inland Vessels Act, 1917 (1 of 1917) or any other Central Act (other than the Indian Ports Act, 1908 (15 of 1908) and the Major Port Trusts Act, 1963 [38 of 1963]) or any State or provincial Act in force immediately before the commencement of this Act with respect to shipping and navigation on any national waterway^{1***}.

28. Power to enter.—Subject to any rules made in this behalf, any person, generally or specially authorised by the Authority in this behalf, may, whenever it is necessary so to do for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and—

(a) make any inspection, survey, measurement, valuation or inquiry;

(b) take levels;

(c) dig or bore into sub-soil;

(d) set out boundaries and intended lines of work;

(e) mark such level boundaries and lines by placing marks and cutting trenches; or

(f) do such other acts or things as may be prescribed:

Provided that no such person shall enter any building or any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

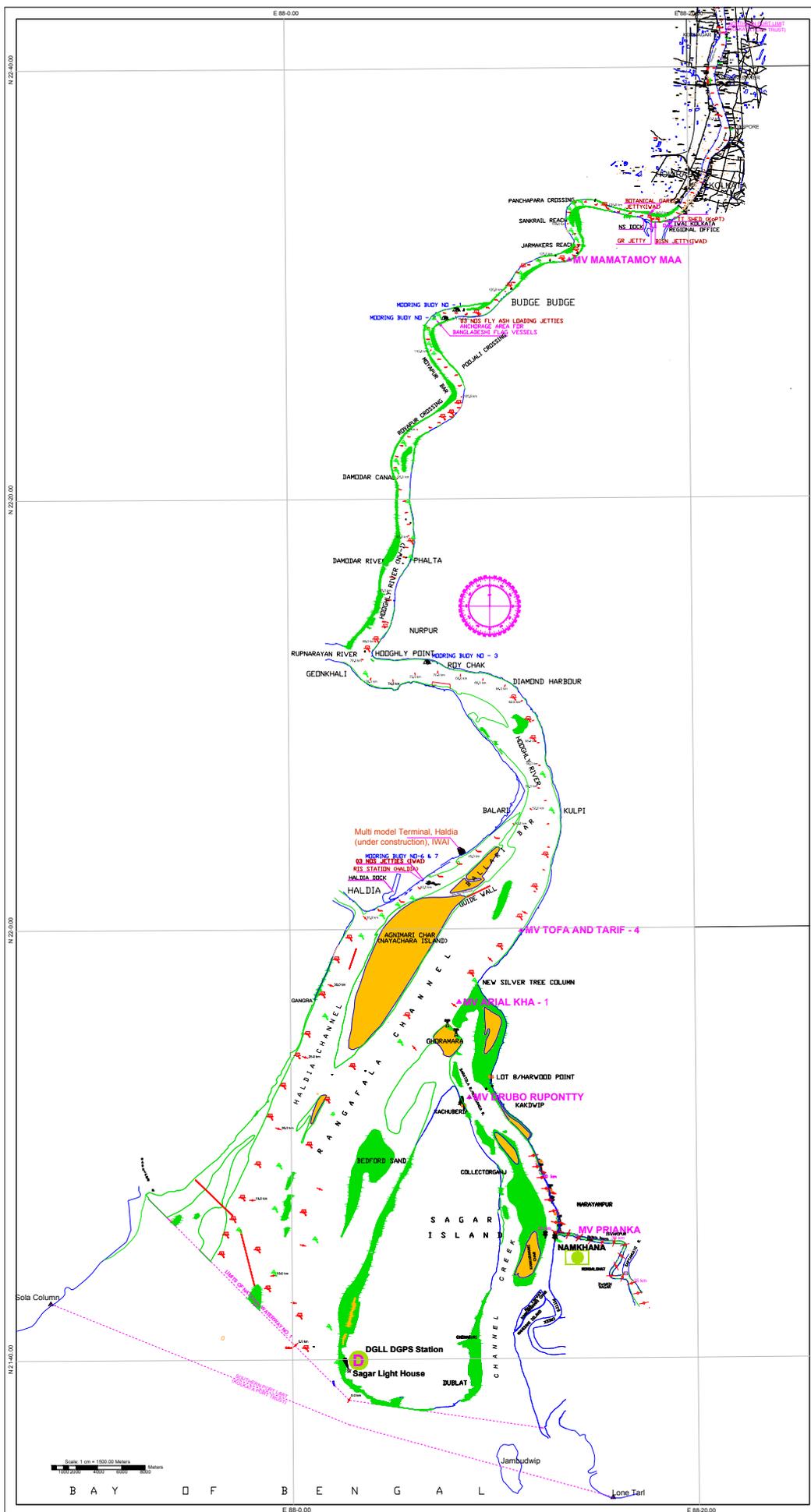
29. Delegation.—The Authority may, by general or special order in writing, delegate to the Chairman or any other member or to any officer of the Authority, subject to such conditions and limitations, if any, as may be specified in the order such of its powers and functions under this Act (except the powers under section 35) as it may deem necessary.

30. Authentication of orders and other instruments of the Authority.—All orders and decisions of the Authority shall be authenticated by the signature of the Chairman or any other member authorised by the Authority in this behalf and all other instruments executed by the Authority shall be authenticated by the signature of an officer of the Authority authorised by the Authority in this behalf.

31. Members, officers and employees of the Authority to be public servants.—All members, officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

32. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government or any member, officer or employee of

1. Certain words omitted by Act 8 of 1994, s. 3 (w.e.f. 7-1-1994).





भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 37] नई दिल्ली, बृहस्पतिवार, अगस्त 12, 2021/ श्रावण 21, 1943 (शक)
No. 37] NEW DELHI, THURSDAY, AUGUST 12, 2021/SRAVANA 21, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 12th August, 2021/ Sravana 21, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 11th August, 2021, and is hereby published for general information:—

THE INLAND VESSELS ACT, 2021

No. 24 OF 2021

[11th August, 2021.]

An Act to promote economical and safe transportation and trade through inland waters, to bring uniformity in application of law relating to inland waterways and navigation within the country, to provide for safety of navigation, protection of life and cargo, and prevention of pollution that may be caused by the use or navigation of inland vessels, to ensure transparency and accountability of administration of inland water transportation, to strengthen procedures governing the inland vessels, their construction, survey, registration, manning, navigation and such other matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Inland Vessels Act, 2021.
- (2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for bringing into force different provisions of this Act in different States or Union territories, as it may deem fit by the Central Government.

Application
and scope.

2. (1) Save as otherwise expressly provided in this Act, the provisions of Chapters I, III, X, XVI and XVIII shall apply to all inland vessels plying within inland waters of India, and—

(a) Chapters IV, V, VI, VIII, IX, X, XI, XII, XIII and XIV shall apply to all mechanically propelled vessels registered under this Act;

(b) Chapters VIII, IX, X, XI, XII and XIII shall apply to vessels registered under such laws in force in India other than this Act, or registered in such laws in force in any country other than India; but endorsed or recognised under this Act for the purpose of plying within inland waterways;

(c) Chapters IV, V, VI, VII, VIII, IX, X, XI, XII, XIII and XIV shall apply to all vessels identified as special category vessels plying or using inland waterways;

(d) Chapter XVII shall apply to all non-mechanically propelled inland vessels.

(2) Notwithstanding anything contained in sub-section (1), the Central Government or the State Government, as the case may be, may extend the application of any Chapter or provision of this Act to any class or category of inland vessels, or to any region of inland waters, by notification in the Official Gazette.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "authorised insurer" means any insurance company carrying on any class of marine insurance business, which is registered or recognised by the Central Government under any law for the time being in force in India;

(b) "bareboat charter" means an arrangement for the hiring of a vessel without crew, where the charterer is responsible for appointing the crew and making other arrangements;

(c) "bareboat charter-cum-demise" is a bareboat charter where the ownership of the vessel is intended to be transferred after a specified period to the company to which it has been chartered;

(d) "cargo terminal" means a place designated for the loading, or unloading, or any other allied processes of such loading or unloading of cargo in a port, jetty, wharf or such other places developed within inland waters for the purpose of loading and unloading of cargo;

(e) "casualty" includes any vessel which—

(i) is lost, abandoned, materially damaged;

(ii) causes loss of material or damage to any other vessel;

(iii) causes any loss of life or personal injury;

(iv) causes pollution as a result of or in connection with its operation;

(f) "central database" means the centralised record maintained for recording the data and details of—

(i) vessels;

(ii) registration of vessels;

(iii) crew and manning in the vessels;

(iv) certificates issued in respect of vessels;

(v) reception facilities; and

(vi) such other data,

to be recorded and maintained in the form of an electronic portal or in such other form and manner as may be prescribed by the Central Government;

(g) "certificate of insurance" means a certificate issued by an authorised insurer in pursuance of the insurance premium paid by the insured, and includes a cover note complying with such requirements as may be prescribed by the Central Government;

(h) "competent authority" means the authority referred to in section 6;

(i) "court" means any civil court, revenue court or High Court having jurisdiction over the matters of liabilities and offences as provided in this Act including investigation and inquiry into claims arising out of causalities and accidents within its jurisdiction;

(j) "cover note" includes any note of undertaking issued by the insurer who promises to cover the liability and to indemnify the losses incurred by the insured as provided in the contract of insurance;

(k) "crew" means personnel employed for operation or serving on an inland vessel other than master or passengers as a part of performing the functions of manning;

(l) "dangerous cargo" means any cargo, which, due to its nature, form or content as a whole or in part, are declared as dangerous or potentially dangerous while carried in on any class or category of inland vessels in inland waters under this Act or any other law for the time being in force;

(m) "dangerous goods" means any goods, which, due to its nature, form or content as a whole or in part, are declared as dangerous or potentially dangerous while carried in on any class or category of inland vessels in inland waters under this Act or any other law for the time being in force;

(n) "designated authority" means the authorities appointed by State Government under sub-section (3) of section 5;

(o) "fishing vessel" means a vessel fitted with mechanical mode of propulsion, which is exclusively engaged in fishing for profit, within inland waters;

(p) "hazardous chemical" means any chemical, which has been designated as pollutants under this Act or any other law for the time being in force in India;

(q) "inland vessel" includes any mechanically propelled inland vessel or non-mechanically propelled inland vessel which is registered and plying in inland waters, but does not include—

(i) a fishing vessel registered under the Merchant Shipping Act, 1958 or the Marine Products Export Development Authority Act, 1972; and

(ii) any vessel that are specified as not to be inland vessels by notification by the Central Government.

Explanation—For the purposes of this clause, it is clarified that a vessel registered under the Merchant Shipping Act, 1958 and plying within the inland waters shall be deemed to be an inland vessel registered under this Act;

(r) "inland waters", for the purpose of inland navigation, includes any—

(i) canal, river, lake or other navigable water inward of baseline or as may be declared by notification in the Official Gazette by the Central Government;

(ii) tidal water limit, as may be declared by notification in the Official Gazette by the Central Government;

44 of 1958.
13 of 1972.

44 of 1958.

(iii) national waterways declared by the Central Government; and

(iv) other waters as may be declared by notification in the Official Gazette by the Central Government;

(s) "lien" is a legal right or interest that a creditor has in the inland vessel or any property thereof, retained until a debt or duty is secured, or the performance of some other obligation is satisfied;

(t) "limitation of liability" means the rate or extent of liability within which the owner or such other persons entitled under this Act, may limit the liability or be permitted to limit or cap the liability arising out of claims, in accordance with the procedure laid down and the rates, as may be specified in this Act or as may be prescribed by the Central Government;

(u) "load line" means a water line which is marked on an inland vessel to denote the safe carrying or loading capacity of such vessel;

(v) "master" includes any person including serang or such other person, who is in command or in charge of any inland vessel, and does not include a pilot or harbour master;

(w) "material fact" means a fact of such a nature, which determines the judgment of a prudent insurer, in assessing the extent of his liability, premium to be charged, conditions to be specified and such other terms to be entered and incorporated in a policy of insurance governing the relationship with the insured;

(x) "material particular" means any particular of such a nature, which determines the judgment of a prudent insurer, in assessing the extent of his liability, premium to be charged, conditions to be specified and such other terms to be entered and incorporated in a policy of insurance governing the relationship with the insured;

(y) "mechanically propelled inland vessel" means—

(i) any inland vessel in the inland waters which is propelled by mechanical means of propulsion; or

(ii) floating units, floating surfaces, dumb vessels, barges, rigs, jetties or such other non-mechanically propelled inland vessel, which are towed or pushed with the assistance of another mechanically propelled vessel and used for carriage, storage, transportation and accommodation of passengers and cargo in or through inland waters;

(z) "minimum manning requirement" means the standard and number of persons required for safe manning and navigation of vessels, as may be prescribed by the Central Government;

(za) "non-mechanically propelled inland vessel" means any vessel which is not a mechanically propelled inland vessel;

(zb) "notification" means a notification published in the Gazette of India or the Official Gazette of a State, as the case may be, and the expression "notify" with its grammatical variation and cognate expressions shall be construed accordingly;

(zc) "obnoxious substance" means any substance, which has been designated as pollutants under this Act or any other law for the time being in force in India;

(zd) "official number" means the number assigned to any vessel by the Registrar of Inland Vessels or such other person appointed under this Act, to be affixed or displayed on a conspicuous part of such vessel to refer, distinguish and identify one vessel from another;

(ze) "oil" means any edible oil carried on vessel as cargo or persistent oil such as crude oil, heavy diesel oil, lubricating oil and white oil, carried on board of a vessel as cargo or fuel;

(zf) "oily mixture" means a mixture with any oil content;

(zg) "owner" means operator, charterer, beneficial owner or registered owner, who is responsible for the activities of the vessel and shall be under obligation to comply with the provisions of this Act in relation to, or in possessing express or implied title under this Act or any other law for the time being in force;

(zh) "passenger" means any person carried on board of a vessel, except persons employed or engaged in any capacity on board of the vessel in connection with the business of the vessel;

(zi) "passenger terminal" means the terminal designated for the embarking or dis-embarking of passengers and the permitted cargo, in a port, jetty, wharf or like places;

(zj) "passenger vessel" means any vessel permitted to carry more than twelve passengers;

(zk) "pilot" means a person appointed by the owner of the vessel to assist the master or to steer the vessel in such area of inland water in accordance with the mandatory requirements, as specified in section 83;

(zl) "prescribed" means prescribed by rules by the Central Government or a State Government, as the case may be;

(zm) "priority of lien" means the ranking of liens in the order in which they are perfected or recorded in the book of registry maintained at every port or place of registry;

(zn) "reciprocating country" means any country, as may on the basis of reciprocity, specified by notification by the Central Government to be a reciprocating country for the purposes of this Act;

(zo) "recognised organisation" means any organisation recognised and authorised by the Central Government to perform and execute the functions involved in survey, classification or certification of vessels;

(zp) "salvage" means an act of the salvor in retrieving or saving any property or life in danger due to wreck or accident and includes all expenses incurred by the salvor in the performance of salvage services;

(zq) "salvor" means any person who conducts salvage operations;

(zr) "service provider" includes any person, who in the capacity of owner or operator of an inland vessel used or plying in inland waters, providing services to any service user for the purposes of transportation, storage or accommodation;

(zs) "service user" includes any person who as a passenger or owner of cargo or freight forwarder, uses the services of any inland vessel in the inland waters for transportation, storage or accommodation purposes;

(zt) "special category vessel" means a mechanically propelled inland vessel that is identified under this Act as special by considering its use, purpose, function or utility or the means of propulsion including the fuelling system or source of power for propulsion, such as liquefied natural gas, electrical propulsion, the design, dimensions of construction or areas of operation or such other criteria or standards;

(zu) "vessel" includes every description of water craft used or capable of being used in inland waters, including any ship, boat, sailing vessel, tug, barge or other

description of vessel including non-displacement craft, amphibious craft, wing-in-ground craft, ferry, roll on-roll-off vessel, container vessel, tanker vessel, gas carrier or floating unit or dumb vessel used for transportation, storage or accommodation within or through inland waters;

(zv) "wreck" means a state of any vessel, or goods or a part or property of such vessel or carried on the vessel,—

(i) which have been cast into or have fallen into the inland waters and then sunk and remain under water or remains floating on the surface; or

(ii) which have sunk in the inland waters, but are attached to a floating object in order that they may be found again; or

(iii) which are intentionally thrown away or abandoned without hope or intention of recovery; or

(iv) which by its presence in inland waters, is a hazard or causes impediment to navigation, or adversely affects safety of life or causes pollution.

CHAPTER II

DECLARATION OF INLAND WATER AREA INTO ZONES

Declaration of inland water area into Zones.

4. (1) The State Government may, for the purposes of this Act, declare by notification any inland water area to be a "Zone" depending on the maximum significant wave height criteria specified in sub-section (2).

(2) For the purposes of sub-section (1), the State Government may classify the maximum significant wave height criteria into the following Zones, namely:—

(i) Zone 1 refers to the area (other than Zone 2 or Zone 3) where the maximum significant wave height does not exceed 2.0 metres;

(ii) Zone 2 refers to the area (other than Zone 3) where the maximum significant wave height does not exceed 1.2 metres; and

(iii) Zone 3 refers to the area where the maximum significant wave height does not exceed 0.6 metres.

CHAPTER III

ADMINISTRATIVE PROVISIONS

Administrative role of Central Government and State Governments.

5. (1) The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by it under, or in relation to any such provision of this Act, or the rules made thereunder, or as may be specified in the order allocating the duties, shall, subject to such conditions and restrictions as may be so specified, also be exercisable by the competent authority or by such other officer as may be specified in that order.

(2) On and from the date of issue of notifications or rules made by the Central Government under the provisions of this Act, the provisions shall,—

(a) uniformly apply in whole or in any part of India, as may be specified therein; and

(b) prevail over such notifications or rules, as the case may be, issued or made by the State Governments.

(3) The State Governments may, by notification, appoint one or more designated authorities within their respective jurisdiction for the purposes of exercising or discharging the powers, authority or duties conferred, by or under this Act and the rules made thereunder.

(4) Notwithstanding anything contained in sub-section (1) and section 6, the existing administrative authorities constituted under State Governments or Union territory Administrations may continue to be the designated authorities for the purposes of sub-section (3).

(5) The State Government may, for the purposes of implementing the various provisions of this Act and the rules made thereunder, by general or special order, direct that any power or authority conferred under this Act, subject to such conditions and restrictions as it may think fit, be exercised or discharged by the respective designated authorities or any officer or any other organisation or body.

(6) Save as otherwise provided in this Act, the State Government shall have the power to make rules and shall exercise the powers conferred on it, as provided by or under this Act.

(7) Notwithstanding anything to the contrary in this Act, for the purposes of administration of the non-mechanically propelled inland vessels, as specified in Chapter XVII, the Central Government shall have no powers of administration and shall only provide assistance to the respective State Government, on receipt of official request from such State Government.

82 of 1985. **6.** The Inland Waterways Authority of India, constituted under section 3 of the Inland Waterways Authority of India Act, 1985 shall be the competent authority for the purpose of exercising or discharging the powers, authority or duties conferred, by or under this Act. Competent authority.

CHAPTER IV

SURVEY OF INLAND VESSELS

7. (1) For the purposes of this Chapter,—

(a) the classification of mechanically propelled vessels;

(b) the criteria for such classification; and

(c) the standards of design, construction, fitness and crew accommodation of such vessels,

shall be such, as may be prescribed by the Central Government.

Power to classify and categorise for purpose of survey.

(2) The State Government shall classify and categorise mechanically propelled inland vessels on the basis of criteria and standards referred to in sub-section (1).

8. (1) No person shall construct any mechanically propelled inland vessel, or alter or modify any mechanically propelled inland vessel so as to affect its strength, stability or safety, except with prior approval of the designated authority, in such manner as may be prescribed by the Central Government.

Construction, alteration or modification of mechanically propelled inland vessel.

(2) The list of alterations or modifications referred to in sub-section (1), which would affect the strength, stability or safety of any mechanically propelled inland vessel, and the criteria therefor, shall be such as may be specified by the Central Government, by notification.

9. (1) The standard for type and periodicity of surveys for every mechanically propelled inland vessel shall be such as may be prescribed by the Central Government.

Survey of vessels.

(2) The owner, operator, master or construction yard or any other applicant, as the case may be, shall submit a request for survey in such form and content as may be prescribed by the Central Government.

10. (1) For the purposes of this Act, the State Government may, by notification, appoint officers or persons as surveyors of inland vessels and such surveyors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Appointment and qualifications of surveyors.

(2) The minimum criteria and qualifications for the appointment of surveyors, which the State Governments shall adopt in the appointment of surveyors, shall be such as may be prescribed by the Central Government.

11. (1) On receipt of the application from the owner or master or construction yard for conducting survey, in such form and within such time as may be prescribed by the Central Government, the surveyor may board or enter and inspect a mechanically propelled inland vessel:

Powers of surveyors.

Provided that the surveyor shall not unnecessarily hinder the loading or unloading of cargo or; embarking or dis-embarking of passengers of the mechanically propelled inland vessel, or unnecessarily detain or delay her from proceeding on any voyage.

(2) The owner, operator, master and crew of the mechanically propelled inland vessel shall render the surveyor, all reasonable facilities for conducting survey, and all information with respect to such mechanically propelled inland vessel, and her machinery or any part thereof, and all equipment and articles on board, as he may require for the purposes of a survey.

Grant of certificate of survey and procedures.

12. (1) On completion of survey of a mechanically propelled inland vessel, the surveyor shall forthwith issue the applicant, a declaration of survey, valid for such period and in such form, as may be prescribed by the Central Government.

(2) The State Government shall, if satisfied that all the provisions of this Act have been complied with in respect of a declaration submitted under sub-section (1), and on receipt of payment of fee, as may be prescribed by the State Government, issue a certificate of survey to the applicant.

(3) A certificate of survey granted under this section shall be in such form as may be prescribed by the Central Government, and shall contain a statement to the effect that all the provisions of this Act with respect to the survey of the mechanically propelled inland vessel and the declaration of surveyor have been complied with, and shall set forth such particulars or such other terms and conditions, as may be prescribed by the Central Government.

(4) The State Government may, by notification in the Official Gazette, delegate all or any of the functions assigned to it by the Central Government under this section:

Provided that no delegation shall be made to authorise the grant of a certificate of survey by the surveyor, who made the declaration of survey under sub-section (1).

Provisional certificate of survey and its effect.

13. (1) On receipt of application and the fee from the owner or operator of any mechanically propelled inland vessel, the surveyor who conducted the survey, may grant a provisional certificate of survey extending the validity of the prevailing certificate of survey by endorsement, in such form and for such period, as may be prescribed by the Central Government.

(2) Any mechanically propelled inland vessel, which has been issued with a provisional certificate of survey or endorsement under sub-section (1), may proceed on voyage or use in service, temporarily, pending the issue of the certificate of survey, in such manner and subject to the conditions as may be prescribed by the State Government.

Mechanically propelled inland vessels not to proceed without certificate of survey, and requirement of Zone to be specified in such certificate.

14. (1) No mechanically propelled inland vessel shall be used nor proceed on voyage, without a valid certificate of survey that shall provide or indicate among others, the Zone intended for operation or applicable voyage or service of such vessel.

(2) The certificate of survey shall have effect throughout India, unless otherwise specified therein and subject to such other conditions as may be specified by the competent authority.

(3) The certificate of survey shall be valid for such period as may be specified by notification by the Central Government and shall not be in force—

(a) after the expiration of the period specified in the certificate of survey; or

(b) after notice has been issued to cancel or suspend such certificate.

(4) Nothing in this section shall prevent the State Government from excluding a mechanically propelled inland vessel from the requirement under sub-section (1), on an application made by the owner or master of the vessel for permission to proceed on a voyage; during the interval between the date on which the certificate of survey expires and the earliest possible date of renewal.

(5) After cessation of a certificate of survey, a valid certificate of survey shall be obtained only after a fresh survey of the mechanically propelled inland vessel has been conducted by any surveyor appointed under this Act.

15. (1) The State Government may suspend or cancel a certificate of survey, if it has reason to believe that—

Suspension and cancellation of certificate of survey.

(a) the declaration of the surveyor of the sufficiency and good condition of the hull, engines or other machinery or of any of the equipment of the mechanically propelled vessel has been fraudulently or erroneously made; or

(b) the certificate has otherwise been granted upon false or erroneous information; or

(c) since the making of the declaration, the hull, engine or other machinery, or any of the equipment of the mechanically propelled vessel have sustained any material damage, or have otherwise become insufficient.

(2) The State Government shall issue the notice of suspension of certificate of survey to the owner, operator, master or construction yard by stating the errors to be rectified and conditions that have to be complied with by the owner, operator, master or construction yard within three months from the date of issuance of such notice, in such manner as may be prescribed by that Government.

(3) In the event of non-compliance of the notice of suspension by the owner, operator, master or construction yard within the period specified therein, the State Government shall record such non-compliance and shall issue the notice of cancellation of certificate of survey, which shall come into force with immediate effect.

16. (1) The owner or master shall deliver the certificate of survey, which has expired or has been suspended or cancelled, to such officer as the State Government may, by notification in the Official Gazette, appoint in this behalf.

Delivery of expired, suspended or cancelled certificate of survey.

(2) The State Government shall record the details of the cancelled certificate in the book of registry maintained by the Registrar of Inland Vessels.

CHAPTER V

REGISTRATION

17. (1) Any mechanically propelled inland vessel, which is wholly owned by—

Registration.

(a) a citizen of India; or

2 of 1912.

(b) a co-operative society registered or deemed to be registered under the Co-operative Societies Act, 1912; or

(c) a body established under any Act relating to co-operative societies for the time being in force in any State; or

18 of 2013.

(d) a company registered under the Companies Act, 2013; or

6 of 2009.

(e) a partnership firm registered under the Limited Liability Partnership Act, 2008; or

(f) any other body including a partnership firm, trust or societies established by or under any Central or State enactment and which has its principal place of business in India;

(g) any legal business combination, otherwise allowed under the existing commercial law for the time being in force in India, within the permissible foreign direct investment limits in the sector and having its principal place of business in India,

shall be registered under the provisions of this Act.

Duplicate certificate.

26. (1) If the certificate of registration issued under this Chapter is lost or destroyed, the registered owner shall apply for a duplicate certificate to the Registrar of Inland Vessels, who has issued such certificate of registration, in such form and manner as may be prescribed by the State Government.

(2) The Registrar of Inland Vessels shall, on receipt of application under sub-section (1) and such fees or additional fees, as may be prescribed by the State Government, issue the duplicate certificate of registration.

Provisional certificate of registration.

27. (1) The Registrar of Inland Vessels may, pending issuance of the certificate of registration, upon an application and on payment of fee, by the applicant, issue a provisional certificate of registration valid for such period as may be prescribed under sub-section (2).

(2) The application, fee and the issuance of provisional certificate of registration referred to in sub-section (1) shall be in such form, rate and manner, as may be prescribed by the Central Government.

(3) During the period of validity of the provisional certificate of registration, the owner, operator, master or construction yard shall implement and comply with all necessary steps to be taken to have the vessel registered under this Chapter.

Registration of modifications or alterations.

28. (1) The owner, operator or master of any mechanically propelled inland vessel, shall make an application, in such form, manner and within such period as may be prescribed by the State Government, to effect any alteration or modification affecting the strength, stability or safety of such mechanically propelled inland vessel along with the respective certificate of survey, in which such alteration or modification have been approved, to the respective Registrar of Inland Vessels, who has issued the certificate of registration.

(2) The Registrar of Inland Vessels shall, on receipt of application and the certificate of survey and on receipt of such fee, as may be prescribed by the State Government, either cause the alteration or modification to be registered and entered in the certificate of registration, or direct that the vessel be registered anew:

Provided that, where the Registrar of Inland Vessels, directs that the vessel be registered anew, he shall grant a provisional certificate for a specific period describing the vessel as altered or endorse on the existing certificate about the particulars of the alteration.

(3) Any mechanically propelled inland vessel found plying without complying with sub-section (1) or sub-section (2) shall be detained by such authority or officer as the State Government may, by general or special order, appoint in this behalf.

Change of residence or place of business.

29. (1) If the owner of a mechanically propelled inland vessel ceases to reside or carry on business at the registered address recorded in the certificate of registration of the vessel, such person shall comply with the procedures prescribed under sub-section (2) by the Central Government.

(2) For the purposes of sub-section (1), the procedures to be complied with by the owner of any mechanically propelled inland vessel, who ceases to be the owner or applies for the requirement of transfer of registry or any such circumstances leading to change of the registered address, shall be such as may be prescribed by the Central Government.

Prohibition against transfer of ownership of registered vessel.

30. No mechanically propelled inland vessel registered with the registering authority of a State Government under this Chapter, shall be transferred to a person residing in any country other than India, without the prior approval of the Registrar of Inland Vessels, who has originally granted the certificate of registration and such a transfer shall be validated only if made in compliance with such procedures as may be prescribed by the Central Government.

Suspension of certificate of registration.

31. (1) The Registrar of Inland Vessels may at any time, require any mechanically propelled inland vessel within the local limits of his jurisdiction to be inspected by such authority as the State Government may, by general or special order, appoint in this behalf.

(2) As a result of such inspection, if the Registrar of Inland Vessels has reason to believe that after the granting of the certificate of registration, the mechanically propelled inland vessel became unfit to ply in inland waters, order suspension of the certificate of registration of the said vessel for such period as he may deem fit.

(3) The Registrar of Inland Vessels shall, before suspending a certificate of registration, provide to the owner, operator or master an opportunity of being heard, and record the reasons for such suspension.

(4) The Registrar of Inland Vessels who suspends the certificate of registration under sub-section (2), shall issue a notice of suspension to the registered owner stating the reasons for suspension and the conditions to be complied within such period, as may be prescribed by the State Government, for withdrawal of such order of suspension.

(5) Where the registration of a mechanically propelled inland vessel is suspended under sub-section (2) by any Registrar of Inland Vessels, other than the Registrar of Inland Vessels who has originally issued the certificate of registration, the former shall intimate the latter, regarding such order of suspension or withdrawal of such order of suspension; and the latter shall enter such order in the book of registry in which the registration of the vessel is originally recorded.

(6) The Registrar of Inland Vessels suspending the certificate of registration, shall confiscate such certificate and return the certificate to the owner or master only upon withdrawal of the order of suspension.

32. (1) If any mechanically propelled inland vessel registered under this Act is declared missing, destroyed, lost, abandoned or has been rendered permanently unfit for service or destined for scrapping or dismantling or sold abroad; the owner of the vessel shall, within such time as may be prescribed by the Central Government, report the fact to the Registrar of Inland Vessels of the place where the vessel is registered and shall also forward to that authority, along with the report, the certificate of registration of the vessel and thereupon such Registrar of Inland Vessels shall have the certificate of registration cancelled.

Cancellation
of
registration.

(2) Any Registrar of Inland Vessels may at any time require that any mechanically propelled inland vessel within the local limits of his jurisdiction may be inspected by such designated authority as the State Government may, by general or special order, appoint in this behalf and, if as a result of such inspection, such Registrar of Inland Vessels is satisfied that the vessel is in such a condition that it is not fit to ply in any inland water, the Registrar of Inland Vessels may, after giving the owner of the vessel an opportunity of being heard, cancel the registration of the vessel and require the owner thereof to surrender forthwith to him, the certificate of registration in respect of that vessel, if it has not already been so surrendered.

33. (1) A registered mechanically propelled inland vessel or a share therein may be mortgaged as a security for a loan or other valuable consideration, and the instrument creating the security shall be in such form, as may be prescribed by the Central Government, and on the production of such instrument, the Registrar of Inland Vessels who granted the certificate of registration shall record it in the book of registry.

Mortgage of
mechanically
propelled
inland vessel
or share
therein.

(2) The manner and the conditions, subject to which a mechanically propelled inland vessel or a share therein may be mortgaged, shall be such as may be prescribed by the Central Government.

CHAPTER VI

MANNING, QUALIFICATION, TRAINING, EXAMINATION AND CERTIFICATION

34. (1) The standards for qualification, training, training institutes, examination and grant of certificate of competency for the purposes of this Chapter shall be such as may be prescribed by the Central Government.

Training and
minimum age
for
employment.

(2) No person under the age of eighteen years shall be employed on a mechanically propelled inland vessel registered under this Act.

Minimum
manning scale
and manning
requirements.

35. The minimum manning scale applicable to different class or category of mechanically propelled inland vessels, categorised under this Act or such other laws for the time being in force in India, shall be such as may be prescribed by the Central Government.

Appointment
and duties of
examiners.

36. (1) The State Government may appoint examiners, in accordance with the criteria and qualifications, as may be prescribed by the Central Government, for the purpose of examining the qualifications of persons desirous of obtaining certificates under this Chapter to the effect that they are competent to undertake the responsibilities of and act as, masters, or as engineers or engine-drivers, or as such other persons, as the case may be, on the mechanically propelled inland vessels.

(2) The examiners shall evaluate the persons who have undergone the training required for qualifying as masters, or as engineers or engine-drivers, or as such other persons, as the case may be, and shall report the list of successful candidates who possess the required qualifications to the Central Government or such other officer appointed or authorised by notification by the State Government.

Grant of
certificate of
competency.

37. (1) The State Government may evaluate the report provided by the examiners, and upon confirmation as to the correctness of such report; shall grant to every candidate; who is reported by the examiners to possess the required qualifications, with the certificate of competency, certifying that the candidate specified in the report is competent to serve, in such capacity as may be specified therein, on any class or category or whole of the mechanically propelled inland vessel as specified in the certificate.

(2) The State Government shall require for further examination or a re-examination of all or any of the candidates, if it is found that the report submitted by examiners is defective, or there exists reason to believe that such a report has been unduly made.

(3) The certificate of competency shall be in such form and manner as may be prescribed by the Central Government.

Certificate of
service.

38. (1) The State Government may, on an application, without examination, grant a certificate of service to any person who has served as a master, or as an engineer, of a vessel of the Coast Guard, Indian Navy or regular Army for such period as may be prescribed in this behalf by the Central Government, to the effect that he is competent to act, as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver or in such capacity as may be specified therein, as the case may be, on board the mechanically propelled inland vessel.

(2) For the purposes of granting of certificate of service under sub-section (1), the State Government shall verify the certificate, certifying the competence of the applicant as issued by the Coast Guard, Indian Navy or regular Army, as submitted to it by such applicant along with his application.

(3) Notwithstanding anything contained herein, the State Government may by recording reasons thereof, refuse granting of certificate of service under sub-section (1).

(4) A certificate of service so granted under sub-section (1), shall be in such form and manner; and shall be subject to such conditions, as may be prescribed by the Central Government, and shall have the same effect as a certificate of competency granted under section 37.

Effect of
certificate of
competency
or certificate
of service.

39. Subject to the provisions of this Act and such conditions as may be prescribed by the Central Government, a certificate of competency or certificate of service shall be valid throughout India.

40. (1) If the holder of any certificate issued under this Chapter is found to have acted in contravention to the provisions of this Act or the rules made thereunder; the said certificate shall be liable to be suspended or cancelled.

Suspension and cancellation of certificate.

(2) The State Government or any officer appointed or authorised under this Chapter shall issue notice to the holder of certificate and shall provide him an opportunity of being heard before suspension or cancellation of certificates issued under this Chapter.

(3) Notwithstanding anything contained in sub-section (2), the State Government or any officer appointed or authorised under this Chapter, may suspend or cancel the certificate of competency or the certificate of service granted under this Chapter by recording reasons thereof.

(4) If a certificate issued under the provisions of this Chapter is suspended or cancelled, the holder of such certificate shall deliver it to the State Government or such officer, appointed or authorised by that Government by notification in Official Gazette under this Chapter.

41. (1) The State Government shall maintain registers in electronic format to record, the details and data of the certificate, and the respective certificates, issued under this Chapter in such form and manner as may be prescribed by it.

Registry of certificate holders and central registry.

(2) The State Government shall report and update the Central Government with the information on data and details of certificates issued, granted, cancelled or suspended or such other remarks, made by the respective authority in regular intervals, as may be prescribed by the Central Government.

(3) The Central Government shall update the central data base with the reports and information received from all the State Governments under this Chapter in electronic format.

CHAPTER VII

SPECIAL CATEGORY VESSELS

42. (1) For the purposes of this Chapter, the Central Government may, by rules to be made in this behalf, specify the criteria and standards to identify any class or category of mechanically propelled inland vessels as special category vessels based on their design, construction, use, purpose, area of plying, source of energy or fuelling, or any other criteria or standards.

Special category vessels.

(2) The requirements of construction, design, survey, registration, manning, qualification, competency, or the requirements in addition to those contained elsewhere in this Act shall be such, as may be prescribed by the Central Government.

(3) The State Governments shall identify the mechanically propelled inland vessels as special category vessels based on the criteria and standards prescribed by the Central Government under sub-section (1).

43. (1) The State Government shall appoint or authorise such number of officers for the purpose of performing duties and implementing the provisions of this Chapter.

Appointment or authorisation of officers to implement provisions, grant certificate of fitness, etc.

(2) On an application made by owner, operator or master of any mechanically propelled inland vessel in such form as may be prescribed by the State Government, any officer appointed or authorised under sub-section (1), on being satisfied that such vessel complies with the provisions of this Act and falls under the special category vessels as identified in this Chapter, and subject to such other conditions including validity as may be prescribed by the State Government, may grant a certificate of fitness, in such form and manner as may be prescribed by that Government.

(3) The officer appointed or authorised under sub-section (1) may, for reasons to be recorded in writing, refuse to grant the certificate of fitness in respect of an application made under sub-section (2).

Safety of passengers or service users.

44. (1) The safety features, gears and such other measures by which any mechanically propelled inland vessel, identified as special category vessel under this Chapter, shall comply with and be equipped in accordance with the categorisation of such vessel, shall be such as may be prescribed by the State Government.

(2) The maximum carrying capacity of the vessel identified as special category vessel by specifying the safety loadline or the limits of loadline to keep them afloat, or such other criteria and conditions, other than those mentioned elsewhere in this Act for the safe voyage of such inland vessel, shall be such as may be prescribed by the State Government.

Inspection of vessel.

45. (1) The surveyor may, other than for the purpose of survey, at any reasonable time, go on board any special category vessel, and inspect the respective vessel including the hull, equipment and machinery or any part or properties of such vessel.

(2) The owner, operator, agent, master and any such person in-charge of the special category vessel, shall make available all necessary facilities to the surveyor for inspection and survey, and all such information regarding the vessel and her machinery and equipment, or any part thereof, respectively, as the surveyor or such other officer may reasonably require.

Suspension or cancellation of certificate of fitness.

46. (1) If any special category vessel does not comply with the provisions of this Act or the rules made thereunder, the State Government may issue notice to the owner or operator or master or any person in-charge of such vessel, for rectifying the non-compliance within such time as may be specified therein.

(2) In case of continuance of non-compliance by the owner or operator or master or any person in-charge of the special category vessel even after receipt of the notice issued under sub-section (1), the State Government may, after providing an opportunity of being heard and for reasons to be recorded in writing, suspend or cancel the certificate of fitness issued to such vessel under this Chapter.

(3) If the certificate of fitness of a special category vessel has been suspended or cancelled under sub-section (2), then such vessel shall cease to operate till the suspension is revoked, or in the event of cancellation, shall cease to operate till a new certificate of fitness is granted.

CHAPTER VIII

NAVIGATION SAFETY AND SIGNALS

Navigation safety, lights and signals.

47. (1) The specifications and requirements of signals and equipment based on classification and categorisation of mechanically propelled vessels, to be complied with by such vessels shall be such as may be prescribed by the Central Government.

(2) The fog and distress signals to be carried and used, the steering and sailing rules to be complied with and the different protocols for exhibition and display of different standards of lights, shapes and signals, by any mechanically propelled vessel plying in inland waters shall be such, as may be prescribed by the Central Government.

(3) The owner or master of every mechanically propelled vessel, while in the inland water limit, shall comply with the rules made under sub-sections (1) and (2), and shall not carry or exhibit any lights or shapes or use any fog or distress signals, other than that required to be exhibited under this Chapter or the rules made thereunder.

Obligation to ensure safe navigation.

48. (1) Every mechanically propelled vessel shall adopt necessary measures to prevent collision and to ensure safe navigation through inland waters.

(2) If any damage to person or property arises in the inland water limit due to non-observance of any of the rules made under this Chapter by any mechanically propelled vessel, the damage shall be deemed to have been occasioned by the wilful default of the person in-charge of such vessel at that time, unless it is shown to the satisfaction of the court that the circumstances of the case demanded deviance from the applicable rules.

49. The master of a mechanically propelled vessel, while in the inland water limit, on finding or encountering a dangerous derelict or any other hazard to navigation in the inland waterways, shall immediately send a signal to indicate the danger or distress, or any such information to other mechanically propelled vessels in the vicinity and to the concerned State Government:

Distress signal.

Provided that no fees or charges shall be levied on any mechanically propelled vessel, in using any device for communicating any information under this section.

50. (1) The master of any mechanically propelled vessel, while in the inland water limit, who has received any signal of distress from any vessel or aircraft within the inland water limit, shall proceed immediately to the assistance of the persons in distress by acknowledging the receipt of such signal to the vessel in distress.

Assistance to vessels in distress and persons in distress.

(2) Notwithstanding anything contained in sub-section (1), the master of a mechanically propelled vessel shall be released from the obligation to render assistance as provided in the said sub-section, if he is unable to do so, or in the special circumstances of the case, considers it unreasonable to act as provided in the said sub-section, or if the requirement for assistance is being complied with by other vessels, or the assistance is no longer required.

(3) The master of any mechanically propelled vessel, while in the inland water limit, shall render assistance to every person found in danger of being lost in the inland waters.

(4) The master of any mechanically propelled inland vessel may abstain from complying with sub-section (3), if in his judgment, he is unable to or, in the special circumstances of the case, such assistance may not be rendered without serious danger to his vessel, or to the persons on board and, in such event shall inform the respective authorities regarding his inability of such non-compliance.

51. (1) The Central Government shall, by rules made in this behalf, specify the class or category of mechanically propelled inland vessels to be equipped with navigation aids, life saving appliances, fire detection and extinguishing appliances and communication appliances.

Life saving, fire safety and communication appliances.

(2) The owner, operator or master of all mechanically propelled inland vessels shall comply with the requirements of navigation aids, life saving appliances, fire detection and extinguishing appliances and communication appliances as specified in sub-section (1).

(3) The State Government may appoint or authorise such officers as surveyors to inspect and ensure that the mechanically propelled inland vessels comply with the applicable requirements specified in sub-section (1).

(4) If the surveyor, on inspection, finds that the mechanically propelled inland vessel is not so provided with life saving and fire appliances in conformity with the provisions of this Act and the rules made thereunder, he shall issue a notice to the master or owner or operator in writing pointing out the deficiency, and unless the master or owner or operator complies with the said notice and report such compliance to the surveyor, the said vessel shall not proceed to conduct any voyage.

CHAPTER IX

PREVENTION OF POLLUTION CAUSED BY INLAND VESSEL

52. (1) The Central Government shall, by notification, designate the list of chemicals, any ingredients or substance carried as bunker or as cargo, or any substance in any form discharged from any mechanically propelled inland vessel, as pollutants.

Chemicals, etc., to be designated as pollutants.

(2) The owner or master of any mechanically propelled inland vessel shall discharge or dispose of the sewage and garbage in accordance with such standards and manner as may be prescribed by the Central Government.

(3) No mechanically propelled inland vessel shall cause pollution by discharging or dumping of pollutants designated under sub-section (1):

Provided that nothing in this sub-section shall apply to the discharge dump or emission of such oil or oily mixture, hazardous chemical or obnoxious substance or any other pollutant, as the case may be, from a mechanically propelled inland vessel for the purpose of securing the safety of any mechanically propelled inland vessel, preventing damage to another mechanically propelled inland vessel, cargo or saving of life at inland waters.

Certificate of prevention of pollution.

53. (1) The Central Government shall, by rules made in this behalf, specify the standards of construction and equipment of the mechanically propelled inland vessels to ensure compliance with the requirements of this Chapter.

(2) The State Government shall appoint or authorise such officers to ensure construction, installation and maintenance of equipment of all mechanically propelled inland vessels and issue certificate of prevention of pollution, in compliance with the provisions of this Chapter.

(3) Every mechanically propelled inland vessel, which has been constructed and equipped in compliance with this Chapter shall be issued with a certificate of prevention of pollution in such form, validity and content as may be prescribed by the Central Government.

(4) Every mechanically propelled inland vessel shall carry on board a valid certificate of prevention of pollution and shall furnish the same on demand by concerned officers appointed or authorised under this Chapter.

Reception facilities and containment of pollution.

54. (1) The Central Government shall, by rules made in this behalf, specify the conditions for construction, use and maintenance of reception facilities for the containment of pollution and removal of pollutants arising from spillage or discharge arising from mechanically propelled inland vessels at all cargo terminals or passenger terminals.

(2) The owner or operator of all cargo terminals or passenger terminals shall provide reception facilities to discharge oil, oily mixture, hazardous chemicals, sewage or obnoxious substances at such cargo or passenger terminal, as the case may be, in compliance of sub-section (1).

(3) The owner or operator of all cargo terminals or passenger terminals, providing reception facilities shall receive charges, at such rates as may be prescribed by the State Government.

(4) For the purposes of minimising the pollution already caused, or for preventing the imminent threat of pollution, the Central Government or such other officer appointed by the State Government may, by order in writing, direct the owner or operator of cargo or passenger terminal to provide or arrange for the provision of such pollution containment equipment and pollutant removing materials, at such cargo and passenger terminal, as may be specified in such order.

(5) The owner or operator of the passenger or cargo terminal shall submit a report of compliance to the Central Government or such other officer appointed under sub-section (4), in such form as may be prescribed by the State Government.

(6) The owner, operator or master of any mechanically propelled vessel used or plying within inland waters, shall discharge the pollutants at the port reception facilities in such manner as may be prescribed by the State Government.

Appointment of surveyor or officer to inspect.

55. (1) The State Government may appoint or authorise such officers as surveyors to inspect any cargo or passenger terminal lying within its respective jurisdiction.

(2) The surveyor authorised under sub-section (1) may, at any reasonable time, enter and inspect any cargo or passenger terminal to—

(a) ensure that the provisions of this Chapter are complied with;

(b) verify whether such cargo or passenger terminal is equipped for pollution containment and removal, in conformity with the order of the State Government or any of the rules made under this Chapter; and

(c) satisfy himself of the adequacy of the measures taken to prevent pollution.

(3) If the surveyor, on inspection, finds that the cargo or passenger terminal is not provided with the required pollution containment equipment and pollutant removing materials, he shall give a notice in writing pointing out the deficiencies and the recommended remedial measures to rectify such deficiency, that is identified during the inspection, to the owner or operator of such cargo or passenger terminal, as the case may be.

(4) No owner or operator of such cargo or passenger terminal, as the case may be, served with the notice under sub-section (3), shall proceed with any work at such cargo or passenger terminal, until he obtains a certificate signed by the surveyor to the effect that the cargo or passenger terminal, is properly provided with the required pollution containment equipment and pollutant removing materials in conformity with the rules made under this Chapter.

56. (1) The State Government shall direct any designated authority or such other authorised officer appointed under Chapter XIII to conduct investigation into incidents of pollution.

Investigation into incidents of pollution.

(2) The State Government shall update the Central Government with such information or report of the court, if so directed by such court concerned, on incidents of pollution that occurs within its jurisdiction.

CHAPTER X

WRECK AND SALVAGE

57. The owner, operator, master or person in-charge of a vessel plying in inland waters shall not intentionally abandon, desert, dump, throw overboard or jettison the vessel or property or parts or cargo, so as to cause wreck.

Prohibition against intentionally causing wreck.

58. (1) The State Government may, by notification, appoint or authorise any officer to act as receiver of wreck within the respective jurisdiction.

Receivers of wreck.

(2) The owner, operator, master or person in-charge of vessel, property or cargo, which is wrecked, stranded or in distress or who has found any vessel, property or cargo wrecked, stranded or in distress in the inland waters, shall immediately inform, by all means of communication to the receiver of wreck in whose jurisdiction the vessel, property or cargo is found to be wrecked, stranded or in distress.

(3) The owner of the wreck, whose property or cargo, is wrecked or stranded or is in distress in the inland waters shall inform the receiver of wreck in writing of the finding thereof and of the marks by which such wreck can be distinguished, and in cases, where the wreck is in possession of any person other than the owner, operator, master or person in-charge of vessel, property or cargo, such person shall deliver such wreck to the receiver of wreck.

Explanation.—For the purposes of this Chapter, the word "person" shall have the meaning assigned to it in clause (42) of section 3 of the General Clauses Act, 1897.

10 of 1897.

59. For the purposes of this Chapter, the—

- (a) powers and functions of the receiver of wreck;
- (b) responsibilities and obligations of the owner, operator, master or person in-charge of vessel, property or cargo with respect to the wreck;
- (c) measures adopted for the removal of obstruction to navigation;
- (d) disposal of wreck, including its sale and proceeds of unsold property;
- (e) measures to be adopted for protection of wreck, fouling of government moorings;
- (f) rights and duties of salvors and performance of salvage operations or resolution of disputes pertaining to amount payable to salvors; and
- (g) such other matter, which the Central Government may deem necessary for the efficient administration and removal of wrecks,

Powers of Central Government to make rules for Chapter X.

shall be such as may be prescribed by the Central Government.

CHAPTER XI

LIABILITY AND LIMITATION OF LIABILITY

Liability under Act.

60. (1) The owner, operator, master, a member of crew or an insurer shall be liable for the offences and contraventions of the provisions of this Act or the rules made thereunder.

(2) Where any person is beneficially interested otherwise than by way of mortgage or in the share in any mechanically propelled inland vessel registered in the name of some other person as owner, the person so interested, and the registered owner, shall be liable to all the pecuniary penalties imposed by this or any other Act on the owners of mechanically propelled inland vessels or shares therein.

Apportionment of loss.

61. (1) Whenever by the fault of two or more mechanically propelled inland vessels, damage or loss is caused to one or more of them or to the cargo of one or more of them or to any property on board one or more of them, the liability to make good the damage or loss shall be in proportion to the degree in which each of such vessel was at fault:

Provided that—

(a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally;

(b) nothing in this section shall operate so as to render any vessel liable for any loss or damage to which such vessel has not contributed;

(c) nothing in this section shall affect the liability of any person under any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by the provisions of any law for the time being in force, or as affecting the right of any person to limit his liability in the manner provided by such law.

(2) For the purposes of this Chapter, reference to damage or loss caused by the fault of a mechanically propelled inland vessel shall be construed as including reference to any salvage or other expenses, consequent upon that fault, recoverable under the provisions of any law for the time being in force by way of damages.

(3) The person who has suffered damage or injured or his representative may apply to any court having appropriate jurisdiction on the claim, for the detention or attachment of the vessel.

Liability for personal injury, loss of life or pollution to environment.

62. (1) Where, loss of life or personal injuries is suffered, damage to property or pollution is caused by any person on any mechanically propelled inland vessel or any other vessel, owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of such vessels concerned shall be joint and several.

(2) No liability for any claim other than loss of life, personal injury or pollution, shall attach to the owner, operator, master, or a member of crew or insurer under this Chapter, if he proves that the cause for claim—

(a) was a result of an act of war, hostility, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or

(b) was wholly caused by an act or omission with intent to cause such damage by any other person; or

(c) was wholly caused by the negligence or other wrongful act of a State Government or other authority responsible for the maintenance of lights or other navigational aids in exercise of its functions in that behalf.

Detention of mechanically propelled inland vessel.

63. The State Government may appoint or authorise any officer under this Chapter, for the purpose of detaining any mechanically propelled inland vessel in connection with a claim, or an offence under this Chapter, and the procedure thereof shall be such as may be prescribed by that Government.

64. (1) The owner, operator, master or any person in-charge of a vessel or member of crew of any mechanically propelled vessel may limit the extent of his liability for— Limitation of liability.

(a) claims in respect of loss of life or personal injury, or loss of, or damage to, property including damage to jetties, wharfs, harbour basins and waterways and aids to navigation, occurring on board or in direct connection with the operation of such vessels or with salvage operations, and consequential loss resulting therefrom;

(b) claims arising out of loss resulting from delay in the carriage of cargo and passengers or their luggage by inland waters;

(c) claims arising out of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of such vessel or salvage operations;

(d) claims in respect of the raising, removal, destruction or rendering harmless of a vessel or the cargo which is sunk, wrecked, stranded or abandoned;

(e) claims of a person, other than the person liable, in respect of measures taken by such person in order to avert or minimise loss and for further loss caused by such measure;

(f) claims for the loss of life or personal injury to passengers of such vessel brought by or on behalf of any person—

(i) under the contract of passenger carriage; or

(ii) who, with the consent of the carrier, is accompanying a vessel for live animals which are covered by a contract for the carriage of goods, carried in such vessel.

(2) Notwithstanding anything contained in this section, no person shall be entitled to limit his liability for—

(a) claims for salvage; or

(b) claims stipulated as exempted from the application of limitation of liability under any other law for the time being in force in India.

(3) Notwithstanding anything contained in this section, the act of invoking limitation of liability shall not be construed as constituting an admission of liability by any person who takes the defence.

(4) For the purposes of this Chapter, the liability of the owner or operator of a mechanically propelled inland vessel shall include the liability in an action brought against such vessels.

(5) The limits of liability and the criteria in determining compensation for any claim as provided under sub-section (1) shall be such as may be prescribed by the Central Government.

(6) The person entitled to limit liability under sub-section (1) may apply to the High Court of respective jurisdiction for constituting a limitation fund for the consolidated rate as provided for under this Chapter.

(7) Where a vessel or other property is detained in connection with a claim, covered under this Chapter, the High Court may order release of such vessel or other property, upon an application made by the person, who is entitled to limit their liability and by—

(a) ensuring that such person, who is entitled to constitute the limitation fund has submitted his availability in person to the jurisdiction of the High Court; or

(b) depositing sufficient fund or financial guarantee as determined by the High Court as security; or

(c) constituting the limitation fund,

as the case may be.

(2) The owner, operator or master of a mechanically propelled inland vessel, shall give information of any wreck, abandonment, damage, casualty, accident, explosion or loss occurred to or on board such a vessel while in the inland waters, to the officer in-charge of the nearest police station and to the designated authority appointed under sub-section (1), in such form and manner as may be prescribed by the State Government.

(3) The designated authority shall at once report the contents of the information referred to in sub-section (2) to the District Magistrate.

(4) The officer in-charge of the police station shall, on receipt of information referred to in sub-section (2), investigate into the matter and submit a report to the jurisdictional Judicial Magistrate in accordance with the provisions of Chapter XII of the Code of Criminal Procedure, 1973.

2 of 1974.

(5) The Judicial Magistrate may, on receiving the report referred to in sub-section (4), take action as he may deem fit in accordance with the provisions of Chapter XVI.

Preliminary enquiry by designated authority and inquiry by District Magistrate.

75. (1) The designated authority may, in pursuance of the information referred to in sub-section (2) of section 74, conduct a preliminary enquiry and submit a report thereof to the District Magistrate, who shall transmit the same to the concerned State Government.

(2) The State Government may, on receipt of the report referred to in sub-section (1), if deemed necessary, direct the District Magistrate to submit an additional report to it and send a copy thereof to the Judicial Magistrate of the first class referred to in sub-section (4) of section 74 through the jurisdictional police.

(3) The powers of the District Magistrate referred to in sub-section (2) and the procedures to be followed by him in holding the inquiry for submission of additional report shall be such as may be prescribed by the State Government.

Assessors.

76. (1) For the purposes of this Chapter, the State Government may appoint and maintain a list of assessors, which may be revised from time to time.

(2) The State Government shall, by rules made in this behalf, specify the qualifications, criteria and consideration, fees or charges for the assessors, who are conversant with the maritime affairs and have experience in the merchant service or in the navigation of the mechanically propelled inland vessels and willing to act as an assessor.

(3) The District Magistrate may, for the purposes of assisting in the inquiry under this Chapter, appoint any number of assessors, from the list of assessors provided to him by the State Government.

(4) In every inquiry, other than the one specified in sub-section (3), the District Magistrate may, if he thinks fit, appoint an assessor, for the purposes of such inquiry, any person.

(5) Every person appointed as an assessor under this section shall assist the District Magistrate in the inquiry and deliver his opinion as may be sought for, which shall be recorded in the proceedings.

Report of District Magistrate to be notified by State Government.

77. (1) The District Magistrate shall, in the case of every inquiry under this Chapter, make a full report of the conclusions at which he has arrived, together with the evidence recorded and the written opinion of any assessor.

(2) The State Government shall, on receipt of the report referred to in sub-section (1) from the District Magistrate, cause it to be published by notification in its Official Gazette.

Powers of District Magistrate subsequent to inquiry.

78. (1) The District Magistrate may, after inquiry, recommend in his report for cancellation or suspension or confiscation of a certificate of competency or a certificate of service granted to a master, crew or engineer by the State Government under Chapter VI, if such District Magistrate finds that—

(a) the accident or casualty, including loss, stranding or abandonment of, or damage to, any mechanically propelled inland vessel, or loss of life, has been caused by the wrongful act or default of such master or engineer;

(b) such master or engineer is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, or in a case of collision, has failed to render such assistance or give such information or notice as may be required under this Act.

(2) At the conclusion of the inquiry, or as soon thereafter as possible, the District Magistrate shall state in open sitting, the decision arrived at by him with respect to the cancellation or suspension or confiscation of any certificate of competency or a certificate of service and, if suspension is ordered, the period for which the certificate is suspended.

(3) Without prejudice to the provisions of this section, the District Magistrate may also make such order and require such security in respect of the costs of the matter as he may deem fit and necessary in the circumstances of the case.

79. (1) The State Government, in whose jurisdiction the certificate of competency or a certificate of service was granted under Chapter VI, may cancel or suspend any such certificate or, in the event of the vessel being found in the jurisdiction of another State Government, such State Government may confiscate the certificate, if,—

Power of State Government to suspend, cancel and confiscate certificate.

(a) on any inquiry made under this Chapter, the District Magistrate reports for cancellation or suspension or confiscation of that certificate under section 78; or

(b) the holder of such certificate is proved to have been convicted of any non-bailable offence; or

(c) the holder of such certificate is proved to have deserted his vessel or has absented himself without leave and without sufficient reason, from his vessel or from his duty; or

(d) in the case of a person holding any designation as provided by the certificate of competency or certificate of service, is or has become, in the opinion of the State Government, unfit to act in such designation, as the case may be.

(2) Every person whose certificate of competency or a certificate of service is suspended or cancelled under this Chapter shall deliver it to such person as the State Government, which suspended or cancelled it, may direct.

(3) If any State Government cancels, suspends or confiscates the certificate of competency or a certificate of service granted under Chapter VI, the proceedings and the fact of confiscation and recommendation for suspension or cancellation, shall be reported to the State Government which has originally issued, granted or endorsed such certificates.

(4) The State Government may, at any time, revoke any order of suspension or cancellation or confiscation which it may have made under this Chapter, or grant a certificate anew, for reasons to be recorded in writing, to any person whose certificate it has so cancelled and such certificate granted anew, shall have the same effect as a certificate of competency granted under this Act after examination.

CHAPTER XIV

REGULATION OF TRADE PRACTICES

80. The Central Government may, prescribe the minimum standards, terms and conditions to protect the interests of service providers and service users and to ensure safety of such persons.

Powers of Central Government to protect interests of service providers and service users.

Prohibited goods and dangerous goods.

81. The Central Government shall, by notification, declare the list of dangerous goods that may be carried subject to such conditions, as may be prescribed by it, and prohibited goods that are prohibited from being carried on any class or category of mechanically propelled inland vessels, while plying in the inland waters.

Trade permission and endorsement of certificates of foreign vessels.

82. (1) No vessel registered in any country other than India shall be permitted to be used or employed for the purposes of, carriage of goods, transportation of passengers, storage units, accommodation, floating units or for such other purposes within the inland waters, unless such vessel has secured prior permission from the Central Government for its use or employment for such purposes and subject to such terms and conditions as may be prescribed by the Central Government:

Provided that, where the Central Government has entered or in the event of that Government entering into bilateral or multilateral treaties pertaining to the inland navigation, whereby the permission is provided to the vessels belonging to foreign countries to ply within inland waters of India, the Central Government or the State Government, as the case may be, shall impose or apply such vessels belonging to the foreign countries, with the same conditions to the service providers in India.

(2) For the purposes of sub-section (1), any certificate granted by any other foreign country in accordance with the provisions of any law for the time being in force in that country corresponding to the provisions as provided in Chapters IV, V and VI under this Act may, on payment of such fees as may be prescribed by the Central Government, for the grant of a similar certificate or licence under this Act, be endorsed by—

(a) any State Government in India; or

(b) with the general or special sanction and subject to such other terms and conditions of such State Government, by any authority competent to grant a similar certificate under this Act.

(3) Upon endorsement of any such certificate as provided in sub-section (2), it shall have effect for such period and to such extent as may be prescribed by the Central Government and shall be treated as if it had been granted under this Act.

CHAPTER XV

PILOTAGE, VESSEL DETENTION AND DEVELOPMENT FUND

Pilotage.

83. (1) The Central Government may, by notification, specify the requirement of pilotage in whole or part of inland waterways declared as national waterways.

(2) The State Government may, by notification, specify the requirement of pilotage in whole or part or any stretch of designated inland waterways or such passages that lie within the respective territory of such State Governments and in respect of which the Central Government has not specified under sub-section (1).

Certified master to be deemed pilot under Act 15 of 1908.

84. Subject to the provisions of section 83, every master of any mechanically propelled inland vessel, who possesses a master's certificate granted under this Act and in force, shall, in ports to which section 31 of the Indian Ports Act, 1908 has been extended, be deemed, for the purposes of that section, to be the pilot of the mechanically propelled inland vessel of which he is in-charge.

Vessel detention and forfeiture.

85. (1) The State Government or any officer authorised under this Act may, detain, forfeit or remove from the inland waters, any mechanically propelled inland vessel, which is required to be registered under the provisions of this Act, if found—

(a) plying or being used in inland waters without a valid certificate of registration;

(b) plying without a valid certificate of survey;

(c) plying with passengers beyond the permitted carrying capacity;

(d) to have not affixed the registration number assigned to such vessels as provided under this Act;

(e) not complying with the manning requirements under Chapter VI;

(f) not complying with the provisions of Chapter VIII;

(g) to act in contravention to the provisions of Chapter X;

(h) not in compliance with the provisions of Chapter XII;

(i) to carry dangerous goods or prohibited goods in contravention to the provisions of section 81 or the rules made thereunder.

(2) The owner, operator or any such person recognised as responsible for the vessel under detention, shall pay the respective and applicable fees and charges for the safe custody and maintenance of the detained or forfeited vessel, which shall be pre-condition for release of the vessel and which if unpaid, shall create a lien over such vessel to comply with the provisions of this Act.

(3) Upon compliance with the provisions of this Act and the rules made thereunder, and after rectifying the mistakes that lead to detention, the State Government shall, without any unreasonable delay, release the vessel and her custody to the owner, operator or any such person recognised as responsible for the vessel under this Act.

(4) Unless specifically provided elsewhere in this Act, the procedures for detention, formality, fees and conditions to be followed and observed by the concerned officer or authority or court, appointed or authorised or constituted under this Act, for the purpose of detaining a vessel, shall be such as may be prescribed by the State Government.

(5) An officer so authorised to enter any vessel may, for the purpose of enforcing the order of detention or forfeiture, call to his aid, any police officer or any other person authorised under this Act or such other laws in force in India.

86. (1) There shall be a Fund constituted by the State Government to be called the Development Fund, to be utilised for—

Constitution
of
Development
Fund.

(a) meeting emergency preparedness;

(b) meeting containment of pollution caused by discharge of oil, mixtures, obnoxious substances, chemicals and other noxious and harmful substances, to preserve and protect inland waters;

(c) supporting, part or whole of expenses of owners or economically backward sector involved in activities of trade and living depending solely on inland waters;

(d) removal of unidentified wreck or obstruction affecting and impeding navigation; and

(e) boosting up development works of inland water navigation with respect to safety and convenience of conveyance.

(2) For the purposes of constitution of the Development Fund under sub-section (1), endeavour shall be made to design schemes of contribution from—

(a) the State Government;

(b) stake holders;

(c) the amount collected from sale of wreck or cargo or remains thereof after deducting the expenses incurred;

(d) excess fund out of judicial sale of vessels or any property or cargo after meeting the expenses incurred or set-off against the court to meet damages or functioning of the court or administrative machinery; and

(e) part or proportionate disbursement of fees collected by the respective State Government as provided in this Chapter.

CHAPTER XVI

OFFENCES AND PENALTIES

Offences and penalties.

87. (1) Whoever, contravenes any of the provisions of this Act, shall be punishable with penalty as mentioned in the third column of the Table provided in sub-section (2).

(2) The classification of offences for contravention of the provisions of this Act and the corresponding penalties therefor shall be as provided in the following Table, namely:—

Section	Offence	Penalty
(1)	(2)	(3)
8	Any owner, operator or construction yard, found guilty of construction, alteration or modification of mechanically propelled inland vessel in contravention of section 8.	Fine which may extend to ten thousand rupees for every non-compliance found.
14 (1)	Owner, operator or master of any mechanically propelled inland vessel, using such vessel, without a valid certificate of survey has acted in contravention of sub-section (1) of section 14.	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.
18 (1)	Owner, operator or master of any mechanically propelled inland vessel proceeding on any voyage or use a mechanically propelled inland vessel required to be registered, for any service, without a valid certificate of registration and in contravention of sub-section (1) of section 18.	Fine which may extend to ten thousand rupees for the first offence and fifty thousand rupees for subsequent offences.
19 (1)	Owner or master who does not carry a valid certificate of registration or not making the same available for inspection, has acted in contravention of sub-section (1) of section 19.	Fine which may extend to ten thousand rupees for every non-compliance found.
24 (3)	Owner not displaying the official number on the conspicuous part of a vessel has acted in contravention of sub-section (3) of section 24.	Fine which may extend to ten thousand rupees.
27	Owner, operator or any person responsible for the operation of the vessel, has acted in contravention of section 27.	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.

(1)	(2)	(3)
28 (2)	Owner, operator or master of any mechanically propelled inland vessel not registering the details of alterations that are mandated to be registered as specified in sub-section (2) of section 28.	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.
29	Owner or operator of any mechanically propelled inland vessel, who does not comply with the requirements or has acted in contravention of section 29.	Fine which may extend to five hundred rupees for every day of non-compliance.
30	Owner of any mechanically propelled inland vessel, has acted in contravention of section 30.	Fine which may extend to ten thousand rupees per day or imprisonment which may extend to one year, or with both.
32 (1)	Owner of any mechanically propelled inland vessel, has acted in contravention of sub-section (1) of section 32.	Fine which may extend to five thousand rupees for every day of non-compliance.
34 (2)	Owner or operator on whose vessel, persons under the age of eighteen years are employed, has acted in contravention of sub-section (2) of section 34.	Fine which may extend to five thousand rupees for every day of non-compliance or imprisonment not exceeding six months, or with both.
35	Owner or operator of any mechanically propelled inland vessel without complying with the specified minimum manning scale has acted in contravention to section 35.	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.
40 (1) and (4)	The holders of certificate of competency, has acted in contravention to the provisions of this Act or not surrendered the suspended, cancelled or varied certificate issued under non-submission of suspended or cancelled certificates.	Fine up to five thousand rupees per day or imprisonment extending up to six months, or with both.
44	Owner or operator or any person responsible for the operation of special category vessel, which does not comply with the provisions of Chapter VII.	Fine which may extend to ten thousand rupees for every day of non-compliance or imprisonment extending up to six months, or with both.
47	Owner, operator or master of any mechanically propelled vessel registered, recognised or identified under this Act, for not equipping the vessels or exhibiting the lights and signals specified under Chapter VIII.	Fine which may extend to ten thousand rupees for the first offence and twenty-five thousand rupees for subsequent offences.

(1)	(2)	(3)
48	Owner, operator or master not ensuring safe navigation or causing damage due to non-observance of regulations.	Fine which may extend to twenty-five thousand rupees.
49 and 50 (1)	Owner, operator or master of any mechanically propelled vessel plying in inland waters abstaining from proceeding to render assistance after answering to the distress signal.	Fine which may extend to ten thousand rupees.
51 (2)	The owner, operator or master of any mechanically propelled inland vessel proceeding to conduct any voyage without complying with the requirements of navigation aids, life-saving appliances, fire detection and extinguishing appliances and communication appliances as specified under sub-section (2) of section 51.	Fine which may extend up to fifty thousand rupees.
52 (2) and (3)	The owner, operator or master of any mechanically propelled vessel causing pollution by discharging or dumping of pollutants in inland waters.	Fine which may extend to fifty thousand rupees.
53 (4)	The owner, operator or master of any mechanically propelled vessel, who are required under this Act to possess a valid prevention of pollution certificate, plying or using the vessel without the said valid certificate.	Fine which may extend to twenty-five thousand rupees.
54 (2) and (5)	The owner or operator of any reception facility who does not comply with the standards and obligations stipulated.	Fine which may extend to fifty thousand rupees.
55 (4)	The owner or operator of the terminal who operates without complying with the notice issued under sub-section (4) of section 55.	Fine which may extend to ten thousand rupees per day of non-compliance beyond period of notice.
57	Any owner, operator or any person who intentionally cause wreck within inland waters.	Fine amounting to fifty thousand rupees and imprisonment which may extend to three years.
58 (2)	Any person who is guilty of offence committed by contravention of sub-section (2) of section 58.	Fine which may extend to ten thousand rupees.



(1)	(2)	(3)
66	Any owner or master plying any mechanically propelled inland vessel without a valid insurance as provided under section 66.	Fine which may extend to ten thousand rupees and detention of the vessel till certificate of insurance is procured.
74 (2)	The owner, operator or master of any mechanically propelled inland vessel not complying with sub-section (2) of section 74.	Fine which may extend to ten thousand rupees.
79 (2)	Any person who holds a certificate issued under Chapter VI and fails to surrender suspended or cancelled certificates.	Fine which may extend to ten thousand rupees for every day of non-submission.
80	Any person, in the capacity of a service provider or a service user, who acts in contravention of section 80.	Fine which may extend to fifty thousand rupees.
82	Master or operator of any foreign vessels acting in contravention of sub-section (1) of section 82.	Fine which may extend to fifty thousand rupees or imprisonment which may extend to one year, or with both.
83	Owner, operator or master of mechanically propelled inland vessel, who does not comply with the requirement of pilotage in contravention of section 83.	Fine which may extend to fifty thousand rupees or imprisonment which may extend to three years, or with both.
97	Any person employed on inland vessel for neglect or refusal to join or desertion of vessel in violation of his obligation as provided under section 97.	Forfeiture of a sum not exceeding two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute, from his wages and also to imprisonment which may extend to two months.
102	Any person found guilty of causing obstruction or has acted in contravention of section 102.	Fine which may extend to fifty thousand rupees or imprisonment which may extend to three years, or with both.

(3) Any person who acts in contravention of the provisions of this Act or the rules made thereunder, but for which an offence is not specifically provided in this Act, shall be punishable with fine not exceeding three lakh rupees or with imprisonment up to a term which may extend to three years, or with both.

(4) Where the owner or master of any mechanically propelled inland vessel is convicted of an offence under this Act or any rule made thereunder, committed on board, or in relation

(2) The certificate of enrolment shall be issued, in such form and manner as may be prescribed by the respective State Government, and details to be specified in such certificate shall include—

(a) name, permanent address as given in the Unique Identification Document issued by Unique Identification Authority of India, electoral identification document or such other document of the owner, as may be prescribed by the State Government;

(b) details such as year of construction, laying of keel or such other information;

(c) details of design, if identified or categorised under this Chapter;

(d) details of officer issuing or granting the certificate; and

(e) number given to the vessels enrolled by the issuing authority.

(3) The authorised department in every State shall issue a number to the non-mechanically propelled inland vessel enrolled within the respective jurisdiction, which shall be unique for the purpose of identification of enrolment with the authorised department of the respective State.

(4) The number so issued under sub-section (3) shall be exhibited on a conspicuous part of the non-mechanically propelled inland vessel in such form and manner as may be prescribed by the respective State Government.

Standards of construction and safety.

94. (1) The basic minimum standards that may be reasonably observed during the construction of any non-mechanically propelled inland vessel, shall be such as may be prescribed by the State Government.

(2) Notwithstanding anything contained in sub-section (1), the State Government shall specify, the standards of construction, which any class or category of non-mechanically propelled inland vessel shall comply with, in such manner as may be prescribed by it:

Provided that the standards prescribed by the State Government shall be in harmony with the traditional knowledge and practices passed on as customary or ancestral means that are applied by skilled and talented persons involved in the designing and construction of non-mechanically propelled inland vessel.

(3) The State Government may specify the minimum safety gears and equipment by notification in the Official Gazette with which the non-mechanically propelled inland vessel shall be equipped with for the purpose of ensuring safety of such vessels.

(4) The State Government may provide for standards of overhauling, modifying, altering or refitting the non-mechanically propelled inland vessel for the purpose of ensuring safe navigation.

(5) The non-mechanically propelled inland vessels enrolled under this Act, shall comply with the safety standards as stipulated under this Chapter or the rules made in this regard.

(6) For the purposes of ensuring safe navigation of non-mechanically propelled inland vessels, the State Government may, by notification, specify the routes, areas or stretch of inland waters that are prohibited from being used or subject to such terms and conditions, for the navigation of non-mechanically propelled inland vessel.

Power of State Government to make rules to regulate non-mechanically propelled inland vessels.

95. (1) The State Government may, by rules made in this behalf, specify the measures to regulate non-mechanically propelled inland vessels.

(2) For the purposes of sub-section (1), the State Government may make rules for the following, namely:—

(a) for prevention and minimising pollution caused by the non-mechanically propelled inland vessels;

(b) for removal of obstructions to safe navigation;

(c) measures that may be adopted to avert accidents and casualty; and

(d) any other measure which the State Government may deem fit in implementing the provisions of this Chapter.

96. (1) Every State Government shall, by notification, constitute a welfare fund at district level, for allocation of such fund to assist the non-mechanically propelled inland vessels enrolled under this Chapter.

Constitution of welfare fund.

(2) Any officer appointed or authorised under this Chapter to be in-charge of the fund for the non-mechanically propelled inland vessel shall, with the previous approval in writing of the respective State Government or such other authority appointed for the said purpose, utilise the fund to—

(a) create awareness and conduct knowledge dissemination sessions for educating the owner, operator and service user on improvements required for safe navigation;

(b) provide equipment and devices of safety and navigation at a subsidised rate;

(c) provide support or relief during casualties, accidents or such emergencies; and

(d) for such other purposes as it may deem fit.

CHAPTER XVIII

MISCELLANEOUS

97. No person employed or engaged in any capacity on board a mechanically propelled vessel shall—

Desertion and absence without leave.

(a) neglect or refuse, without reasonable cause, to join his mechanically propelled vessel or to proceed on any voyage in his vessel;

(b) cause to be absent from his vessel or from his duty at any time without leave and without sufficient cause;

(c) desert from his mechanically propelled vessel;

(d) fail to act or behave with discipline befitting his duty and mandate.

98. (1) The Central Government may make rules for—

General powers of Central Government to make rules.

(a) implementation of standards for the use of special category of vessels within inland waterways;

(b) providing the requirements and standards of—

(i) river information services;

(ii) vessel traffic and transport management, safety and information services;

(iii) vessel tracing and tracking information;

(iv) to tackle calamities and furtherance of emergency preparedness;

(v) to quarantine the vessels and to adopt such other measures to effectively control any epidemic or disease of contagious nature;

(c) enforcing standards to avoid and tackle pollution arising in inland waterways;

(d) exemption, inclusion or extension of the application of any or all the provisions of this Act to any vessel registered, recognised or identified and intended to ply, or plying in the inland waters;

Power of
Central
Government
to make rules.

106. (1) For the purposes of effective implementation of the provisions of this Act, the Central Government shall, subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(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 centralised record to be maintained in e-portal, for recording the data and details of vessel, vessel registration, crew, manning, certificates issued, reception facilities and such other data to be recorded under clause (f) of section 3;

(b) the requirements for compliance to be specified in a cover note for the purpose of issuance of certificate of insurance under clause (g) of section 3;

(c) the procedure to be laid down and rates to be specified so as to calculate the rate of extent of liability within which the owner or such other persons entitled under this Act, may limit the liability or be permitted to limit or cap the liability arising out of claims under clause (t) of section 3;

(d) the standard and number of persons required for safe manning and navigation of vessels under clause (z) of section 3;

(e) the classification, criteria for such classification and standards of design, construction, fitness and crew accommodation to classify or categorise any mechanically propelled inland vessel under sub-section (1) of section 7;

(f) the manner of carrying out construction and any alteration or modification of mechanically propelled inland vessels with the prior approval of design from the designated authority under section 8;

(g) the standards for type and periodicity of surveys for all mechanically propelled inland vessels, which are newly constructed and already in service under sub-section (1) and the form and content of request for survey to be submitted by the applicant under sub-section (2) of section 9;

(h) the minimum criteria and qualifications for the appointment of surveyors, which the State Governments shall adopt in the appointment of surveyors under section 10;

(i) the form of application for conducting survey to be submitted by owners, masters or construction yard under sub-section (1) of section 11;

(j) the form and contents of the declaration of survey of a mechanically propelled inland vessel and the time period for which such certificate shall be valid, under sub-section (1) of section 12;

(k) the form of the certificate of survey including any particulars or terms and conditions under sub-section (3) of section 12;

(l) the form of provisional certificate of survey and the period of validity provided under sub-section (1) of section 13;

(m) the terms and conditions to be complied with for permitting any mechanically propelled vessels registered under such laws of countries other than India; which shall only be permitted to ply within the inland waters under clause (c) of sub-section (2) of section 18;

(n) the form, contents or particulars of the book of registry as provided under sub-section (1) of section 21;

(o) the form and manner for maintenance of central data base for inland vessels by the officers appointed by the Central Government under section 22;

(p) the functions to be performed by the officers appointed by the Central Government under section 22;

(q) the form and manner of making application for registration of a mechanically propelled inland vessel and the particulars along with which such application is to be made under sub-section (1) of section 23;

(r) the list of documents to be submitted or adduced by the applicants for registration under sub-section (2) of section 23;

(s) the form and content of certificate of registration under sub-section (2) of section 24;

(t) the form of application, fee and the manner of issuance of provisional certificate of registration under sub-section (2) of section 27;

(u) the procedures to be complied with by the owner of any mechanically propelled inland vessel who ceases to be the owner or applies for the requirement of transfer of registry or any such circumstances leading to change of the registered address under sub-section (2) of section 29;

(v) the procedures for validating the transfer of mechanically propelled inland vessel from India to outside India under section 30;

(w) the time within which the owner of the mechanically propelled inland vessel shall report to the Registrar of Inland Vessels of the place where such vessel is registered, if that vessel is declared missing, destroyed, lost, abandoned or has been rendered permanently unfit for service or destined for scrapping or dismantling or sold abroad;

(x) the form of instrument creating the security for a mortgage for a loan or other valuable consideration under sub-section (1) of section 33;

(y) the manner and conditions governing mortgage and its procedures under sub-section (2) of section 33;

(z) the standards for qualification, training, training institute, examination and grant of competency certificates under sub-section (1) of section 34;

(za) the minimum manning scale applicable to different class or category of mechanically propelled inland vessels, categorised under this Act or such other laws for the time being in force in India, under section 35;

(zb) the criteria and qualifications for appointment of examiners under sub-section (1) of section 36;

(zc) the form, contents and particulars of certificate of competency specified under sub-section (3) of section 37;

(zd) the period of validity of certificate of service issued under sub-section (1) of section 38;

(ze) the form of certificate of service and the conditions subject to which such certificate is issued under sub-section (4) of section 38;

(zf) the conditions subject to which the certificate of competency shall be valid throughout India under section 39;

(zg) the intervals and manner in which the State Government shall report and update the Central Government with the information on data and details of certificates issued, granted, cancelled or suspended or such other remarks, made by the respective authority under sub-section (2) of section 41;

(zh) the criteria and standards to identify any class or category of mechanically propelled inland vessels as special category vessels based on their design, construction,

use, purpose, area of plying, source of energy or fuelling or any other criteria under sub-section (1) of section 42;

(zi) the requirements of construction, design, survey, registration, manning, qualification, competency, or the requirements in addition to those contained elsewhere in this Act under sub-section (2) of section 42;

(zj) the specifications and requirements of signals and equipment based on classification and categorisation of mechanically propelled vessels, to be complied with by such vessels under sub-section (1) of section 47;

(zk) the fog and distress signals to be carried and used, the steering and sailing rules to be complied with and the different protocols for exhibition and display of different standards of lights, shapes and signals, by any mechanically propelled vessel plying in inland waters under sub-section (2) of section 47;

(zl) the class or category of mechanically propelled inland vessels to be equipped with navigation aids, life saving appliances, fire detection and extinguishing appliances and communication appliances under sub-section (1) of section 51;

(zm) the standards to be followed by the owner or master of any mechanically propelled inland vessel and the manner for discharge or dispose of sewage and garbage under sub-section (2) of section 52;

(zn) the standards of construction and equipment of the mechanically propelled inland vessels to ensure compliance with the requirements of the provisions of Chapter IX under sub-section (1) of section 53;

(zo) the form, validity and content of prevention of pollution certificate under sub-section (3) of section 53;

(zp) the conditions for construction, use and maintenance of reception facilities for the containment of pollution and removal of pollutants arising from spillage or discharge arising from mechanically propelled inland vessels at all cargo terminals or passenger terminals under sub-section (1) of section 54;

(zq) the purposes for Chapter X as specified in clauses (a) to (g) of section 59;

(zr) the limits of liability and the criteria in determining compensation for any claim specified in sub-section (5) of section 64;

(zs) the form, content, and the conditions subject to which a certificate of insurance is issued by the insurer to the insured under clause (c) of sub-section (1) of section 68;

(zt) the terms and conditions to be incorporated in the contract of insurance entered between insurer and insured to cover the risks, as provided in section 66, under sub-section (2) of section 68;

(zu) the terms, conditions and procedures to be complied with by insurers and insured including those specified in clauses (a) to (h) therein, under section 73;

(zv) minimum standards, terms and conditions to protect the interests and to ensure safety of service providers and service users under section 80;

(zw) the conditions for carrying the list of dangerous goods under section 81;

(zx) the terms and conditions subject to which permission of the Central Government is granted for use or employment of a vessel, registered in any country other than India, for the purposes of, carriage of goods, transportation of passengers, storage units, accommodation, floating units or for such other purposes within the inland waters under sub-section (1) of section 82;

(zy) the fees for grant of a certificate or licence under this Act similar to any certificate granted by any other foreign country in accordance with the provisions of any law for the time being in force in that country under sub-section (2) of section 82;



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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 31 दिसम्बर, 2021

का.आ. 5481(अ).—केन्द्रीय सरकार ने भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 763 (अ) तारीख 14 सितम्बर, 1999 द्वारा कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्रों से तीन सौ किलोमीटर के विनिर्दिष्ट व्यास के भीतर ईंटों के विनिर्माण के लिए उपजाऊ मिट्टी के उत्खनन को प्रतिबंधित करने के लिए और भवन निर्माण सामग्री के विनिर्माण में और संनिर्माण क्रियाकलाप में फ्लाई-राख के उपयोग को बढ़ावा देने के लिए निदेश जारी किए हैं;

और, प्रदूषणकर्ता भुगतान सिद्धांत (पीपीपी) के आधार पर, ऐसा करके कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्रों द्वारा फ्लाई-राख का 100 प्रतिशत उपयोग सुनिश्चित करते हुए और फ्लाई-राख प्रबंधन प्रणाली की संधारणीयता के लिए पूर्वोक्त अधिसूचना को और अधिक प्रभावकारी ढंग से कार्यान्वित करने हेतु, केन्द्रीय सरकार ने मौजूदा अधिसूचना की समीक्षा की;

और प्रदूषणकर्ता भुगतान सिद्धांत के आधार पर पर्यावरणीय प्रतिकर निर्धारित किए जाने की आवश्यकता है;

और, विनिर्माण को बढ़ावा देकर तथा निर्माण कार्य के क्षेत्र में राख आधारित उत्पादों तथा भवन निर्माण सामग्रियों के प्रयोग को अनिवार्य करके उपजाऊ मिट्टी को संरक्षित करने की आवश्यकता है;

	सीमेंट शीट या पाइप या बोर्ड या पैनल): ii. सीमेंट विनिर्माण: iii. रेडी मिक्स कंक्रीट: iv. राख और जीओ-पॉलिमर आधारित निर्माण सामग्री: v. सिंटेड या कोल्ड बॉन्डेड राख एग्रीगेट का निर्माण: vi. सड़कों, सड़क और फ्लाई ओवर के पुश्तों का निर्माण: vii. बांधों का निर्माण: viii. निम्न भू-क्षेत्र का भराव: ix. खनिज क्षेत्रों का भराव: x. अधिभार वाले डम्पों में उपयोग: xi. कृषि: xii. तटीय जिलों में तटरेखा सुरक्षा संरचनाओं का निर्माण: xiii. अन्य देशों को राख का निर्यात xiv. अन्य (कृपया विनिर्दिष्ट करें):			
20.	सार :			
	ब्यौरा	सृजित मात्रा (एमटीपी)	उपयोग की गई मात्रा (एमटीपी) और (%)	शेष मात्रा (एमटीपी)
	रिपोर्टिंग की अवधि के दौरान राख			
	पुरानी राख			
	कुल			
21.	कोई अन्य सूचना : वार्षिक अनुपालन रिपोर्ट, और विद्युत संयंत्रों और राख कुण्डों की शेष फाइलों की सॉफ्ट कॉपी ई-मेल:- moefcc- coalash@gov.in पर भेजी जाए।			
22.	प्राधिकृत हस्ताक्षरकर्ता के हस्ताक्षर			

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 31st December, 2021

S.O. 5481(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests *vide* S.O.763 (E), dated the 14th September, 1999, as amended from time to time, the Central Government, issued directions for restricting the excavation of top soil for manufacturing of bricks and promoting the utilisation of fly ash in the manufacturing of building materials and in construction activity within a specified radius of three hundred kilometres from the coal or lignite based thermal power plants;

And whereas, to implement the aforesaid notification more effectively based on the polluter pays principle (PPP) thereby ensuring 100 per cent utilisation of fly ash by the coal or lignite based thermal power plants and for the sustainability of the fly ash management system, the Central Government reviewed the existing notification; and whereas environmental compensation needs to be introduced based on the polluter pays principle;

And whereas, there is a need to conserve top soil by promoting manufacture and mandating use of ash based products and building materials in the construction sector;

And whereas, there is a need to conserve top soil and natural resources by promoting utilisation of ash in road laying, road and flyover embankments, shoreline protection measures, low lying areas of approved projects, backfilling of mines, as an alternative for filling of earthen materials;

And whereas, it is necessary to protect the environment and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And whereas, in the said notification the phrase 'ash', has been used which includes both fly ash as well as bottom ash generated from the Coal or Lignite based thermal power plants;

And whereas, the Central Government intends to bring out a comprehensive framework for ash utilisation including system of environmental compensation based on polluter pays principle;

And whereas, a draft notification on ash utilisation by coal or lignite thermal power plants in supersession of the notification of the Government of India, Ministry of Environment and Forests published in the Gazette of India, Extra Ordinary part II, section 3, sub-section (i) *vide* S.O.763 (E), dated the 14th September, 1999, by notification in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), *vide* G.S.R. 285(E), dated the 22nd April, 2021 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft provisions were made available to the public;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, and in supersession of the Notification S.O.763 (E), dated the 14th September, 1999 except as respect things done or omitted to be done before such supersession, the Central Government hereby issues the following notification on ash utilisation from coal or lignite thermal power plants which shall come into force on the date of the publication of this notification, namely:-

A. Responsibilities of thermal power plants to dispose fly ash and bottom ash.—

- (1) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall be primarily responsible to ensure 100 per cent utilisation of ash (fly ash, and bottom ash) generated by it in an eco-friendly manner as given in sub-paragraph (2);
- (2) The ash generated from coal or lignite based thermal power plants shall be utilised only for the following eco-friendly purposes, namely:-
 - (i) Fly ash based products viz. bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;
 - (ii) Cement manufacturing, ready mix concrete;
 - (iii) Construction of road and fly over embankment, Ash and Geo-polymer based construction material;
 - (iv) Construction of dam;
 - (v) Filling up of low lying area;
 - (vi) Filling of mine voids;
 - (vii) Manufacturing of sintered or cold bonded ash aggregate;
 - (viii) Agriculture in a controlled manner based on soil testing;
 - (ix) Construction of shoreline protection structures in coastal districts;

- (x) Export of ash to other countries;
- (xi) Any other eco-friendly purpose as notified from time to time.
- (3) A committee shall be constituted under the chairmanship of Chairman, Central Pollution Control Board (CPCB) and having representatives from Ministry of Environment, Forest and Climate Change (MoEFCC), Ministry of Power, Ministry of Mines, Ministry of Coal, Ministry of Road Transport and Highways, Department of Agricultural Research and Education, Institute of Road Congress, National Council for Cement and Building Materials, to examine and review and recommend the eco-friendly ways of utilisation of ash and make inclusion or exclusion or modification in the list of such ways as mentioned in Sub-paragraph (2) based on technological developments and requests received from stakeholders. The committee may invite State Pollution Control Board or Pollution Control Committee, operators of thermal power plants and mines, cement plants and other stakeholders as and when required for this purpose. Based on the recommendations of the Committee, Ministry of Environment, Forest and Climate Change (MoEFCC) may publish such eco-friendly purpose.
- (4) Every coal or lignite based thermal power plant shall be responsible to utilise 100 per cent ash (fly ash and bottom ash) generated during that year, however, in no case shall utilisation fall below 80 per cent in any year, and the thermal power plant shall achieve average ash utilisation of 100 per cent in a three years cycle:

Provided that the three years cycle applicable for the first time is extendable by one year for the thermal power plants where ash utilisation is in the range of 60-80 per cent, and two years where ash utilisation is below 60 per cent and for the purpose of calculation of percentage of ash utilisation, the percentage quantity of utilisation in the year 2021- 2022 shall be taken into account as per the table below:

Utilisation percentages of thermal power plants	First compliance Cycle to meet 100 per cent utilisation	Second compliance cycle onwards, to meet 100 per cent utilisation
>80 per cent	3 years	3 years
60-80 per cent	4 years	3 years
<60 per cent	5 years	3 years

Provided further that the minimum utilisation percentage of 80 per cent shall not be applicable to the first year and first two years of the first compliance cycle for the thermal power plants under the utilisation category of 60-80 per cent and <60 per cent, respectively.

Provided also that 20per cent of ash generated in the final year of compliance cycle may be carried forward to the next cycle which shall be utilised in the next three years cycle along with the ash generated during that cycle.

- (5) The unutilised accumulated ash i.e. legacy ash, which is stored before the publication of this notification, shall be utilised progressively by the thermal power plants in such a manner that the utilization of legacy ash shall be completed fully within ten years from the date of publication of this notification and this will be over and above the utilisation targets prescribed for ash generation through current operations of that particular year:

Provided that the minimum quantity of legacy ash in percentages as mentioned below shall be utilised during the corresponding year and the minimum quantity of legacy ash is to be calculated based on the annual ash generation as per installed capacity of thermal power plant.

Year from date of publication	1 st	2 nd	3 rd -10 th
Utilisation of legacy ash (in percentage of Annual ash)	At least 20 per cent	At least 35 per cent	At least 50 per cent

Provided further that the legacy ash utilisation shall not be required where ash pond or dyke has stabilised and the reclamation has taken place with greenbelt or plantation and the concerned State Pollution Control Board shall certify in this regard. Stabilisation and reclamation of an ash pond or dyke including certification by the Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be carried out within a year from the date of publication of this notification. The ash remaining in all other ash ponds or dykes shall be utilised in progressive manner as per the above mentioned timelines.

Note: The obligations under sub-paragraph (4) and (5) above for achieving the ash utilisation targets shall be applicable from 1st April, 2022.

- (6) Any new as well as operational thermal power plant may be permitted an emergency or temporary ash pond with an area of 0.1 hectare per Mega Watt (MW). Technical specifications of ash ponds or dykes shall be as per the guidelines of Central Pollution Control Board (CPCB) made in consultation with Central Electricity Authority (CEA) and these guidelines shall also lay down a procedure for annual certification of the ash pond or dyke on its safety, environmental pollution, available volume, mode of disposal, water consumption or conservation in disposal, ash water recycling and greenbelt, etc., and shall be put in place within three months from the date of publication of this notification.
- (7) Every coal or lignite based thermal power plant shall ensure that loading, unloading, transport, storage and disposal of ash is done in an environmentally sound manner and that all precautions to prevent air and water pollution are taken and status in this regard shall be reported to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in Annexure attached to this notification.
- (8) Every coal or lignite based thermal power plant shall install dedicated silos for storage of dry fly ash silos for at least sixteen hours of ash based on installed capacity and it shall be reported upon to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in the Annexure and shall be inspected by Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) from time to time.
- (9) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall provide real time data on daily basis of availability of ash with Thermal Power Plant (TPP), by providing link to Central Pollution Control Board's web portal or mobile phone App for the benefit of actual user(s).
- (10) Statutory obligation of 100 per cent utilisation of ash shall be treated as a change in law, wherever applicable.

B. For the purpose of utilisation of ash, the subsequent sub-paras shall apply.—

- (1) All agencies (Government, Semi-government and Private) engaged in construction activities such as road laying, road and flyover embankments, shoreline protection structures in coastal districts and dams within 300 kms from the lignite or coal based thermal power plants shall mandatorily utilise ash in these activities:

Provided that it is delivered at the project site free of cost and transportation cost is borne by such coal or lignite based thermal power plants.

Provided further that thermal power plant may charge for ash cost and transportation as per mutually agreed terms, in case thermal power plant is able to dispose the ash through other means and those agencies makes a request for it and the provisions of ash free of cost and free transportation shall be applicable, if thermal power plant serves a notice on the construction agency for the same.

- (2) The utilisation of ash in the said activities shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Road Congress, Central Building Research Institute, Roorkee, Central Road Research Institute, Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government Agencies.

- (3) It shall be obligatory on all mines located within 300 kilometres radius of thermal power plant, to undertake backfilling of ash in mine voids or mixing of ash with external Overburden dumps, under Extended Producer Responsibility (EPR). All mine owners or operators (Government, Public and Private Sector) within three hundred kilometres (by road) from coal or lignite based thermal power plants, shall undertake measures to mix at least 25 per cent of ash on weight to weight basis of the materials used for external dump of overburden, backfilling or stowing of mine (running or abandoned as the case may be) as per the guidelines of the Director General of Mines Safety (DGMS):

Provided that such thermal power stations shall facilitate the availability of required quantity of ash by delivering ash free of cost and bearing the cost of transportation or cost or transportation arrangement decided on mutually agreed terms and mixing of ash with overburden in mine voids and dumps shall be applicable for the overburden generated from the date of publication of this notification and the utilisation of ash in the said activities shall be carried out in accordance with guidelines laid down by the Central Pollution Control Board, Director General of Mines Safety and Indian Bureau of Mines.

Explanation.- For the purpose of this sub-paragraph, it is also clarified that the provisions of ash free of cost and free transportation shall be applicable, if thermal power plants serve a notice on the mine owner for the same and the mandate of using 25 per cent of ash for mixing with overburden dump and filling up of mine voids shall not be applicable unless a notice is served on the mine owner by thermal power plant.

- (4) (i) All mine owners shall get mine closure plans (progressive and final) to accommodate ash in the mine voids and the concerned authority shall approve mine plans for disposal of ash in mine voids and mixing of ash with overburden dumps. The Ministry of Environment, Forest and Climate Change (MoEFCC) has issued guidelines on 28th August, 2019 regarding exemption of requirement of Environmental Clearance of thermal power plants and coal mines along with the guidelines to be followed for such disposal.
- (ii) The Ministry in consultation with Central Pollution Control Board (CPCB), Director General of Mine Safety (DGMS) and Indian Bureau of Mines (IBM) may issue further guidelines time to time to facilitate ash disposal in mine voids and mixing with overburden dumps and it shall be the responsibility of mine owners to get the necessary amendments or modifications in the permissions issued by various regulatory authorities within one year from the date of identification of such mines.
- (5) (i) There shall be a committee headed by Chairperson, Central Pollution Control Board (CPCB) with representatives from Ministry of Environment, Forest and Climate Change, Ministry of Power, Ministry of Mines, Ministry of Coal, Director General of Mine Safety and Indian Bureau of Mines for identification of mines for backfilling of mine voids with ash or mixing of ash with overburden dump including examination of safety, feasibility (not economic feasibility) and aspects of environmental contamination and the committee shall get updated quarterly reports prepared regarding identified mines (both underground and opencast) for the stakeholder Ministries or Departments and the committee shall start identifying the suitable mines immediately after the publication of this notification.
- (ii) Thermal power plants or mines shall not wait for disposal of ash till the identification is done by the above mentioned committee, to meet the utilisation targets mandated as above.
- (6) Filling of low lying areas with ash shall be carried out with prior permission of the State Pollution Control Board or Pollution Control Committee for approved projects, and in accordance with guidelines laid down by Central Pollution Control Board (CPCB) and the State Pollution Control Board or Pollution Control Committee (PCC) shall publish approved sites, location, area and permitted quantity annually on its website.
- (7) Central Pollution Control Board after engaging relevant stakeholders, shall put in place the guidelines within one year for all types of activities envisaged under this notification including putting in place time bound online application process for the grant permission by State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs).

- (8) All building construction projects (Central, State and Local authorities, Govt. undertakings, other Govt. agencies and all private agencies) located within a radius of three hundred kilometres from a coal or lignite based thermal power plant shall use ash bricks, tiles, sintered ash aggregate or other ash based products, provided these are made available at prices not higher than the price of alternative products.
- (9) Manufacturing of ash based products and use of ash in such products shall be in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Road Congress, and Central Pollution Control Board.

C. Environmental compensation for non-compliance.—

- (1) In the first two years of a three years cycle, if the coal or lignite based thermal power plant (including captive or co-generating stations or both) has not achieved at least 80 per cent ash (fly ash and bottom ash) utilisation, then such non-compliant thermal power plants shall be imposed with an environmental compensation of Rs. 1000 per ton on unutilised ash during the end of financial year based on the annual reports submitted and if it is unable to utilise 100 per cent of ash in the third year of the three years cycle, it shall be liable to pay an environmental compensation of Rs. 1000 per ton on the unutilised quantity on which environmental compensation has not been imposed earlier:

Provided that the environmental compensation shall be estimated and imposed at the end of last year of the first compliance cycle as per the various utilisation categories as mentioned in sub-paragraph (4) of Para A.

- (2) Environmental compensation collected by the authorities shall be deposited in the designated account of Central Pollution Control Board.
- (3) In case of legacy ash, if the coal or lignite based thermal power plant (including captive or co-generating stations or both) has not achieved utilisation equivalent to at least 20 per cent (for the first year), 35 per cent (for the second year), 50 per cent (for third to tenth year) of ash generated based on installed capacity, an environmental compensation of Rs. 1000 per ton of unutilised legacy ash during that financial year shall be imposed and if the utilization of legacy ash is not completed at the end of 10 years, an environmental compensation of Rs.1000 per ton shall be imposed on the remaining unutilised quantity which has not been imposed earlier.
- (4) It shall be the responsibility of the transporters or vehicle owner to deliver ash to authorised purchaser or user agency and if it is not complied, then an environmental compensation of Rs. 1500 per ton on such quantity as mis-delivered to unauthorised users or non- delivered to authorised users will be imposed besides prosecution of such non-compliant transporters by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC).
- (5) It is the responsibility of the purchasers or user agencies to utilise ash in an eco-friendly manner as laid down at para B of this notification and if it is not complied, then an environmental compensation of Rs. 1500 per ton shall be imposed by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC).
- (6) If the user agencies do not utilise ash to the extent obligated under para B or the extent to which they have been intimated through Notice(s) served under sub-paragraph (1) of para D, whichever is lower, they shall be liable to pay Rs. 1500 per ton of ash for the quantity they fall short off:

Provided that the environmental compensation on building constructions shall be levied at Rs.75/- per square feet of built up area of construction.

- (7) (i) The environmental compensation collected by Central Pollution Control Board from the thermal power plants and other defaulters shall be used towards the safe disposal of the unutilised ash and the fund may also be utilised for advancing research on use of ash including ash based products.

(ii) The liability of ash utilisation shall be with thermal power plants even after imposition of environmental compensation on unutilised quantities and in case thermal power plant achieves the ash utilisation of any

particular cycle after imposition of environmental compensation in subsequent cycles, the said amount shall be returned to thermal power plant after deducting 10 per cent of the environmental compensation collected on the unutilised quantity during the next cycle and deduction of 20 per cent, 30 per cent, and so on, of the environmental compensation collected is to be made in case of utilisation of ash in subsequent cycles.

D. Procedure for supply of ash or ash based products.—

- (1) The owner of thermal power plants or manufacturers of ash bricks or tiles or sintered ash aggregate shall serve written notice to persons or agencies who are liable to utilise ash or ash based products, offering for sale, or transport or both.
- (2) Persons or user agencies who have been served notices by owner of thermal power plants or manufacturers of ash bricks or tiles or sintered ash aggregate, if they have already tied up with other agencies for the purpose of utilisation of ash or ash products, shall inform the thermal power plant accordingly, if they cannot use any ash or ash products or use reduced quantity.

E. Enforcement, Monitoring, Audit and Reporting.—

- (1) The Central Pollution Control Board (CPCB) and the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be the enforcing and monitoring authority for ensuring compliance of the provisions and shall monitor the utilisation of ash on quarterly basis. Central Pollution Control Board shall develop a portal for the purpose within six months of date of publication of the notification. The concerned District Magistrate shall have concurrent jurisdiction for enforcement and monitoring of the provisions of this notification.
- (2) (i) Thermal power plants shall upload monthly information regarding ash generation and utilisation by 5th of the next month on the web portal. Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Pollution Control Committee (PCC), Central Electricity Authority (CEA), and concerned Integrated Regional Office of Ministry of Environment, Forest and Climate Change by the coal or lignite based thermal power plants. Central Pollution Control Board and Central Electricity Authority shall compile the annual reports submitted by all the thermal power plants and submit to Ministry of Environment, Forest and Climate Change by 31st May.

(ii) All other user agencies shall submit consumption or utilisation or disposal of ash and use of ash based products as mandated in this notification in the compliance report of Environmental Clearance (EC) issued by Ministry of Environment, Forest and Climate Change or State Level Environment Impact Assessment Authority (SEIAA) or Consent to Operate (CTO) issued by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC), whichever is applicable. The Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall publish annual report of ash utilisation of all other agencies except thermal power plants to review the effective implementation of the provisions of the notification.
- (3) For the purpose of monitoring the implementation of the provisions of this notification, a committee shall be constituted under the Chairperson, Central Pollution Control Board (CPCB), with members from Ministry of Power, Ministry of Coal, Ministry of Mines, Ministry of Environment, Forest and Climate Change, Ministry Road Transportation and Highways, Department of Heavy Industry as well as any concerned stakeholder(s), to be nominated by the Chairman of the committee. The committee may make recommendations for effective and efficient implementation of the provisions of the notification. The committee shall meet at least once in six months and review annual implementation reports and the committee shall also hold stakeholder consultations for monitoring of ash utilisation as mandated by this notification by inviting relevant stakeholder(s) at least once in six months. The committee shall submit the six monthly report to Ministry of Environment, Forest and Climate Change (MoEFCC).

- (4) For the purpose of resolving disputes between thermal power plants and users of ash or manufacturer of ash based products, the State Governments or Union territory administration constitute a Committee within three months from the date of publication of this notification under the Chairman, State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) with representatives from Department of Power, and one representative from the Department which deals with the subject of concerned agency with which dispute is made.
- (5) The compliance audit for ash disposal by the thermal power plants and the user agency shall be conducted by auditors, authorised by Central Pollution Control Board (CPCB) and audit report shall be submitted to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) by 30th November every year. Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall initiate action against non-compliant thermal power plants within fifteen days of receipt of audit report.

[F. No. HSM-9/1/2019-HSM]

NARESH PAL GANGWAR, Jt. Secy.

AnnexureAsh Compliance Report (for the period 1st April-31st March) to be submitted on or before 31st May.

Sl. No.	Details	
1.	Name of Power Plant	
2.	Name of the company	
3.	District	
4.	State	
5.	Postal address for communication:	
6.	E-mail:	
7.	Power Plant installed capacity (MW):	
8.	Plant Load Factor (PLF):	
9.	No. of units generated (MWh):	
10.	Total area under power plant (ha): (including area under ash ponds)	
11.	Quantity of coal consumption during reporting period (Metric Tons per Annum):	
12.	Average ash content in percentage (per cent):	
13.	Quantity of current ash generation during reporting period (Metric Tons per Annum): Fly ash (Metric Tons per Annum): Bottom ash (Metric Tons per Annum):	
14.	Capacity of dry fly ash storage silo(s) (Metric Tons) :	
15.	Details of utilisation of current ash generated during reporting period (a) Total quantity of current ash utilised (MTPA) during reporting period: (b) Quantity of fly ash utilised (MTPA): (i) Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels) (ii) Cement manufacturing:	

	<ul style="list-style-type: none"> (iii) Ready mix concrete: (iv) Ash and Geo-polymer based construction material: (v) Manufacturing of sintered or cold bonded ash aggregate: (vi) Construction of roads, road and fly over embankment: (vii) Construction of dams: (viii) Filling up of low lying area: (ix) Filling of mine voids: (x) Use in overburden dumps: (xi) Agriculture: (xii) Construction of shoreline protection structures in coastal districts; (xiii) Export of ash to other countries: (xiv) Others (please specify): <p>(c) Quantity of bottom ash utilised (MTPA):</p> <ul style="list-style-type: none"> (i) Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels): (ii) Cement manufacturing: (iii) Ready mix concrete: (iv) Ash and Geo-polymer based construction material: (v) Manufacturing of sintered or cold bonded ash aggregate: (vi) Construction of roads, road and flyover embankment: (vii) Construction of dams: (viii) Filling up of low lying area: (ix) Filling of mine voids: (x) Use in overburden dumps: (xi) Agriculture: (xii) Construction of shoreline protection structures in coastal districts: (xiii) Export of ash to other countries: (xiv) Others (please specify): <p>Total quantity of current ash unutilised (MTPA) during reporting period:</p>	
16.	Percentage utilisation of current ash generated during reporting period (per cent):	
17.	<p>Details of disposal of ash in ash ponds</p> <ul style="list-style-type: none"> (a) Total quantity of ash disposed in ash pond(s) (Metric Tons) as on 31st March (excluding reporting period): (b) Quantity of ash disposed in ash pond(s) during reporting period (Metric Tons): (c) Total quantity of water consumption for slurry discharge into ash ponds during reporting period (m³): (d) Total number of ash ponds: <ul style="list-style-type: none"> (i) Active: (ii) Exhausted (yet to be reclaimed): (iii) Reclaimed: (e) total area under ash ponds (ha): 	
18.	<p>Individual ash pond details</p> <p><i>Ash pond-1,2, etc (please provide below mentioned details separately, if number of ash ponds is more than one)</i></p> <ul style="list-style-type: none"> (a) Status: Under construction or Active or Exhausted or 	

	<p>Reclaimed</p> <p>(b) Date of start of ash disposal in ash pond (DD/MM/YYYY or MMYYYY):</p> <p>(c) Date of stoppage of ash disposal in ash pond after completing its capacity (DD/MM/YYYY or MM/YYYY): (Not applicable for active ash ponds)</p> <p>(c) area (hectares):</p> <p>(d) dyke height (m):</p> <p>(d) volume (m³):</p> <p>(e) quantity of ash disposed as on 31st March (Metric Tons):</p> <p>(f) available volume in percentage (per cent) and quantity of ash can be further disposed (Metric Tons):</p> <p>(g) expected life of ash pond (number of years and months):</p> <p>(e) co-ordinates (Lat and Long): (please specify minimum 4 co-ordinates)</p> <p>(f) type of lining carried in ash pond: HDPE lining or LDPE lining or clay lining or No lining</p> <p>g) mode of disposal: Dry disposal or wet slurry (in case of wet slurry please specify whether HCSD or MCSD or LCSD)</p> <p>(h) Ratio of ash: water in slurry mix (1: __):</p> <p>(i) Ash water recycling system (AWRS) installed and functioning: Yes or No</p> <p>(j) Quantity of wastewater from ash pond discharged into land or water body (m³):</p> <p>(k) Last date when the dyke stability study was conducted and name of the organisation who conducted the study:</p> <p>(l) Last date when the audit was conducted and name of the organisation who conducted the audit:</p>									
19.	<p>Quantity of legacy ash utilised (MTPA):</p> <ol style="list-style-type: none"> i. Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels): ii. Cement manufacturing: iii. Ready mix concrete: iv. Ash and Geo-polymer based construction material: v. Manufacturing of sintered or cold bonded ash aggregate: vi. Construction of roads, road and flyover embankment: vii. Construction of dams: viii. Filling up of low lying area: ix. Filling of mine voids: x. Use in overburden dumps: xi. Agriculture: xii. Construction of shoreline protection structures in coastal districts; xiii. Export of ash to other countries: xiv. Others (please specify): 									
20.	<p>Summary:</p> <table border="1" data-bbox="300 1921 1388 1989"> <thead> <tr> <th data-bbox="300 1921 584 1989">Details</th> <th data-bbox="584 1921 865 1989">Quantity generated (MTP)</th> <th data-bbox="865 1921 1126 1989">Quantity utilised (MTP) and (per cent)</th> <th data-bbox="1126 1921 1388 1989">Balance quantity (MTP)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Details	Quantity generated (MTP)	Quantity utilised (MTP) and (per cent)	Balance quantity (MTP)					
Details	Quantity generated (MTP)	Quantity utilised (MTP) and (per cent)	Balance quantity (MTP)							

	Current ash during reporting period			
	Legacy ash			
	Total			
21.	Any other information: Soft copy of the annual compliance report, and shape files of power plant and ash ponds may be e-mailed to:- moefcc-coalash@gov.in			
22.	Signature of Authorised Signatory			



सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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NEW DELHI, FRIDAY, DECEMBER 30, 2022/PAUSHA 9, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 30 दिसम्बर, 2022

का.आ. 6169(अ).—पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में भारत सरकार ने पर्यावरण (संरक्षण) नियम, 1986 के नियम (5) के उप-नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र, असाधारण, भाग II, खंड 3 उप खंड (ii) का.आ. 5481(अ), तारीख 31 दिसंबर, 2021 द्वारा एक अधिसूचना जारी की थी (जिन्हें इसमें इसके पश्चात इसे राख के उपयोग से संबंधित अधिसूचना कहा गया है);

और, राख के उपयोग से संबंधित अधिसूचना के उपबंधों के कार्यान्वयन के संबंध में विद्युत मंत्रालय, ताप विद्युत संयंत्रों और विभिन्न हितधारकों से अनुरोध प्राप्त हुए हैं;

और, राख के उपयोग से संबंधित अधिसूचना के कार्यान्वयन में सुचारू परिवर्तन लाने हेतु उक्त अधिसूचना के कतिपय उपबंधों में संशोधन लाना उचित है;

अतः अब, केन्द्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम (5) के उप-नियम (1), (2) और (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जारी राख के उपयोग संबंधी अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्:-

जारी राख के उपयोग से संबंधित अधिसूचना में संशोधन –

1. पैरा क में, -

(i) उप पैरा क (4) में, तीसरे परंतुक के पश्चात निम्नलिखित परन्तुक अंतर्विष्ट किया जाएगा, अर्थात् :

“परन्तु, यह भी कि इस अधिसूचना के प्रकाशन की तारीख को अथवा उसके पश्चात् स्थापित नए ताप विद्युत संयंत्र सारणी में यथा विनिर्दिष्ट 60 प्रतिशत से कम ताप विद्युत संयंत्रों के लिए विनिर्दिष्ट अनुपालन चक्र के समान प्रथम अनुपालन चक्र का अनुसरण करेंगे।

टिप्पण : लागू अनुपालन चक्र के अनुसार उपयोग के लक्ष्य 1 अप्रैल, 2022 से प्रभावी होंगे।”

(ii) उप पैरा 5 में, -

(क) आरंभिक पैरा में, "इस अधिसूचना के प्रकाशन की तारीख" शब्दों के स्थान पर "1 अप्रैल, 2022" उक्त अक्षर और शब्द रखे जाएंगे;

(ख) दूसरे परंतुक में, -

(i) "हरित पट्टी या पौधरोपण" के पश्चात, "या उप पैरा (6) में यथा विनिर्दिष्ट केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) द्वारा जारी मार्गदर्शी सिद्धांतों के अनुसार सौर ऊर्जा संभव या पवन ऊर्जा संयंत्र" शब्द कोष्ठकों और अक्षरों को अंतःस्थापित किए जाएंगे;

(ii) "केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) या" शब्द कोष्ठक और अक्षर हटा दिया जाएंगे।

(iii) "एक वर्ष" शब्दों के स्थान पर "तीन वर्ष" शब्दों को रखा जाएगा।

(iv) "इस अधिसूचना के प्रकाशन की तारीख" शब्दों के स्थान पर "1 अप्रैल, 2022" उक्त अक्षर और शब्द रखे जाएंगे;

(ग) दूसरे परंतुक के पश्चात निम्नलिखित उपलब्ध अंतःस्थापित किया जाएगा, अर्थात् :

"परंतु कि पैरा क (6) में यथाविनिर्दिष्ट राख के अस्थायी भंडारण हेतु अभिहित किए गए संचालित राख कुंड या डाइक के सिवाय सभी राख कुंडों या डाइक में संग्रहीत राख में पुरानी राख एकत्रित होगी और या तो इसे पुनःप्राप्त या स्थिर या उपयोग करना होगा।”

(iii) उप पैरा (6) के स्थान, उप पैरा रखा जाएगा, अर्थात्:

“(6) किसी भी नए और साथ ही चालू थर्मल पावर प्लांट को 0.1 हेक्टेयर प्रति मेगा वाट (मेगावाट) के क्षेत्र में राख के अस्थायी भंडारण के लिए परिचालन राख तालाब या डाइक की अनुमति दी जा सकती है। केन्द्रीय विद्युत प्राधिकरण के परामर्श से बनाए गए केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) के दिशा-निर्देशों के अनुसार परिचालन के साथ-साथ स्थिर और पुनः दावा किए गए राख तालाबों या बांधों की तकनीकी विशिष्टताओं के अनुसार होंगे और ये दिशानिर्देश वार्षिक प्रमाणन के लिए एक प्रक्रिया भी निर्धारित करेंगे। परिचालन के साथ-साथ राख तालाब या डाइक को उसकी सुरक्षा, पर्यावरण प्रदूषण, उपलब्ध मात्रा, निपटान के तरीके, पानी की खपत या निपटान में संरक्षण, राख जल पुनर्चक्रण और हरित पट्टी, आदि पर परिचालन के साथ-साथ स्थिर और पुनः प्राप्त किया जाएगा और इस अधिसूचना के प्रकाशन की तारीख से तीन महीने भीतर रखा जाएगा :

परंतु कि 31 दिसंबर, 2021 से पहले चालू किए गए ताप विद्युत संयंत्रों के लिए 1600 मेगावाट से कम या उसके बराबर स्थापित क्षमता वाले दो परिचालन राख तालाबों या डाइकों तक और 1600 से अधिक स्थापित क्षमता वाले ताप विद्युत संयंत्रों के लिए चार परिचालन राख तालाबों या बांधों तक MW, मौजूदा राख तालाबों या बांधों से निर्दिष्ट क्षेत्र के भीतर कई लैगून होने पर, निर्देशांक के साथ स्पष्ट सीमांकन के साथ नामित किया जा सकता है, और केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) और संबंधित राज्य प्रदूषण नियंत्रण बोर्ड (एसपीसीबी)/प्रदूषण को सूचित करेगा। नियंत्रण समिति (पीसीसी) 31 मार्च, 2023 तक :

परंतु आगे कि नए थर्मल पावर प्लांट या मौजूदा थर्मल पावर प्लांट के विस्तार के मामले में केवल एक ऐश पॉड या डाइक की अनुमति दी जाएगी 31 दिसंबर, 2021 को या उसके बाद, जो केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) और संबंधित राज्य प्रदूषण नियंत्रण बोर्ड (एसपीसीबी)/प्रदूषण नियंत्रण समिति (पीसीसी) को कमीशन की तारीख से 3 महीने के भीतर निर्देशांक के साथ सीमांकन के विवरण की सूचना देगा। थर्मल पावर प्लांट या 31 मार्च, 2023 तक, जो भी बाद में हो :

परंतु यह और कि कोयला और लिग्नाइट आधारित तापीय विद्युत संयंत्रों को आगे किसी भी नए कार्यशील राख कुंड या डाइक को स्थापित करने या नाम निर्दिष्ट करने की अनुमति नहीं दी जाएगी।

परंतु यह और कि कार्यशील राख कुंड या डाइक की 0.1 हे./मेगावॉट (एमडब्ल्यू) का विनिर्देशन तारीख 3 नवम्बर, 2009 से पूर्व चालू तापीय विद्युत संयंत्रों पर लागू नहीं होंगे।”

2. पैरा ख में, -

(i) उप पैरा (1) में, “300 कि.मी. के भीतर” शब्दों कोष्ठकों और आंकड़ों के स्थान पर “300 कि.मी. के रेडियस के भीतर” शब्द कोष्ठक और आंकड़े रखे जाएंगे।

(ii) उप पैरा (8) में, उच्चतर “वैकल्पिक उत्पादों के मूल्य से अधिक” शब्दों के स्थान पर “केन्द्रीय लोक कार्य विभाग (सीपीडब्ल्यूडी) या संबंधित लोक कार्य विभाग (पीडब्ल्यूडी) द्वारा विनिर्दिष्ट दरों की अनुसूची में उल्लिखित मूल्य या दरों की अनुसूची के अधीन निर्धारित न होने परल वैकल्पिक उत्पादों का मूल्य” शब्द रखे जाएंगे।

3. पैरा घ में, -

(i) उप पैरा (2) के स्थान, उप पैरा रखा जाएगा, अर्थात्:

“(2) जिन व्यक्तियों या उपयोगकर्ता या एजेंसियों को थर्मल पावर प्लांट के मालिक द्वारा नोटिस दिया गया है, अगर वे राख के उपयोग के उद्देश्य से पहले से ही अन्य एजेंसियों के साथ करार कर चुके हैं तो थर्मल पावर प्लांट को तदनुसार सूचित करेंगे और यदि वे उपयोग नहीं कर सकते हैं कोई राख या कम मात्रा का उपयोग कर सकता है।”

(ii) उप-पैरा (2) के पश्चात्, निम्नलिखित उप-पैरा अंतःस्थापित किया जाएगा, अर्थात्:

“(3) जिन व्यक्तियों या उपभोक्ता अभिकरणों को, यदि वे राख आधारित उत्पादों के उपयोग के उद्देश्य से अन्य अभिकरणों के साथ पहले से जुड़े हुए हैं, ऐश ब्रिक्स या टाइल्स या सिंटेड ऐश ऐग्रीगेट या अन्य राख आधारित उत्पादों के विनिर्माताओं के द्वारा नोटिस दिया गया है तो उन्हें ऐश ब्रिक्स या आइल्स या सिंटेड ऐश ऐग्रीगेट या अन्य राख आधारित उत्पादों के विनिर्माताओं को सूचित करना होगा, तदनुसार, यदि वे राख आधारित उत्पादों का उपयोग नहीं कर सकते या कम प्रमात्रा में उपयोग कर सकते हैं।”

2. यह अधिसूचना राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

[फा. सं. एचएसएम - 9/1/2019- एचएसएम]

नरेश पाल गंगवार, अपर सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग-II, खंड 3, उप-खंड (ii) सं. एस 5481(अ) तारीख 31 दिसम्बर, 2021 के द्वारा में प्रकाशित की गई।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 30th December, 2022

S.O. 6169(E).—Whereas, the Government of India, Ministry of Environment, Forest and Climate Change, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, issued a notification published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) *vide* S.O.5481(E), dated the 31st December, 2021 (herein after referred to as the ash utilisation notification);

And whereas, requests have been received from Ministry of Power, thermal power plants and various stakeholders regarding implementation of provisions of the ash utilisation notification;

And whereas, it is expedient to make amendments to certain provisions of the said notification to have smooth transitioning in implementation of the ash utilisation notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with of sub-rule (1), (2) and (4) of rule (5) of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the ash utilisation notification namely:-

In the ash utilisation notification,-

(1) in paragraph A,-

(i) in sub-paragraph (4), after the third proviso, the following shall be inserted, namely,-

“Provided also that new thermal power plants commissioned on or after the date of publication of this notification shall follow the first compliance cycle similar to the compliance cycle specified for thermal power plants having utilisation per cent. less than 60 per cent. as specified in the table.

Note: The utilisation targets as per the applicable compliance cycle shall commence from 1st April, 2022.”.

(ii) in sub- paragraph (5),-

(a) in the opening paragraph, for the words “the date of publication of this notification”, the figures, letters and word “1st April, 2022” shall be substituted;

(b) in the second proviso, -

(i) after the words “green belt or plantation”, the words, brackets, letters and figure “or solar power plant or wind power plant as per the guidelines issued by the Central Pollution Control Board (CPCB) as specified in sub-para (6)” shall be inserted,

(ii) the words, brackets and letters “Central Pollution Control Board (CPCB) or” shall be deleted,

(iii) for the words “a year”, the words “three years” shall be substituted,

(iv) for the words “the date of publication of this notification”, the figures, letters and word “1st April, 2022” shall be substituted.

(c) after the second proviso, the following proviso shall be inserted, namely:

“Provided that ash stored in all ash ponds or dykes other than operational ash pond or dyke designated for temporary storage of ash as specified in sub-para (6) shall constitute the legacy ash and either to be reclaimed or stabilised or utilised.”.

(iii) for sub- paragraph (6), the following sub-para shall be substituted, namely,-

“(6) Any new as well as operational thermal power plant may be permitted operational ash pond or dyke for temporary storage of ash within an area of 0.1 hectare per Mega Watt (MW). Technical specifications of operational as well as stabilised and reclaimed ash ponds or dykes shall be as per the guidelines of the Central Pollution Control Board (CPCB) made in consultation with the Central Electricity Authority (CEA) and these guidelines shall also lay down a procedure for annual certification of the operational as well as stabilised and reclaimed ash pond or dyke on its safety, environment pollution, available volume, mode of disposal, water consumption or conservation in disposal, ash water recycling and green belt, etc. and shall be put in place within three months from the date of publication of this notification:

Provided that up to two operational ash ponds or dykes for thermal power plants commissioned before 31st December, 2021, having installed capacity less than or equal to 1600 MW, and up to four operational ash ponds or dykes for thermal power plants having installed capacity more than 1600 MW, having multiple lagoons, within the specified area from the existing ash ponds or dykes, may be designated with clear demarcation along with coordinates, and shall inform to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) by 31st March, 2023:

Provided further that one ash pond or dyke shall be permitted in case of new thermal power plants or expansion of existing thermal power plants commissioned on or after 31st December, 2021, which shall inform the details of demarcation along with coordinates to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) within 3 months from the date of commissioning of thermal power plant or by 31st March, 2023, whichever is later:

Provided also that coal and lignite based thermal power plants shall not be allowed to further establish or designate any new operational ash pond or dyke:

Provided also that specification of 0.1 hectare per Mega Watt (MW) of an operational ash pond or dyke shall not be applicable for the thermal power plants commissioned before 03rd November, 2009.”.

(2) in paragraph B,-

(i) in sub- paragraph (1), for the words, figures and letters “within 300 kms”, the words, figures and letters “within a radius of 300 kms” shall be substituted,

(ii) in sub- paragraph (8), for the words “higher than the price of alternative products”, the words, brackets and letters “more than the price mentioned in the Schedule of Rates as specified by Central Public Works Department (CPWD) or concerned Public Works Department (PWD) or price of alternative products, if not mentioned in the Schedule of Rates.” shall be substituted.

(3) in paragraph -D, -

(i) for sub- paragraph (2), the following sub- paragraph shall be substituted, namely,-

“(2) Persons or user agencies who have been served notice by owner of thermal power plants, if they have already tied up with other agencies for the purpose of utilisation of ash, shall inform the thermal power plant accordingly, and if they cannot use any ash or may use reduced quantity.”.

(ii) after sub- paragraph (2), the following sub-para shall be inserted, namely,-

“(3) Persons or user agencies who have been served notice by manufacturers of ash bricks or tiles or sintered ash aggregate or other ash based products, if they have already tied up with other agencies for the purpose of utilisation of ash based products, shall inform the manufacturer of ash bricks or tiles or sintered ash aggregate or other ash based products, accordingly, and if they cannot use ash based products, or may use reduced quantity.”.

2. This notification shall come into force on the date of its publication in the Official Gazette.

[F. No. HSM-9/1/2019-HSM]

NARESH PAL GANGWAR, Addl. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 31st December, 2021, *vide* number S.O.5481 (E), dated the 31st December, 2021.



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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 05]

नई दिल्ली, सोमवार, जनवरी 1, 2024/पौष 11, 1945

No. 05]

NEW DELHI, MONDAY, JANUARY 1, 2024/PAUSHA 11, 1945

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 1 जनवरी, 2024

का.आ. 05(अ).—केन्द्रीय सरकार ने पर्यावरण (संरक्षण) नियम, 1986 के नियम (5) के उप-नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, असाधारण भाग II, खंड 3, उप-खंड (ii) में प्रकाशित संख्या का. आ. 5481(अ), दिनांक 31 दिसंबर, 2021 द्वारा एक अधिसूचना जारी की गई थी;

और, उक्त अधिसूचना के उपबंधों के कार्यान्वयन के संबंध में विद्युत मंत्रालय और अन्य हितधारकों से अनुरोध प्राप्त हुए हैं;

और, पर्यावरण-अनुकूल उद्देश्यों के लिए राख के उपयोग को बढ़ावा देने के लिए उक्त अधिसूचना के कुछ उपबंधों में संशोधन करना समीचीन है, जिसमें राख-आधारित उत्पाद निर्माण में लगे सूक्ष्म और लघु उद्यमों द्वारा निर्मित राख-आधारित उत्पादों में राख का उपयोग सम्मिलित है;

अतः अब, पर्यावरण (संरक्षण) नियम, 1986 के नियम (5) के उप-नियम (1), उप-नियम (2) और उप-नियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार राख के उपयोग से संबंधित अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्: -

राख के उपयोग से संबंधित अधिसूचना के,-

(1) पैरा ख में,-

(i) उप-पैरा (1) में, दोनों परंतुकों के स्थान पर, निम्नलिखित परंतुक रखा जाएगा, अर्थात्: -

"परंतु कोयला या लिग्नाइट आधारित थर्मल पावर प्लांट ने ऐसी एजेंसियों को राख उपलब्ध कराने के लिए नोटिस दिया हो, जिसके लिए राख और परिवहन की लागत कोयला या लिग्नाइट आधारित थर्मल पावर प्लांट द्वारा वहन की जाएगी।"

(ii) उप-पैरा (8) में, निम्नलिखित को रखा जाएगा, अर्थात्:

"कोयला या लिग्नाइट आधारित थर्मल पावर प्लांट से 300 किलोमीटर के दायरे में स्थित सभी भवन निर्माण परियोजनाएं (केंद्रीय, राज्य और स्थानीय प्राधिकरण, सरकारी उपक्रम, अन्य सरकारी एजेंसियां और सभी निजी एजेंसियां) राख की ईंटों, टाइल्स, सिंटेड राख समुच्चय या अन्य राख आधारित उत्पाद का उपयोग करेंगी, परन्तु इन्हें केंद्रीय लोक निर्माण विभाग (सीपीडब्ल्यूडी) या संबंधित राज्य के लोक निर्माण विभाग (पीडब्ल्यूडी) द्वारा निर्दिष्ट दरों की अनुसूची में उल्लिखित कीमत से अनधिक कीमत पर उपलब्ध कराया जाएगा या दरों की अनुसूची के अधीन निर्धारित न होने पर वैकल्पिक उत्पादों के मूल्य पर उपलब्ध कराया जाएगा।

परंतु केंद्रीय लोक निर्माण विभाग और संबंधित राज्य के लोक निर्माण विभाग 01 जनवरी, 2024 से छह महीने के भीतर निर्दिष्ट दरों की अनुसूची प्रकाशित करेंगे।"

(iii) उप-पैरा (9) के पश्चात, निम्नलिखित उप-पैरा अंतःस्थापित किया जाएगा, अर्थात्:

"(10) सभी स्थानीय प्राधिकरण राख और राख-आधारित उत्पादों अर्थात् इमारतों, सड़कों, तटबंधों या किसी अन्य संबंधित निर्माण गतिविधि के निर्माण में ईंटें, ब्लॉक, टाइलें, सिंटेड या कोल्ड बॉन्डेड राख समुच्चय, फाइबर सीमेंट शीट, पाइप, बोर्ड, पैनल के उपयोग के लिए अपने संबंधित भवन उपनियमों और अन्य सुसंगत विनियमों में उपबंध करेंगे।"

(2) पैरा घ में,-

(i) पैरा (1) के स्थान पर, निम्नलिखित को रखा जाएगा, अर्थात्:

"(1) ताप विद्युत संयंत्रों के मालिक उन व्यक्तियों या एजेंसियों को, जिन्हें पैरा ख के उप-पैरा (1) और (3) के अधीन राख का उपयोग करने की आवश्यकता है, परिवहन की लागत को वहन करते हुए राख की मुफ्त आपूर्ति करने के लिए संबंधित राज्य प्रदूषण नियंत्रण बोर्ड को एक प्रति के साथ एक लिखित नोटिस देंगे।

(1क) राख की ईंटों या टाइलों या सिंटेड राख समुच्चय या अन्य राख-आधारित उत्पादों के निर्माता उन व्यक्तियों या एजेंसियों को जिन्हें पेशकश के लिए पैरा ख के उप-पैरा (8) के अधीन राख-आधारित उत्पादों का उपयोग करना आवश्यक है, ऐसे उत्पादों की बिक्री के लिए एक लिखित नोटिस देने सहित संबंधित राज्य प्रदूषण नियंत्रण बोर्ड को उसकी एक प्रति देंगे।"

(ii) उप-पैरा (3) के पश्चात, निम्नलिखित उप-पैरा अंतःस्थापित किए जाएंगे, अर्थात्:

"(4) कोयला या लिग्नाइट आधारित थर्मल पावर प्लांट इस अधिसूचना के अधीन राख का उपयोग करते समय, राख का एक निश्चित प्रतिशत राख आधारित उत्पादों अर्थात् ईंटों, ब्लॉकों, टाइलों, सिंटेड या कोल्ड बॉन्डेड राख समुच्चय, फाइबर सीमेंट शीट, पाइप, बोर्ड, पैनल के निर्माण में लगे सभी सूक्ष्म और लघु उद्यमों को केंद्र सरकार के विद्युत मंत्रालय द्वारा जारी दिशानिर्देशों के अनुसार रियायती मूल्य पर या सीमित नीलामी के माध्यम से आपूर्ति के लिए आरक्षित रखेंगे।"

[फा. सं. 09/01/2019-एचएसएमडी]

नरेश पाल गंगवार, अपर सचिव

टिप्पण: मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में संख्या का.आ. 5481 (अ), दिनांक 31 दिसंबर, 2021 द्वारा प्रकाशित की गई थी और संख्या का.आ. 6169 (अ) दिनांक 30 दिसम्बर, 2022 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 1st January, 2024

S.O. 05(E).—Whereas, the Central Government in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, issued a notification published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) *vide* number S.O.5481(E), dated the 31st December, 2021;

AND WHEREAS, requests have been received from Ministry of Power and other stakeholders regarding implementation of provisions of the said notification;

AND WHEREAS, it is expedient to amend certain provisions of the said notification to promote use of ash for eco-friendly purposes, including use of ash in ash-based products manufactured by micro and small enterprises engaged in ash-based product manufacturing;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with of sub-rule (1), (2) and (4) of rule (5) of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the ash utilisation notification, namely:-

In the ash utilisation notification,-

(1) In paragraph B,-

(i) in sub-paragraph (1), for both the provisos, the following proviso shall be substituted, namely: -

“Provided that the coal or lignite based thermal power plant has given a notice to such agencies for making available ash to such agencies for which cost of ash and transportation shall be borne by the coal or lignite based thermal power plant.”

(ii) in sub-paragraph (8), the following shall be substituted, namely:

“All building construction projects (Central, State and Local authorities, Govt. undertakings, other Govt. agencies and all private agencies) located within a radius of 300 kms from a coal or lignite based thermal power plant shall use ash bricks, tiles, sintered ash aggregate or other ash based products, provided these are made available at prices not more than the price mentioned in the Schedule of Rates as specified by the Central Public Works Department (CPWD) or Public Works Department (PWD) of the State concerned or price of alternative products, if not mentioned in the Schedule of Rates.

That the Central Public Works Department and Public Works Department of the State concerned shall publish the Schedule of Rates specified within six months from the 1st January, 2024.”

(iii) after sub-paragraph (9), the following sub-paragraph shall be inserted, namely:

“(10) All local authorities shall make provisions in their respective building bye-laws and other relevant regulations for the use of ash and ash-based products, such as bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre cement sheets, pipes, boards, panels in construction of buildings, roads, embankments or for any other related construction activity.”

(2) In paragraph D,-

(i) for paragraph (1), the following shall be substituted, namely:

“(1) The owner of thermal power plants shall give a written notice to persons or agencies who are required to utilise ash under sub-paragraph (1) & (3) of paragraph B for offering the supply of ash free of cost and bearing cost of transportation, with a copy to concerned State Pollution Control Board.

(1A) The manufacturers of ash bricks or tiles or sintered ash aggregate or other ash-based products shall give a written notice to persons or agencies who are required to utilise ash-based products under sub-paragraph (8) of paragraph B for offering for sale of such products with a copy to concerned State Pollution Control Board.”

(ii) after sub-paragraph (3), the following sub-paragraphs shall be inserted, namely:

“(4) The coal or lignite based thermal power plants, while utilising ash under this notification shall reserve certain percentage of ash for supply to all micro and small enterprises engaged in ash-based product manufacturing namely, bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre

cement sheets, pipes, boards, panels for sale at concessional price or through limited auction in accordance with the guidelines issued by the Central Government in the Ministry of Power.”

[F. No. 09/01/2019-HSMD]

NARESH PAL GANGWAR, Addl. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O.5481 (E), dated the 31st December, 2021 and last amended, *vide* number S.O. 6169 (E) dated the 30th December, 2022.



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

EMAIL & SPEED POST

IPC-II/TPP/CP-11/76/2022/ 5520-5550

October 14, 2024

To,
The Member Secretary
State Pollution Control Board
(As per the list enclosed)

Sub: Directions under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 for ensuring effective implementation and monitoring of the Ash Notification No. S.O. 5481 (E) dated 31.12.2021 by the coal or lignite-based thermal power plants (including captive or co-generating stations or both).

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs), constituted under the Water (Prevention and Control of Pollution) Act, 1974, is to plan a comprehensive program for prevention, control and abatement of pollution of streams and wells located in the State/U.T. and to secure the execution thereof; and

WHEREAS, amongst others, under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs), constituted under Water (Prevention and Control of Pollution) Act, 1974, is to plan a comprehensive program for prevention, control and abatement of air pollution in the State/U.T. and to secure the execution thereof; and

WHEREAS, by notification of the Government of India in the erstwhile Ministry of Environment and Forests vide S.O.763 (E), dated the 14.09.1999, as amended from time to time, the Central Government, issued directions for promoting the utilisation of fly ash in the manufacturing of building materials and in construction activity within a specified radius of three hundred kilometres from the coal or lignite based thermal power plants; and

WHEREAS, in super-session of the aforesaid notification the Central Government has issued Notification No. S.O. 5481 (E) dated 31.12.2021, which has been subsequently amended on 30.12.2022 and 01.01.2024, to ensure more effective implementation of 100 percent fly ash utilisation/disposal by the coal or lignite-based thermal power plants in various permitted avenues/uses. In this regard, Central Pollution Control Board (CPCB) vide **letter dated 09.11.2022** requested all SPCBs to take necessary action for enforcement of the provisions of the Ash Notification by the coal or lignite based thermal power plants and monitoring of compliance by the SPCBs (copy enclosed for ready reference); and

WHEREAS, as per Para A(1) of the Ash Notification dated 31.12.2021, "Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall be primarily responsible to ensure 100 per cent utilisation of ash (fly ash, and bottom ash) generated by it in an eco-friendly manner as given in sub-paragraph (2)"; and

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

WHEREAS, as per Para A(2) of the Ash Notification dated 31.12.2021, the ash generated from coal or lignite based thermal power plants shall be utilised only for the eco-friendly purposes prescribed at A(2) (i) to (xi) (it doesn't include "ash dyke raising" or "disposal of ash into the operational ash ponds/dykes"). Further, the utilization avenue mentioned under Para A(2)(xi) of the notification i.e. "Any other eco-friendly purpose as notified from time to time" is not applicable as of now, as any additional avenue has not been notified by the Central Government; and

WHEREAS, as per Para A(4) of the Ash Notification dated 31.12.2021, "Every coal or lignite based thermal power plant shall be responsible to utilise 100 per cent ash (fly ash and bottom ash) generated during that year, however, in no case shall utilisation fall below 80 per cent in any year, and the thermal power plant shall achieve average ash utilisation of 100 per cent in a three years cycle (first compliance cycle of four/five year is prescribed for specific cases with exemption from minimum 80 per cent annual ash utilization target for initial 1/2 years). In this regard, CPCB vide **letter dated 20.02.2024** circulated the status of compliance of the Ash Notification dated 31.12.2021 by the independent thermal power plants across the country during the first compliance cycle i.e. FY 2022-23 to the concerned SPCBs requesting to take appropriate action in the matter (**copy enclosed** for ready reference); and

WHEREAS, as per Para A(5) of the Ash Notification dated 31.12.2021, "... Provided further that the legacy ash utilisation shall not be required where ash pond or dyke has stabilised and the reclamation has taken place with greenbelt or plantation or solar power plant or wind power plant as per the guidelines issued by the Central Pollution Control Board (CPCB) as specified in sub-para (6) and the concerned State Pollution Control Board shall certify in this regard. Stabilisation and reclamation of an ash pond or dyke including certification by the State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be carried out within three years from 1st April, 2022 (i.e. by **31st March 2025**). The ash remaining in all other ash ponds or dykes shall be utilised in progressive manner as per the above mentioned timelines. Provided that ash stored in all ash ponds or dykes other than operational ash pond or dyke designated for temporary storage of ash as specified in sub-para (6) shall constitute the legacy ash and either to be reclaimed or stabilised or utilised"; and

WHEREAS, as per Para A(6) of the Ash Notification dated 31.12.2021, "... Provided that up to two operational ash ponds or dykes for thermal power plants commissioned before 31st December, 2021, having installed capacity less than or equal to 1600 MW, and up to four operational ash ponds or dykes for thermal power plants having installed capacity more than 1600 MW, having multiple lagoons, within the specified area from the existing ash ponds or dykes, may be designated with clear demarcation along with coordinates, and shall inform to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) by 31st March, 2023". In this regard, Central Pollution Control Board (CPCB) and Central Electricity Authority (CEA) have issued "**Guidelines on Design, Construction, O&M and Annual Certification of Coal Ash Ponds, June 2023**" for coal or lignite based thermal power plant (**copy enclosed** for reference); and

WHEREAS, as per Para A(7) of the Ash Notification dated 31.12.2021, "Every coal or lignite based thermal power plant shall ensure that loading, unloading, transport, storage

and disposal of ash is done in an environmentally sound manner and that all precautions to prevent air and water pollution are taken and status in this regard shall be reported to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in Annexure attached to this notification"; and

WHEREAS, as per Para A(8) of the Ash Notification dated 31.12.2021, "Every coal or lignite based thermal power plant shall install dedicated silos for storage of dry fly ash silos for at least sixteen hours of ash based on installed capacity and it shall be reported upon to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in the Annexure and shall be inspected by Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) from time to time". In this regard, the aforesaid CPCB's **letter dated 20.02.2024** to the concerned SPCBs also highlighted the non-compliance of the said provision of the Ash Notification dated 31.12.2021 by a large number of thermal power plants; and

WHEREAS, as per Paras A(9) and E(2) of the Ash Notification dated 31.12.2021, all coal or lignite-based thermal power plants shall upload monthly information regarding ash generation and utilisation by 5th of the next month and ash pond details on yearly basis on the web portal developed by the CPCB for the benefit of actual user(s). In this regard, CPCB in association with NTPC and CEA, has developed **Ash Portal** (<https://coalash.cpcb.gov.in/>) for this purpose; and

WHEREAS, CPCB vide **letters dated 18.07.2023, 02.08.2023 and 25.08.2023** requested all concerned SPCBs to obtain the SPCB's login credentials for the **Ash Portal** and to issue necessary directions/instructions to all Captive Power Plants (CPPs) in the State to ensure immediate registration and regular uploading of ash data on the **Ash Portal**, along with ensuring regular uploading of ash data on the **Ash Portal** by all coal or lignite-based thermal power plants (including captive or co-generating plants or both) in the State; and

WHEREAS, CPCB issued **directions under Section 18(1)(b)** of the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, to all concerned SPCBs vide **dated 13.09.2023 a) To issue necessary directions/instructions to coal or lignite-based CPPs (including co-generating plants) in the State to ensure registration on the Ash Portal developed by CPCB (<https://coalash.cpcb.gov.in/>) immediately and uploading monthly information regarding ash generation and utilisation by 5th of the next month, and ash pond details on yearly basis, and b) To ensure regular uploading of ash data on the Ash Portal by all coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State; and**

WHEREAS, CPCB vide **letters dated 19.01.2024 and 29.08.2024** circulated to all concerned SPCBs the status of registration of the coal or lignite-based CPPs on the Ash Portal along with the state-wise lists with further instructions to SPCBs to ensure compliance of the directions dated 13.09.2023 (**copies enclosed** for ready reference); and

WHEREAS, as per Para B(5)(ii) of the Ash Notification dated 31.12.2021, "Thermal power plants or mines shall not wait for disposal of ash till the identification is done by the above mentioned committee [under Para B(5)(i)], to meet the utilisation targets mandated as above [under Para A(4) and A(5)]". In this regard, as per the decisions of the committee constituted under Para B(5)(i) taken during 1st and 3rd meeting held on 01.08.2022 and 06.10.2023, CPCB vide **letter dated 08.09.2022** (and **20.10.2023**) and has requested all

SPCBs/PCCs to constitute District Level Working Groups for deciding allocation of non-coal mines (major and minor minerals) for ash disposal to the coal or lignite based power plants, with Regional Officers, SPCB as the nodal agency (**copies enclosed** for ready reference); and

WHEREAS, as per Para B(6) of the Ash Notification dated 31.12.2021, "*Filling of low lying areas with ash shall be carried out with prior permission of the State Pollution Control Board or Pollution Control Committee for approved projects, and in accordance with guidelines laid down by Central Pollution Control Board (CPCB) and the State Pollution Control Board or Pollution Control Committee (PCC) shall publish approved sites, location, area and permitted quantity annually on its website*". In this regard, CPCB has laid down "*Guidelines for disposal/utilisation of Fly Ash for reclamation of Low Lying Areas and in stowing of Abandoned mines/Quarries, 2019*" which were issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India vide **O.M. dated 28.08.2019**; and

WHEREAS, as per Para C(4) of the Ash Notification dated 31.12.2021, "*It shall be the responsibility of the transporters or vehicle owner to deliver ash to authorised purchaser or user agency and if it is not complied, then an environmental compensation of Rs. 1500 per ton on such quantity as mis-delivered to unauthorised users or non-delivered to authorised users will be imposed besides prosecution of such non-compliant transporters by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC)*"; and

WHEREAS, as per Para C(5) of the Ash Notification dated 31.12.2021, "*It is the responsibility of the purchasers or user agencies to utilise ash in an eco-friendly manner as laid down at para B of this notification and if it is not complied, then an environmental compensation of Rs. 1500 or per ton shall be imposed by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC)*"; and

WHEREAS, as per Para D(4) of the Ash Notification dated 31.12.2021, "*The coal or lignite based thermal power plants, while utilising ash under this notification shall reserve certain percentage of ash for supply to all micro and small enterprises engaged in ash-based product manufacturing namely, bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre cement sheets, pipes, boards, panels for sale at concessional price or through limited auction in accordance with the guidelines issued by the Central Government in the Ministry of Power*". In this regard, the Ministry of Power, Government of India has issued **guidelines** on the aforesaid subject vide **dated 15.03.2024** to all coal or lignite based thermal power plants and concerned State Governments (**copy enclosed** for reference); and

WHEREAS, as per Para E(4) of the Ash Notification dated 31.12.2021, "*For the purpose of resolving disputes between thermal power plants and users of ash or manufacturer of ash based products, the State Governments or Union territory administration constitute a Committee within three months from the date of publication of this notification under the Chairman, State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) with representatives from Department of Power, and one representative from the Department which deals with the subject of concerned agency with which dispute is made*"; and

WHEREAS, as per Para E(5) of the Ash Notification dated 31.12.2021, "*The compliance audit for ash disposal by the thermal power plants and the user agency shall be conducted by auditors, authorised by Central Pollution Control Board (CPCB) and audit*

report shall be submitted to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) by 30th November every year. Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall initiate action against non-compliant thermal power plants within fifteen days of receipt of audit report". In this regard, CPCB vide O.M. dated 09.09.2024 (earlier O.M. dated 06.03.2023 and 17.07.2023) has issued the list of authorized auditors to undertake the compliance audit for ash disposal by the coal or lignite based thermal power plants and the users as per Ash Notification No. 5481(E) dated 31.12.2021 (copy enclosed for ready reference); and

WHEREAS, the Ash Notification dated 31.12.2021 designates SPCBs as the enforcing and monitoring authority in their States for ensuring compliance of various provisions of the Ash Notification on quarterly basis [Para E(1)];

NOW, THEREFORE, in exercise of the powers under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, and with the approval of the Chairman, Central Pollution Control Board (CPCB), the (as per list enclosed) State Pollution Control Board is hereby directed as follows:

- a) To ensure effective enforcement and monitoring of compliance of the various provisions of the Ash Notification by all coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State on quarterly basis,
- b) To ensure immediate registration and regular uploading of monthly ash generation and utilisation data by 5th of the next month, and ash pond details on yearly basis on the Ash Portal by all coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State,
- c) To ensure that the ash generated from coal or lignite based thermal power plants (including captive or co-generating stations or both) shall be utilised only for the eco-friendly purposes prescribed at A(2) (i) to (x) of the Ash Notification,
- d) To ensure stabilisation, reclamation and certification of un-operational ash ponds/dykes and operational ash ponds/dykes beyond the permitted numbers (two for plants with installed capacity up to 1600 MW and four for plants with installed capacity above 1600 MW) by 31.03.2025 if the plant has not decided to utilise ash from such ash ponds/dykes in a progressive manner within 10 years as per the Ash Notification,
- e) To ensure and periodically monitor the compliance of the "Guidelines on Design, Construction, O&M and Annual Certification of Coal Ash Ponds, June 2023" (issued by CPCB and CEA) by the coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State,
- f) To ensure that the loading, unloading, transport, storage and disposal of ash is done in an environmentally sound manner and that all precautions to prevent air and water pollution are taken by all coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State,
- g) To ensure the installation of dedicated dry fly ash silos for storage of at least 16 hours of ash based on installed capacity by all coal or lignite-based thermal power plants (including captive or co-generating stations or both) in the State and periodic inspection of the same,

- h) To ensure that the filling of low lying areas with ash shall be carried out only with prior permission of the SPCB and for approved projects complying with the CPCB's guidelines and the SPCB shall publish approved sites, location, area and permitted quantity annually on its website,
- i) To ensure that the transporters or vehicle owner deliver ash to authorised purchaser or user agency only, and take appropriate action for the non-compliant cases as per the provisions of the Ash Notification, which include imposition of environmental compensation and prosecution of such non-compliant transporters by SPCB,
- j) To ensure compliance of the guidelines dated 15.03.2024 issued by the Ministry of Power, Government of India regarding reserving certain percentage of ash for supply to all micro and small enterprises engaged in ash-based product manufacturing namely, bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre cement sheets, pipes, boards, panels for sale at concessional price or through limited auction,
- k) To ensure effective mechanism for resolving disputes between thermal power plants and users of ash or manufacturer of ash based products, through the State Level Committee under the Chairman, SPCB, and
- l) To ensure submission of the annual implementation report and annual compliance audit report by 30th April and 30th November every year, respectively, by the coal or lignite based thermal power plants in the State to the concerned authorities and take appropriate action against the non-compliant thermal power plants as per the provisions of the Ash Notification dated 31.12.2021.

The SPCB shall submit the latest status/action taken report on the above mentioned directions within one month from the receipt of these directions, and ensure regular compliance of the above mentioned directions and submission of annual status report by 31st December every year from December 2024 onward.


(Bharat Kumar Sharma)
Member Secretary



Copy to:

1. Additional Secretary (HSM Division)
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan, Aliganj,
Jor Bagh Road, New Delhi – 110 003
2. The Joint Secretary (Thermal)
Ministry of Power,
Shram Shakti Bhawan, Rafi Marg,
New Delhi
3. The Regional Directors : For follow-up with the concerned SPCBs.
Central Pollution Control Board,
(As per the list enclosed)
4. The Divisional Head - IT, CPCB, Delhi : For uploading the directions on the website.


(Bharat Kumar Sharma)
Member Secretary


* Enclosures sent via email.

List of State Pollution Control Boards

1. The Member Secretary,
Andhra Pradesh Pollution Control Board
D. No. 33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalamalavari Street,
Kasturibaipet, **Vijayawada – 520 010**
2. The Member Secretary,
Pollution Control Board- Assam,
Bamunimaidam, **Guwahati – 781 021**, Assam
3. The Member Secretary,
Bihar State Pollution Control Board
Parivesh Bhawan, Plot No. NS-B/2,
Paliputra Industrial Area, Patliputra,
Patna – 800 023, Bihar
4. The Member Secretary,
Chhattisgarh Environment Conservation Board,
Paryavas Bhavan, North Block Sector-19,
Atal Nagar, **Raipur – 492 002**, Chhattisgarh
5. The Member Secretary,
Gujarat Pollution Control Board
Paryavaran Bhavan, Sector 10-A,
Gandhi Nagar - 382 010, Gujarat
6. The Member Secretary,
Goa State Pollution Control Board
Nr. Pilerne Industrial Estate, Opp. Saligao
Seminary, Saligao – Bardez, **Goa – 403 511**
7. The Member Secretary,
Haryana State Pollution Control Board
C-11, Sector-6, **Panchkula- 134109**, Haryana
8. The Member Secretary,
Jharkhand State Pollution Control Board,
T.A. Bldg., HEC, P. O. Dhurwa,
Ranchi – 834 004, Jharkhand
9. The Member Secretary,
Karnataka State Pollution Control Board
“Parisara Bhavan”, #49,4th & 5th Floor,
Church Street, **Bangalore 560 001**
10. The Member Secretary,
Madhya Pradesh Pollution Control Board,
Paryavaran Parisar, E-5, Arera Colony,
Bhopal – 462 016, Madhya Pradesh

11. The Member Secretary,
Maharashtra Pollution Control Board,
Kalpataru Points, 3rd & 4th Floor,
Road No. 8, Sion Circle, Opp. PVR Theatre,
Mumbai – 400 022, Maharashtra
12. The Member Secretary,
Meghalaya State Pollution Control Board,
“ARDEN”, Lumpynggad,
Shillong – 793 014, Meghalaya
13. The Member Secretary,
Odisha State Pollution Control Board,
Paribesh Bhawan, A-118, Nilakantha Nagar,
Unit - VIII, **Bhubaneswar – 751 012**, Odisha
14. The Member Secretary,
Punjab Pollution Control Board
Vatavaran Bhawan, Nabha Road
Patiala 147 001, Punjab
15. The Member Secretary,
Rajasthan Pollution Control Board,
A-4, Institutional Area, Jalana Dungri,
Jaipur 302 004, Rajasthan
16. The Member Secretary,
Tamil Nadu Pollution Control Board
76, Anna Salai, Guindy Industrial Estate,
Race View Colony, Guindy,
Chennai – 600 032, Tamil Nadu
17. The Member Secretary,
Telangana State Pollution Control Board,
Paryavaran Bhawan, A-III, Industrial Estate,
Sanathnagar, **Hyderabad – 500 018**
18. The Member Secretary,
Uttar Pradesh Pollution Control Board,
H. No. TC-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010, Uttar Pradesh
19. The Member Secretary,
Uttarakhand Pollution Control Board,
Gaura Devi Bhawan, 46 B, IT Park,
Sahastradhara, **Dehradun – 248 001**, Uttarakhand
20. The Member Secretary,
West Bengal Pollution Control Board,
Paribesh Bhawan, 10A, Block-LA, Sector-III,
Bidhannagar, **Kolkata-700 106**, West Bengal

List of CPCB Regional Directorates

1. The Regional Director,
Central Pollution Control Board,
1st & 2nd Floors, Nisarga Bhawan, A-Block,
Thimmaiah Main Road, 7th D Cross,
Shivanagar, **Bengaluru -560 079**
2. The Regional Director,
Central Pollution Control Board,
Parivesh Bhawan, Paryavaran Parisar,
E-5, Arera Colony, **Bhopal - 462 016**,
Madhya Pradesh
3. The Regional Director,
Central Pollution Control Board,
BSNL Telephone Exchange, 2nd Floor,
Sector -49 C, **Chandigarh - 160 059**
4. The Regional Director,
Central Pollution Control Board,
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate,
Chennai - 600 058, Tamil Nadu
5. The Regional Director,
Central Pollution Control Board,
South End Conclave, Block 502, 5th & 6th Floor
1582, Rajdanga Main Road, **Kolkata - 700 107**
6. The Regional Director,
Central Pollution Control Board,
Survey No. 110, Dhankude Multi-Purpose Hall,
Baner Road, Baner, **Pune - 411 045**, Maharashtra
7. The Regional Director,
Central Pollution Control Board,
Parivesh Bhawan, Opp. VMC Ward No. 10 Office
Subhanpura, **Vadodara - 390 023**
8. The Regional Director,
Central Pollution Control Board,
PICUP Bhawan, Ground Floor,
Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010
9. The Regional Director,
Central Pollution Control Board,
Opp. Government Press, BSNL NE-I,
Ground Floor, CTO Building,
Shillong - 793 001

Standard Operating Procedure (SOP) for movement of vessels registered under Inland Vessel Act on National Waterways

1. **Objective:** This **Standard Operating Procedure** is designed to facilitate the safe movement and operations of Inland vessels on various designated National Waterways so as to avoid any incidents or accidents or problems that may be encountered during the navigation of vessels on the National Waterways. Also, this SOP will enhance efficiency of information sharing so as to achieve seamless operations and data sharing on the National Waterways.

2. All vessels/barges operating on the National Waterways will fully comply with all the relevant rules and regulations not limited to the following: -
 - a. Prevention of Collision on National Waterways Regulations, 2002
 - b. National Waterway, Safety of Navigation and Shipping Regulations, 2002 including annexures I, II, III and IV
 - c. Inland Waterways Authority of India (Classification of Inland Waterways in India) Regulations 2006
 - d. The Inland Vessel Act, 1917(as amended)
 - e. All the rules and regulations framed by respective State Governments for operations of Inland vessels within their jurisdiction

3. IWAI website is duly updated with all information for safe navigation including river notices which are published fortnightly or monthly as the case may be. All vessels shall regularly consult the IWAI website for latest information on the National Waterways for safe navigation not limited to the following.
 - a. Least available depth (LAD) of the channel. Link to LAD is available on IWAI website (http://iwaiportal.nic.in/lad_pub.php) - LAD data on certain stretches of NW-1 is available on Weekly basis which is to be noted by all users on LAD & River Notice Link.
 - b. Air draft clearance of bridges and power lines on the waterways - Provided basis High flood level.-Critical bridge clearance w.r.t to water level based on survey are being disseminated in Navigational warning and the same is to be noted by all users on LAD & River Notice Link.
 - c. Any other navigational hazard or other restrictions existing on the National Waterways. Navigational warnings issued by IWAI are to be referred to by all users.
 - d. Information relating to the Indo Bangladesh Protocol (IBP) routes
 - e. Navigational aids including Night navigation facilities
 - f. All vessels shall mandatorily carry updated Charts, ENC & river Atlas for the stretch in which they are operating.
 - g. VHF Ch 16(dual) shall be kept on and compulsory monitored by vessel so as to have communication link and connection with RIS to receive important Navigational Warnings
 - h. Carriage of AIS and DGPS receiver is recommended to obtain full benefit of RIS system
 - i. All vessels crossing Farakka lock will fill up a prescribed form indicating the Navigational aids available onboard their vessel and confirmation of their awareness of all navigational information disseminated by IWAI through various forum.

- j. On certain stretches of National Waterways presence of pilots on board is made mandatory. Operators are suggested to place request for pilot to the concerned Directors well in advance along with their voyage plan.
4. **Co-ordination with external bodies/ agencies for in-transit support:** Director Kolkata/ Guwahati, IWAI will ensure in-transit clearances such as Permissions and Coordination with Customs and immigration for clearance of vessels sailing on the Indo Bangladesh Protocol route in their jurisdiction. All vessels shall contact the Director IWAI, Kolkata/Guwahati 72 hours before departure with the details in the prescribed format for assistance in obtaining clearances for IBP routes.
 5. All vessel Operators/ Masters on arrival at a port/ terminal/ anchorage should submit vessel's Arrival report including vessel's name, arrival date & time, vessel's draft, details of cargo/ passenger onboard (specifically highlighting any dangerous cargo onboard) intended berthing/ anchoring duration and objective (loading/ unloading/ bunkering/ repairs etc.) to IWAI's Regional Director (Head) at the arrival port. The vessel's Mobile phone number if available or the vessel's Masters mobile number is to be shared with the local IWAI authorities which shall also be shared with RIS operators.
 6. All vessel Operators/ Masters before departure from ports/terminals/locks/anchorages should submit the vessel's sailing plan including vessel's name, cargo/ passengers onboard (specifically highlighting any dangerous cargo onboard), loaded draft, intended sailing route, day-wise itinerary including ETD (Estimated Time of Departure) from Origin port/ terminal/ anchorage and ETA (Estimated Time of Arrival) at the Destination port/ terminal/ anchorage. Such sailing plan should be submitted to IWAI's Regional Director (Head) of the Origin and Destination port/ terminal/ anchorage.
 7. All vessel Operators/ Masters should submit daily Noon report including vessel's name, cargo/ passengers onboard (specifically highlighting any dangerous cargo onboard), vessel's draft, planned anchoring location and time for the day, any unscheduled halt/ breakdown/ incident/ accident faced during the voyage. Such noon report should be submitted to IWAI's Regional Director (Head) at the respective chainage point and Destination port/ terminal/ anchorage.
 8. IWAI facilities on National Waterways are available to all for use subject to payment as per the prevailing rules and regulations. The rules and regulations are available on IWAI website regarding Payment of tariff as per Inland Waterway Authority of India (Levy and collection of fees and charges) regulation 2011 (as amended).
 9. Berthing facilities and berthing permission at IWAI operated terminals are granted by the respective Regional Director (Head) subject to the prevailing rules and regulations as given on IWAI website. All vessels must obtain requisite permissions.
 10. All vessels may make use of registered pilots for safe navigation in stretches not familiar to the vessel's Master after paying the prescribed fees. A written request must be made to the

concerned Regional Director (Head) at least 48 hours in advance. List of pilots with locations are available on IWAI Website.

11. Regional Director may notify critical stretches of NW in their jurisdiction mandatory for pilot on board based on their assessment at the local levels.
12. **Emergency situations:** In case of any emergency, assistance to the extent possible shall be provided by the Regional Director's at the respective chainage point. A contact list of IWAI offices for emergency services for various stretches on the waterway is available in River Notices on IWAI's website for easy access of all concerned.
13. A vessel before sailing shall ensure that the vessel has all the required permissions, cargo is properly stowed & secured, is properly manned, equipped, has done the route plan to the destination taking into accounts the current/tides with sufficient LAD and air draft on the route for the intended voyage. Equipment aboard are fully functional.
14. **Sailing Order for movements conducted by vessels under IWAI's operational control:** Regional Director (Head) will issue sailing order as per prescribed format for movements conducted by vessels under IWAI's operational control. The sailing order will be issued while ensuring that the vessel during its voyage complies strictly with applicable waterways related information for chainage till destination point as available on official IWAI website.
15. **Deviation:** In case there is any deviation from this SOP due to operational exigencies or unforeseen circumstances, the same shall be recorded by the concerned Regional Director (Head) and should be brought to the notice of the office of Member (Traffic), IWAI, Noida for necessary action if any.
16. **Amendment to the SOP:** The SOP may be amended and updated from time to time by the office of Member (Traffic & Logistics) for accommodation of additional aspects for safe and seamless vessel movement on National Waterways.

Signed

(Director Traffic & Logistics)



STANDARD OPERATING PROCEDURE
for Indian Shipping Agents to operate on PIWT&T
between India & Bangladesh.

Summary of the Procedure for obtaining permissions to ply on PIWT&T Route

To ply on PIWT&T route, the Indian shipping agent has to undergo the following process:

1. One-time registration of Shipping Agent with IWAI
2. Registration of each voyage on IWAI Portal for obtaining
 - a. Inward / Extension / Amendment permission from IWAI for Bangladeshi Flag Vessel
 - b. Outward / Extension / Amendment permission from IWAI for Bangladeshi Flag Vessel
 - c. Outward / Extension / Amendment permission from IWAI for Indian Flag Vessel
 - d. Voyage permission for Indian Flag Vessel from BIWTA

The inward/outward/amendment/extension permissions are only provided if the vessels are originating / destined to/from the following Declared Ports of Call in India and Bangladesh under PIWT&T:

Ports of Call in India

- Kolkata,
- Haldia,
- Dhubri,
- Pandu,
- Silghat, and
- Karimganj

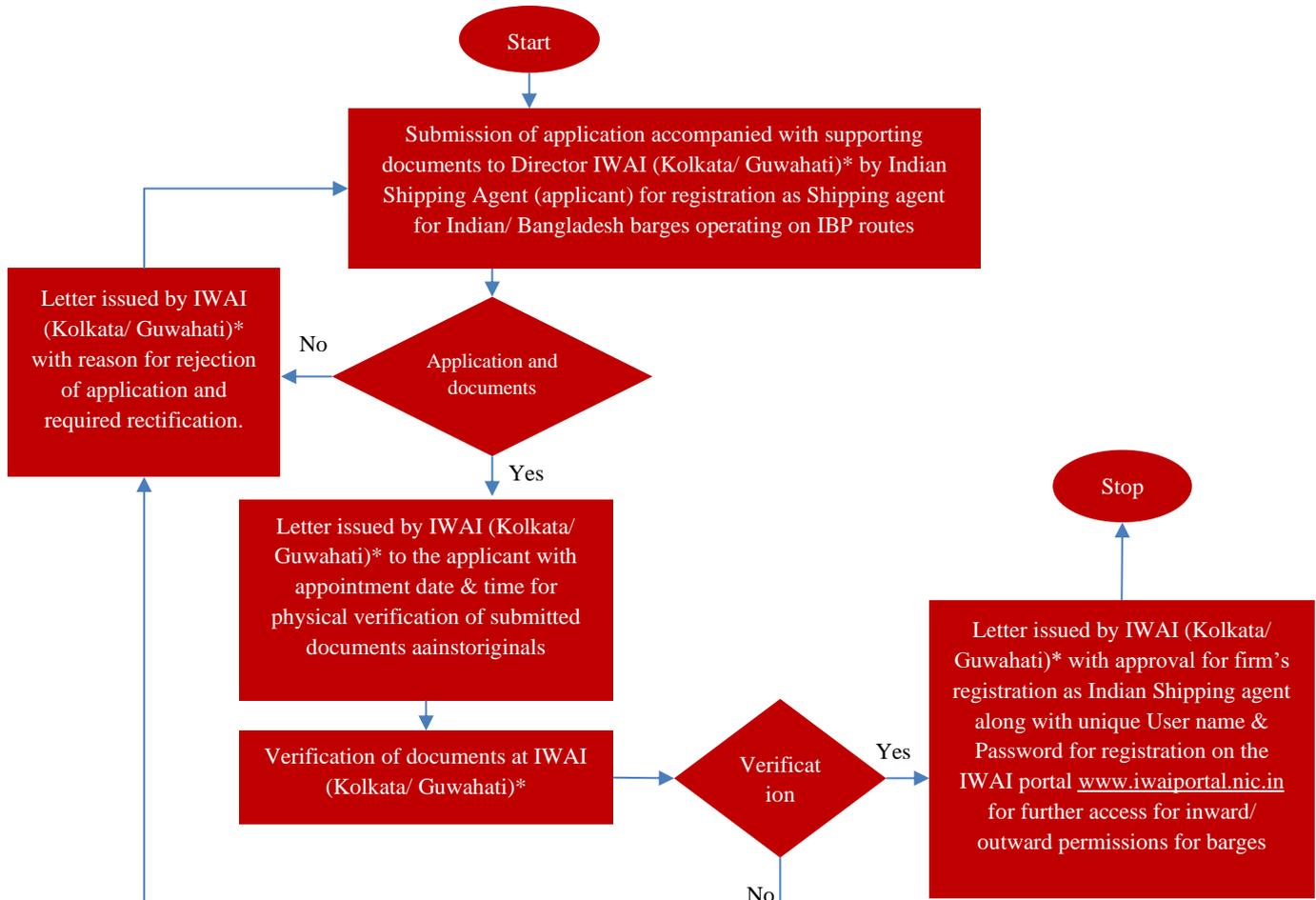
Ports of Call in Bangladesh

- Mongla,
- Khulna,
- Narayanganj,
- Ashuganj,
- Sirajgunj and
- Pangaon

1. SOP for One-time registration of Shipping Agent with IWAI

- a) The Indian Shipping Agent has to submit an application to Director IWAI (Kolkata or Guwahati as is relevant) requesting to operate on IBP route between India & Bangladesh. Following are the supporting documents required along with the application.
 - a. Trade License,
 - b. Deed Agreement signed with Bangladesh Shipping Agent,
 - c. PAN number,
 - d. Latest Income Tax Return certificate and
 - e. Self-attested photograph.
- b) On receipt of same, IWAI calls for a verification of Original Documents from the Shipping Agent. The Shipping Agent has to attend the office of Director, IWAI, Kolkata / Guwahati along with the original documents on a specific date for verification of the same.

- c) After completion of verification of documents, concerned Director IWAI (Kolkata or Guwahati as is relevant) issues a letter to the Shipping Agent intimating Authority's approval for registration of Shipping Agent to operate as a Barge operator on IBP route between India & Bangladesh.
- d) The registered shipping agent is provided user name & password by IWAI to access the IWAI portal www.iwaiportal.nic.in for seeking inward/outward/extension/amendment permissions for Bangladesh Flag vessels and outward/extension/amendment permissions for Indian Flag vessels.



*As relevant

2. SOP for registration of Voyage with IWAI

After obtaining login credentials from IWAI for the portal (www.iwaiportal.nic.in), the Indian Shipping Agent is eligible for plying its vessels or vessels of its Bangladeshi counterpart on IBP routes, however each voyage must be registered by the Indian Shipping Agent on the portal for obtaining inward / outward / extension / amendment permissions. The permissions are accorded only for vessels. The procedure for the same is mentioned below:

a. **Inward / Extension / Amendment permission for Bangladeshi Flag Vessel**

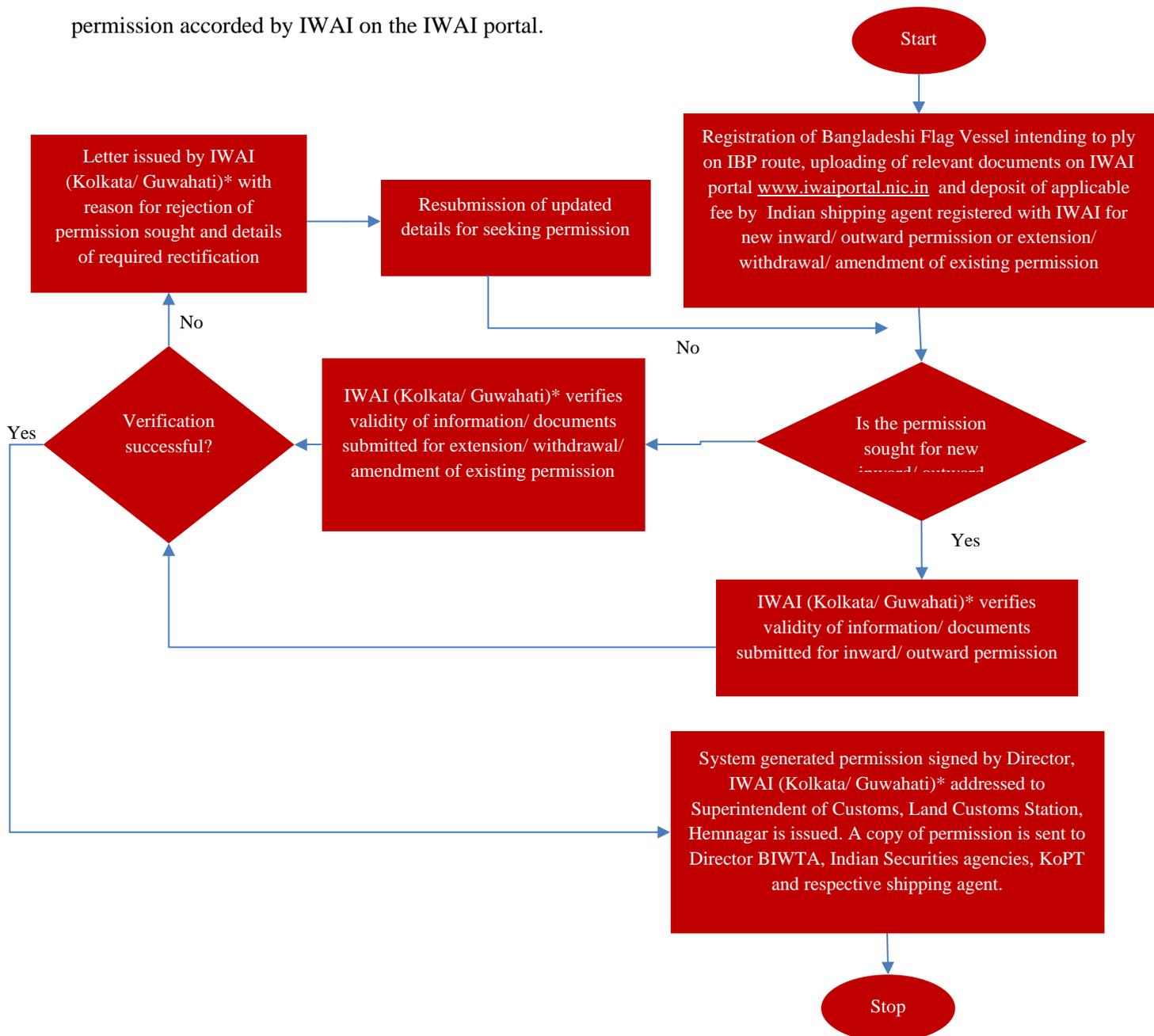
Inward / Extension / Amendment permission for Bangladeshi Flag Vessel are given subject to the following prerequisites:

- i. Voyage registration is carried out on IWAI portal by uploading documents for vessel which intend to ply on IBP routes. All the fields are mandatory along with the uploading of the following documents wherever necessary.
 - Voyage Permission from BIWTA
 - Competence Certificate of Vessel Master
 - Competence certificate of Indian Pilot arranged for vessel movement in India
 - Registration Certificate of the Vessel

- Survey Certificate for the Vessel
 - Loaded Survey Certificate (Not required if vessel is coming empty to India)
- ii. Scrutiny of uploaded documents is carried out, wherein the information such as validity of Vessel Survey and Registration Certificate issued by the competent authorities of Bangladesh and loaded survey certificates issued by the authorized surveyors of Bangladesh are verified.
 - iii. If the Shipping Agent / Firm has provided all the requisite information/documents, the system generated inward/extension/amendment permission duly signed by the concerned Director, IWAI (Kolkata or Guwahati as is relevant) is issued to the respective shipping agent (Email / Physical pick up from Kolkata/Guwahati offices) and is also addressed to Superintendent of Customs, Land Customs Station, Hemnagar under copy to Director BIWTA, Indian Securities agencies and KoPT.
 - iv. After complying with necessary Customs and Immigration formalities in respective countries, the respective agents/operators can ply their vessels in PIWT&T routes.

b. Outward / Extension / Amendment permission for Bangladeshi Flag Vessel

Outward permission for Bangladeshi Flag Vessel is given post uploading of Loaded Survey Certificate and draft chart on the IWAI portal. Additionally, there is also a provision for amendment/extension of the permission accorded by IWAI on the IWAI portal.



c. Outward / Extension / Amendment permission for Indian Flag Vessel from IWAI

Outward / Extension / Amendment permission for Indian Flag Vessel are given subject to following prerequisites:

- i. Voyage registration is carried out in IWAI portal by uploading vessel documents which intend to ply in PIWT&T Routes. All the fields are mandatory along with the uploading of the following documents wherever necessary.
 - Competence Certificate of Vessel Master
 - Survey Certificate for the Vessel
 - Loaded Survey Certificate (Not required if vessel is going empty to Bangladesh)
- ii. Scrutiny of uploaded documents is carried out, where the information such as Validity of Vessel Survey and Registration Certificate issued by the competent authorities of India and loaded survey certificate issued by the authorized surveyors of India are verified.
- iii. If the Shipping Agent / Firm has provided all the requisite information/documents, the system generated Outward/extension/amendment permissions duly signed by the concerned Director, IWAI (Kolkata or Guwahati as is relevant) are issued to the respective shipping agent (Email / Physical pick up from Kolkata/Guwahati offices) and are also addressed to Superintendent of Customs, Land Customs Station, Hemnagar under copy to Director BIWTA, Indian Securities agencies and KoPT.
- iv. After complying with necessary Customs and Immigration formalities in respective countries, the respective agents/operators can ply their vessels in PIWT&T routes.

d. Voyage permission for Indian Flag Vessel from BIWTA

Voyage permission from BIWTA for Indian Flag Vessel are given subject to the following prerequisites:

- i. Indian Shipping Agent's counterpart in Bangladesh (Registered Bangladesh Shipping Agent with BIWTA) has to submit the following documents:
 - Outward Permission from IWAI
 - Competence Certificate of Vessel Master
 - Survey Certificate for the Vessel
 - Loaded Survey Certificate
 - Bill of Lading
- ii. Scrutiny of uploaded documents is carried out, where the information such as Validity of Vessel Survey and Registration Certificate issued by the competent authorities of India and loaded survey certificates issued by the authorized surveyors of India are verified by BIWTA
- iii. If the Shipping Agent / Firm has provided all the requisite information/documents, voyage permissions duly signed by the Director & Competent Authority from BIWTA is issued to the respective Bangladeshi shipping agent and are also addressed to Superintendent Land Customs, Khulna under copy to Director IWAI and Bangladeshi Securities agencies.
- iv. After complying with necessary Customs and Immigration formalities in respective countries, the respective agents/operators can ply their vessels in PIWT&T routes.

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL, BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 64 OF 2020 (EZ)**

IN THE MATTER OF:

Dakshinbanga Matsyajibi Forum ...Applicant

-Versus-

Inland Waterways Authority of India & Ors. ...Respondents

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NDoH: 17.01.2023

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Date: 17.01.2022

Place: Kolkata

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**STANDARD OPERATING PROCEDURE (SOP)/GUIDANCE DOCUMENT FOR
ENQUIRY INTO ACCIDENTS/INCIDENTS INVOLVING INLAND VESSELS ON
NATIONAL WATERWAYS & INDO-BANGLADESH PROTOCOL ROUTES
(INDIAN SIDE)**

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1. **Background:**

The Indo Bangladesh Protocol was first signed in 1972 and refined subsequently to flourish the trade between the two countries using the waterways. The 10 routes existing under the Protocol on Inland Waters Transit & Trade (PIWT&T) Agreement between India & Bangladesh is mentioned below:

- (1) Kolkata- Haldia- Raimongal- -Chalna- Khulna- Mongla- Kawkhali Barisal- Hizla- Chandpur- Narayanganj- Aricha- Sirajganj- Bahadurabad Chilmari- Dhubri- Pandu- Shilgha
- (2) Shilghat- Pandu- Dhubri- Chilmari- Bahadurabad- Sirajganj- Aricha Narayanganj- Chandpur- Hizla- Barisal- Kawkhali- Mongla- Khulna Chalna- Raimongal- Haldia- Kolkata.
- (3) Kolkata- Haldia- Raimongal- Mongla- Kawkhali- Barisal- Hizla Chandpur- Narayanganj- Bhairab Bazar- Ashuganj- Ajmiriganj- Markuli Sherpur-

Fenchuganj- Zakiganj- Karimganj.

(4) Karimganj- Zakiganj- Fenchuganj- Sherpur- Markuli- Ajmiriganj Ashuganj- Bhairab Bazar- Narayanganj- Chandpur- Hizla- Bansal Kawkhali- Mongla- Raimongal- Haldia- Kolkata.

(5) Rajshahi- Godagari- Dhulian.

(6) Dhulian- Godagari- Rajshahi.

(7) Karimganj- Zakiganj- Fenchuganj- Sherpur- Markuli- Ajmiriganj Ashuganj- Bhairab Bazar- Narayanganj- Chandpur- Aricha- Sirajganj Bahadurabad- Chilmari- Dhubri- Pandu- Shilghat.

(8) Shilghat- Pandu- Dhubri- Chilmari- Bahadurabad- Sirajganj- Aricha Chandpur- Narayanganj- Bhairab Bazar- Ashuganj- Ajmiriganj- Markuli Sherpur- Fenchuganj- Zakiganj- Karimganj

(9) Sonamura- Daukhandi

(10) Duakhandi- Sonamura

The PWIT&T agreement is attached herewith for reference at **Annex I**.

2. About Inland Waterways Authority of India

The Inland Waterways Authority of India, (IWAI) an autonomous body had been constituted vide IWAI, Act, 1985 to carry out surveys and investigations for the development, maintenance and better utilization of the national waterways and the appurtenant land for shipping and navigation and prepare schemes ; carry out conservancy measures and training works and do all other acts necessary for the safety and convenience of shipping and navigation and improvement of the national waterways; control activities such as throwing rubbish, dumping or removal of material, in or from the bed of the national waterways and appurtenant land, in so far as they may affect safe and efficient, shipping and navigation, maintenance of navigable channels, river training and conservancy measures; *provide for the regulation of navigation and traffic (including the rule of the road) on national waterways. In accordance with Para 14 & 35 of IWAI Act 1985, "Prevention of Collision on National waterway Regulation, 2002" and "National waterways, Safety of Navigation and Shipping Regulations, 2002" for all vessels on National waterways have also been notified.*

As per National Waterways Act 2016, a total of 111 National Waterways have been declared in the country of which 5 waterways are operational and 23 waterways would be operational by 2030. Extracts of National Waterways Act 2016 are placed at **Annex II**

The Inland Vessels Act, 2021 (24 of 2021) has been enacted on 12th August, 2021 replacing the earlier Inland Vessels Act, 1917 (1 of 1917). Under the Inland Vessels Act, 2021 (24 of 2021), Section 1 & 106 of Inland Vessels Act 2021 came into force with effect from the 16th Feb 2022 and Sections 2 to 105 & 107 to 114 came into force w.e.f. 07 Jun 2021. As per the new IV Act 2021, the responsibility for accidents/incidents of vessels shall rest with respective State Governments wherein the accident/incident occurs. Relevant extracts of Act are enclosed at Annex III.

In areas where Major and Minor Ports have their concurrent jurisdiction on the channels and waterways, the Rules and regulations of the concerned Port Authority shall be applicable and complied with.

3. Why the SOP?

A number of incidents/accidents involving Inland Vessels have occurred on National Waterways and the Indo Bangladesh Protocol (IBP) Route due to a variety of reasons largely due to human errors and many a times due to nature's fury, which have resulted in capsizing of the vessels and consequent loss of cargo as well as damage to the marine environment. This **Standard Operating Procedure (SOP)** aims to delineate the manner in which an enquiry must be conducted into the accidents/incidents of Inland Vessels on National Waterways & Indo-Bangladesh Protocol Route (Indian portion) under the functional jurisdiction of Inland Waterways Authority, so as to identify the causes of such accidents/incidents. This SOP also summarises the legal and administrative mandate of IWAI as well as other stake holders as mandated by law and provides measures to take appropriate actions and to mitigate the risks for future probability of such recurrence, including salvage and restitution of environment in case of damage and more importantly fixing liabilities of the various stakeholders.

4. Objective of the SOP:

This SOP is a guidance document for IWAI Regional Office and Sub-Offices including other stake holders to facilitate a quick, smooth and comprehensive preliminary enquiry in case of any incident or accident involving Inland Vessels on designated National Waterways & IBP Routes (Indian portion) so as to analyse the reasons for the incident or accident and take corrective measures accordingly.

This SOP will also ensure that there is a ready procedure to carry out such quick and comprehensive preliminary enquiry with the least amount of delay so as to become aware and learn the reasons and causes of the accidents/incidents on the

National Waterways including on IBP routes (Indian portion) and actions to be taken to avoid similar incidents/accidents in the future in an integrated manner. The roles and responsibilities of the IWAI team ~~investigation~~ enquiry into an incident/accident is limited to identifying the root cause of the incident/accident primarily of IWAI vessels and of other vessels operating in National Waterways and IBP Routes (Indian Side), as the case may be, without infringing into the jurisdiction of respective State Government as per IV Act 2021. It is to be noted that the whole field of Inland Vessels investigations of accidents/incidents like wreck, abandonment, damage, casualty or loss as per IV Act 2021 falls under the domain of State Government and the competent authority for same is to be appointed by the State Government. The same has been delineated in the SOP. However, it is clarified that the IWAI team enquiring into the incident or accident intends carrying out an analysis of the incident/accident so as to be able to take actions and measures to avoid similar incidents in the future. The IWAI shall not infringe upon the jurisdiction of the State Governments or any other authority under whose jurisdiction such accident/incident occurs and will carry out the preliminary enquiry after giving necessary intimation to the respective State Government or any other such authority mentioned in the Inland Vessels Act, 2021 and shall also try and obtain their concurrence.

**5. *Role and Responsibility of Centre/State/Competent Authorities and Agencies :
Relevant provisions of the Inland Vessels Act, 2021^[1] and the Rules issued
thereunder that are applicable to mechanically propelled inland vessels***

I. Declaration of Inland water area into Zones

Role of State Government

The State Government may declare, by notification, any inland water area to be a “Zone”^[2] depending on the maximum significant wave height criteria specified in the Inland Vessels Act, 2021 (“IV Act”).^[3]

II. Administrative Role of Inland Waterways Authority of India (IWAI)

The mandate of the Inland Waterways Authority of India (“IWAI”) is under the Inland Waterways Authority of India Act, 1985, through which it was constituted. The Inland Vessels Act, 1917 governs the inland mechanically propelled vessels plying in inland waters and was in the domain of State Governments. The Inland Vessels Act, 2021 (24 of 2021) replacing the earlier IV Act, 1917 now makes IWAI as the ‘Competent Authority’ for the purpose of exercising or discharging the powers, authorities or duties conferred, by or under the said Act.^[4] The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by it under, or in relation to any such provision of the IV Act, 2021, or the Rules made thereunder, or as may be specified in the order allocating

the duties, shall, subject to such conditions and restrictions as may be so specified, also be exercisable by the competent authority or by such other officer as may be specified in that order.^[5] The new Act, however, is yet to direct such power, authority or jurisdiction to the IWAI.

III. Survey of Inland Vessels

Role of Central Government

For the purpose of survey, the classification of mechanically propelled vessels; the criteria for such classification; and the standards of design, construction, fitness and crew accommodation of such vessels are prescribed by the Central Government.^[6] It prescribes the standard for type and periodicity of surveys for every mechanically propelled inland vessel.^[7] It also prescribes the form and content in which the owner, operator, master or construction yard or any other applicant submits a request for survey as well as the validity and the form in which the declaration of survey is to be issued.^[8] The Central Government further prescribes the form and validity of a Certificate of Survey or a Provisional Certificate of Survey extending the validity of the prevailing Certificate of Survey.^[9] Additionally, the Certificate of Survey shall set forth such particulars and/or terms and conditions as the Central Government may specify.^[10] The criteria and qualifications for appointment of surveyors is prescribed by the Central Government.^[11] The Central Government vide Notification dated 07.06.2022 has prescribed the criteria for such classification; and the standards of design, construction, fitness and crew accommodation of such vessels, among others under the Inland Vessels (Survey and Certification) Rules, 2022 and the Inland Vessels (Design and Construction) Rules, 2022.^[12] The Rules specify that the designated authorities or authorised persons will be responsible for ensuring compliance with the Inland Vessels constructed and employed in the inland waters prior to the enactment of the IV Act 2021 and compliance with the IV Act 2021 and the abovementioned Rules. The Central Government has also classified the Inland Vessels under the Inland Vessels (Crew and Passenger Accommodation) Rules, 2022.^[13]

Role of State Government

The State Government classifies and categorizes mechanically propelled inland vessels on the basis of the criteria and standards laid down by the Central Government.^[14] It is the State Government which appoints officers or persons as surveyors of inland vessels who shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.^[15] The Certificate of Survey is

issued by the State Government once it is satisfied that the provisions of the Act have been complied with in respect of a declaration issued by the surveyor to the applicant.^[16] In case a mechanically propelled vessel has been issued a provisional Certificate of Survey, the State Government shall prescribe the manner and conditions of its usage.^[17] No mechanically propelled inland vessel is allowed to be used or proceed on voyage without a valid Certificate of Survey. However, the State Government may, upon request of the owner/master of the vessel, do away with the requirement of proceeding with a certificate during the interval between the date of expiry of a Certificate of Survey and the earliest date of its renewal.^[18]

The State Government also has the power to suspend or cancel a Certificate of Survey where the declaration of the surveyor has been fraudulent or erroneous, the Certificate has been obtained by submitting false or erroneous information or since making the declaration the vessel has sustained material damage or has otherwise become insufficient.^[19] The State Government has to first issue the notice of suspension, provide an opportunity to the owner, operator or master or construction yard to rectify the errors within three months from the date of the issue of notice.^[20] In case of non-compliance the notice of cancellation of Certificate will come into force with immediate effect. The details of such cancellation shall thereafter be recorded by the State Government in the book of registry maintained by the Registrar of Inland Vessels.^[21]

Role of the Inland Waterways Authority of India

The Certificate of Survey shall have effect throughout India, unless otherwise specified therein and subject to such other conditions as may be specified by the competent authority i.e. IWAI.^[22]

IV. Registration of Inland Vessels

Role of Central Government

The Central Government appoints officers to maintain a central database for inland vessels^[23]. The form and content of a Certificate of Registration shall be prescribed by the Central Government^[24]. Pursuant to situations wherein the grant of a Certificate of Registration is pending, the Central Government shall prescribe the form, rate and manner of the application, fee and issuance of a provisional Certificate of Registration^[25].

Role of State Government

The State Government appoints ports or places of registry and also appoints the Registrar of Inland Vessels who shall maintain and keep a book of registry.^[26]

Every application for registration is made to the Registrar of Inland Vessels, within the jurisdiction of the respective State who shall then grant a Certificate of Registration and assign the official number to such registered vessel.^[27] The Certificate of Registration serves as a conclusive proof of ownership and title of the inland vessel.^[28] If upon inspection, the Registrar of Inland Vessels has reasons to believe that after granting the Certificate of Registration, the mechanically propelled inland vessel has become unfit to ply in inland waters, it can suspend the said Certificate of Registration.^[29] If any mechanically propelled inland vessel registered under the IV Act, 2021 is declared missing, destroyed, lost, abandoned or has been rendered permanently unfit for service or destined for scrapping or dismantling or sold abroad, upon being reported by the owner of the vessel to the Registrar Of Inland Vessels, the Registrar of Inland Vessels will have the Certificate of Registration cancelled.^[30] Besides this, if upon inspection, the Registrar of Inland Vessels finds that that the mechanically propelled inland vessel is not fit to ply in any inland water, it can cancel the registration of the vessel.^[31]

Role of the Designated Authority of the State Government^[32]

The authority appointed or authorised for the purpose of Chapter V of the IV Act, 2021, pertaining to 'Registration' may, in the absence of a valid Certificate of Registration, permit, (a) any mechanically propelled vessel to make her first voyage through the inland waters to any port or place of registry for the purpose of registration if the vessel has been built in a place other than a port or place of registry; or (b) a vessel registered under any law in force in India for which provisions have been made under the IV Act, 2021 to conduct voyage within the inland waters; or (c) any mechanically propelled vessel registered under such laws of countries other than India, to ply within the inland waters subject to compliance of terms and conditions as may be prescribed by the Central Government.^[33]

Role of Owner or Master of Vessel^[34]

The owner or master of an inland vessel has been mandated to carry a valid Certificate of Registration which he/she is supposed to make available for inspection, when demanded by the officers appointed by the State Government. The owner or master can make an application for registration of a mechanically propelled inland vessel, which has a valid Certificate of Survey.

V. Navigation, Safety and Signals

Role of Central Government

The Central Government has been mandated to prescribe the, (i) specifications and requirements of signals and equipment based on classification and categorisation of mechanically propelled vessels^[35]; and (ii) fog and distress

signals to be carried and used, the steering and sailing Rules to be complied with and the different protocols for exhibition and display of different standards of lights, shapes and signals by any mechanically propelled vessel plying in inland waters^[36]. The Central Government shall issue Rules for specifying the class or category of mechanically propelled inland vessels to be equipped with navigation aids, lifesaving appliances, fire detection and extinguishing appliances and communication appliances.^[37] The Inland Vessels (Fire Fighting Appliances) Rules, 2022^[38] have been issued by the Central Government which prescribes the standards and guidance for fire-fighting equipment, number of fire pumps required to be kept on the Inland Vessel, capacity of the fire pump, fixed fire detection and fire extinguishing system, among other requirements. The Inland Vessels (Safe Navigation, Communication and Signal) Rules, 2022^[39] prescribe the minimum requirements for Inland Vessels pertaining to Steering and sailing, conduct of vessels in sight of each other, responsibility between vessels and conduct in case of restricted visibility. The compliance of the said Rules is again with the authority designated or person authorised under the IV Act, 2021.

Role of State Government

The State Government may appoint or authorise officers as surveyors to inspect and ensure that the mechanically propelled inland vessels comply with the requirements pertaining to life saving, fire safety and communication appliances.^[40] If the surveyor, on inspection finds that the mechanically propelled inland vessel does not have lifesaving and fire appliances, he/she shall issue a notice to the master or owner or operator in writing pointing out the deficiency. Unless the master or owner or operator complies with the notice and reports such compliance to the surveyor, the vessel shall not be allowed to proceed to conduct any voyage.^[41] In so far as Special Category vessels asunder Chapter VII of the IV Act, 2021 are concerned, it is upon the State Government to prescribe their safety features, gears and such other measures as well as their maximum carrying capacity by specifying the safety loadline or limits of loadline.^[42] The State Government may prescribe additional conditions for Inland Vessels apart from the safety requirements prescribed in the Inland Vessels (Fire Fighting Appliances) Rules, 2022^[43] and Inland Vessels (Safe Navigation, Communication and Signal) Rules, 2022.^[44]

Role of Owner/Master/Person in-charge of Vessel

The owner or master of every mechanically propelled vessel, while in the inland water limit, is supposed to comply with the abovesaid Rules prescribed by the

Central Government and is not allowed to carry or exhibit any lights or shapes or use any fog or distress signals, in contravention of the IV Act 2021.^[45] Necessary measures are to be adopted by every mechanically propelled vessel to prevent collision and to ensure safe navigation.^[46] It must be noted that any damage to any person or property that arises in the inland water limit due to non-observance of the Rules under the Act by any mechanically propelled vessel, shall be deemed to have occurred as a result of the wilful default of the person-in-charge of the vessel at that time, unless the Court is satisfied that the circumstances required deviance from the said Rules.^[47] It is the responsibility of the master of a mechanically propelled vessel, while in the inland water limit, upon finding or encountering a dangerous derelict or any other hazard to navigation, to immediately send a signal for indicating the danger or distress to other mechanically propelled vessels nearby as well as the State Government.^[48] The master of any mechanically propelled vessel, who has received any signal of distress from any vessel or aircraft within the inland water limit must proceed immediately to the assistance of the persons in distress by acknowledging the receipt of such signal to the vessel in distress.^[49] He must also render assistance to every person found in danger of being lost in the inland waters.^[50] However, the said obligations are subject to exceptions.^[51] The owner, operator or master of all mechanically propelled inland vessels is required to comply with the requirements of navigation aids, lifesaving appliances, fire detection and extinguishing appliances and communication appliances.^[52]

VI. Prevention of Pollution caused by Inland Vessel

Role of Central Government

The Central Government designates the list of chemicals, any ingredients or substance carried as bunker or as cargo, or any substance in any form discharged from any mechanically propelled inland vessel, as pollutants.^[53] The Central Government makes Rules for specifying the standards of construction and equipment of the mechanically propelled inland vessels.^[54] The Central Government also makes Rules for specifying the conditions for construction, use and maintenance of reception facilities for the containment of pollution and removal of pollutants arising from spillage or discharge arising from mechanically propelled inland vessels at all cargo terminals or passenger terminals.^[55] For minimising the pollution already caused, or for preventing the imminent threat of pollution, the Central Government can direct the owner or operator of cargo or passenger terminal to provide or arrange for the provision of such pollution containment

equipment and pollutant removing materials, at the specified cargo and passenger terminal.^[56]

Role of State Government

The State Government appoints or authorises such officers to ensure construction, installation and maintenance of equipment of all mechanically propelled inland vessels and issue Certificate of Prevention of Pollution.^[57] The Certificate issued must adhere to the form, validity, and content as prescribed by the Central Government.^[58] The State Government prescribes rates at which the owner or operator of all cargo terminals or passenger terminals, providing reception facilities shall receive charges.^[59] The State Government can appoint an officer who can also direct the owner or operator of cargo or passenger terminal to provide or arrange for the provision of such pollution containment equipment and pollutant removing materials, at the specified cargo and passenger terminal.^[60] The State Government appoints or authorises officers as surveyors to inspect any cargo or passenger terminal lying within its respective jurisdiction.^[61] The authorised surveyor, may at any reasonable time, enter and inspect any cargo or passenger terminal to, (a) ensure that provisions on prevention of pollution caused by inland vessel are complied with; (b) verify whether such cargo or passenger terminal is equipped for pollution containment and removal, in conformity with the State Government's order or the concerned Rules; and (c) satisfy herself/himself of the adequacy of the measures taken to prevent pollution.^[62] If the surveyor, on inspection, finds that the cargo or passenger terminal is not provided with the required pollution containment equipment and pollutant removing materials, he/she shall give a notice in writing pointing out the deficiencies and the recommended remedial measures to rectify such deficiency, that is identified during the inspection, to the owner or operator of such cargo or passenger terminal.^[63] The State Government shall direct any designated or such authorised officer to conduct investigation into accidents of pollution.^[64] The State Government is also required to update the Central government with such information or report of the court, if directed by the concerned court, on incidents of pollution that occurs within its jurisdiction.^[65]

Role of Owner or Master of Mechanically Propelled Inland Vessel/Cargo Terminals/Passenger Terminals

The owner or master of any mechanically propelled inland vessel is required to discharge or dispose of the sewage and garbage in accordance with such

standards and manner as may be prescribed by the Central Government.^[66] Mechanically propelled inland vessel are prohibited from causing pollution by discharging or dumping of the designated pollutants.^[67] However, this does not apply to the discharge dump or emission of such oil or oily mixture, hazardous chemical or obnoxious substance or any other pollutant, as the case may be, from a mechanically propelled inland vessel for the purpose of securing the safety of any mechanically propelled inland vessel, preventing damage to another mechanically propelled inland vessel, cargo or saving of life at inland waters.^[68] Every mechanically propelled inland vessel is required to carry on board a valid Certificate of Prevention of Pollution and is required to furnish the same on demand by the concerned officers.^[69] The owner or operator of all cargo terminals is required to provide reception facilities to discharge oil, oily mixture, hazardous chemicals, sewage or obnoxious substances at the cargo or passenger terminal.^[70] The owner or operator of the passenger or cargo terminal is required to submit a compliance report to the Central Government or the officer appointed by the State Government in the form prescribed by the State Government.^[71] The owner, operator or master of any mechanically propelled vessel used or plying within inland waters, is supposed to discharge the pollutants at the port reception facilities in the manner laid down by the State Government.^[72] The owner or operator of the cargo or passenger terminal who has been served with a notice by the surveyor, as mentioned above, shall not proceed with any work at such cargo or passenger terminal, until he obtains a Certificate signed by the surveyor to the effect that the cargo or passenger terminal, is properly provided with the required pollution containment equipment and pollutant removing materials in conformity with the Rules made.^[73]

The Inland Vessels (Prevention and Containment of Pollution), Rules 2022^[74] state that in case of an accidental spillage of pollutants, the owner, operator or master of such vessel is required to inform the designated authority of the State Government and the State or Central Pollution Control Board.^[75] To contain, mitigate the effects of pollution caused or likely to be caused, the owner, operator or master shall, with joint effort of the designated authority or the State or Central Pollution Control Board, carry out necessary measures to prevent such spill or discharge to ensure containment of the pollution. ^[76]

VII. Wreck and Salvage

Role of Central Government

The Central Government prescribes the, (a) powers and functions of the receiver of

wreck; (b) responsibilities and obligations of the owner, operator, master or person in-charge of vessel, property or cargo with respect to the wreck; (c) measures adopted for the removal of obstruction to navigation; (d) disposal of wreck, including its sale and proceeds of unsold property; (e) measures to be adopted for protection of wreck, fouling of government moorings; (f) rights and duties of salvors and performance of salvage operations or resolution of disputes pertaining to amount payable to salvors; and (g) such other matter, which the Central Government may deem necessary for the efficient administration and removal of wrecks.^[77]

Role of State Government

The receiver of wreck shall be appointed by the State Government within the respective jurisdiction.^[78]

Role of Owner, Operator, Master or Person in-charge of a vessel

The owner, operator, master or person in-charge of a vessel plying in inland waters shall not intentionally abandon, desert, dump, throw overboard or jettison the vessel or property or parts of cargo, so as to cause wreck.^[79] The owner, operator, master or person in-charge of the vessel, property or cargo, which is wrecked, stranded or in distress in the inland waters, is required to immediately inform, by all means of communication to the receiver of wreck in whose jurisdiction the vessel, property or cargo is found to be wrecked, stranded or in distress.^[80] The owner of the wreck, whose property or cargo, is wrecked or stranded or is in distress in the inland waters is required to inform the receiver of the wreck in writing of the finding thereof and of the marks by which such wreck can be distinguished, and in cases, where the wreck is in possession of any person^[81] other than the owner, operator, master or person in-charge of the vessel, property or cargo, such person shall deliver such wreck to the receiver of wreck.^[82]

VIII. Fixing Liability: Principles to be Followed

Liability of Central Government

The limits of liability and the criteria in determining compensation for any claim is prescribed by the Central Government.^[83]

Liability of State Government

The State Government appoints or authorises any officer for the purpose of detaining any mechanically propelled inland vessel in connection with a claim, or an offence, and the procedure thereof will be prescribed by the concerned State Government.^[84]

Liability of Owner, Operator, Master, Crew Member, or Insurer of an Inland Vessel (

Including Losses)

The owner, operator, master, a member of crew or an insurer shall be liable for the offences and contraventions of the provisions of the IV Act, 2021 or its Rules.^[85] Where any person is beneficially interested otherwise than by way of mortgage or in the share in any mechanically propelled inland vessel registered in the name of some other person as owner, the person so interested, and the registered owner, shall be liable to all the pecuniary penalties imposed by the IV Act, 2021 or any other Act on the owners of mechanically propelled inland vessels or shares therein.^[86]

The Inland Vessels Act, 2021 lays down the manner in which the loss^[87] has to be apportioned. This shall be governed by Chapter XI of the IV Act. These include manner of collision, proportionate fault, contribution of fault, exemptions among others. Where, loss of life personal injuries is suffered, damage to property or pollution is caused by any person on any mechanically propelled inland vessel or any other vessel, owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of such vessels concerned shall be joint and several.^[88]

The person who has suffered damage or injured or his representative can apply to any court having appropriate jurisdiction on the claim, for the detention or attachment of the vessel.^[89] Then there are exceptions for liability defined under the Act.^[90]

Under the IV Act, 2021, there is also limitation of liability^[91] However, no person shall be entitled to limit his liability for, claims for salvage or claims stipulated as exempted from the application of limitation of liability under any other law in force in India.^[92] The liability of the owner or operator of a mechanically propelled inland vessel shall include the liability on action brought against such vessels.^[93]

Note: *It is important to add that if any Routes fall under the administrative control of other statutory authorities such as the Port Trusts, among others, then the onus lies upon them to take any mitigation or remedial measures in case accidents occur. Nevertheless, this does not absolve the respective liabilities falling upon the other stakeholders involved viz., vessel owner, operator, master, crew member, or insurer.*

IX. Insurance of Mechanically Propelled Vessels Plying in Inland Waters

No mechanically propelled vessel shall be used for voyage in inland water, unless

there is in force, (a) a policy of insurance which shall cover liability that may be incurred by the insured, in respect of the death of or bodily injury to any person or damage to any property caused by or arising out of the use of the mechanically propelled vessel, and in respect of liability of operational pollution and accidental pollution of inland waters; (b) a policy of insurance in compliance of the Public Liability Insurance Act, 1991 if the mechanically propelled inland vessel is carrying or meant to carry dangerous or hazardous goods; and (c) a policy of insurance covering the mechanically propelled vessel to, a value not less than the liability incurred or entitle it to be covered under limitation of liability, a value not less than the specified and applicable limitation amount.^[94]

On 14th June, 2022 the Ministry of Ports, Shipping and Waterways has also issued the Inland Vessels (Insurance, Limitation of Liability and Obligations of Service Providers and Service Users) Rules, 2022^[95] which prescribe in detail the liability of the Insurer, duties of the insured, Rights of claimants on the liability of the insured, reporting of information which are required to be adhered to.

X. Inquiry into Casualty, Accident or Wreck

Role of Owner, Operator or Master of an Inland Vessel

The owner, operator or master of a mechanically propelled inland vessel is required to give information of any wreck, abandonment, damage, casualty, accident, explosion or loss occurred to or on board such a vessel while in the inland waters, to the officer in-charge of the nearest police station and to the designated authority appointed by the State Government, in such form and manner prescribed by the State Government.^[96]

Role of the Designated Authority

The designated authority appointed by the State Government for carrying out an inquiry into a casualty, accident or wreck has been mandated to report the contents of the information of any wreck, abandonment, damage, casualty, accident, explosion or loss occurred to or on board such a vessel while in the inland waters to the District Magistrate.^[97] The designated authority may in pursuance of the said information conduct a preliminary enquiry and submit a report to the District Magistrate.^[98]

Role of the Officer in-charge of the Police Station

On receipt of the information, the officer in-charge of the police station shall investigate into the matter and submit a report to the jurisdictional Judicial Magistrate in accordance with the provisions of Chapter XII of the Code of Criminal Procedure, 1973.^[99]

Role of the Judicial Magistrate

The Judicial Magistrate may, on receiving the report, take action as he/she may deem fit in accordance with Chapter XVI of the IV Act, 2021 dealing with 'Offences and Penalties'.^[100]

Role of the District Magistrate

The District Magistrate shall transmit the report received from the designated authority to the concerned State Government.^[101] The District Magistrate may, for the purposes of assisting in the inquiry into any casualty, accident or wreck of a mechanically propelled inland vessel, appoint any number of assessors from the list of assessors provided by the State Government.^[102] Besides the said inquiry, in every inquiry, the District Magistrate may appoint an assessor.^[103] The District Magistrate, in the case of every inquiry into any casualty, accident or wreck of a mechanically propelled inland vessel, is required to make a full report of the conclusions at which he has arrived, together with the evidence recorded and the written opinion of any assessor.^[104] The District Magistrate may, after inquiry, recommend in his report for cancellation or suspension or confiscation of a Certificate of Competency or a Certificate of Service granted to a master, crew or engineer by the State Government^[105] if the District Magistrate finds that, (a) the accident or casualty, including loss, stranding or abandonment of, or damage to, any mechanically propelled inland vessel, or loss of life, has been caused by the wrongful act or default of such master or engineer; (b) such master or engineer is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, or in a case of collision has failed to render such assistance or give such information or notice.^[106] At the conclusion of the inquiry, or as soon thereafter as possible, the District Magistrate shall state in open sitting, the decision arrived at by him with respect to the cancellation or suspension or confiscation of any Certificate of Competency or a Certificate of Service and, if suspension is ordered, the period for which the Certificate is suspended.^[107] The District Magistrate may also make such order and require such security in respect of the costs of the matter as he may deem fit and necessary in the circumstances of the case.^[108]

Role of State Government

For carrying out an inquiry into a casualty, accident or wreck, the State Government shall appoint the designated authority.^[109] The State Government shall lay down the form and manner in which information shall be given about any wreck, abandonment, damage, casualty, accident, explosion or loss occurring to or on board a mechanically propelled inland vessel while in the inland waters.^[110]

Upon receiving the report from the District Magistrate, the State Government, if it deems necessary, direct the District Magistrate to submit an additional report to it and send a copy to the Judicial Magistrate of the first class through the jurisdictional police.^[111] The powers of the District Magistrate and the procedures to be followed by her/him in holding the inquiry for submission of additional report shall be prescribed by the State Government.^[112] The State Government appoints and maintains a list of assessors.^[113] The State Government, specifies the qualifications, criteria and consideration, fees or charges for the assessors, who are conversant with the maritime affairs and have experience in the merchant service or in the navigation of the mechanically propelled inland vessels and willing to act as an assessor.^[114] The State Government, upon receipt of the full report of conclusion arrived at by the District Magistrate, cause it to be published by notification in its Official Gazette.^[115] The State Government, in whose jurisdiction the Certificate of Competency or a Certificate of Service was granted, may cancel or suspend any such certificate. The State Government may, at any time, revoke any order of suspension or cancellation or confiscation which it may have made, or grant a Certificate anew, for reasons to be recorded in writing, to any person whose Certificate it has so cancelled and such Certificate granted anew, shall have the same effect as a Certificate of Competency granted under the Inland Vessels Act, 2021 after examination.^[116]

Role of Assessor

Every person appointed as an assessor shall assist the District Magistrate in the inquiry and deliver his opinion as may be sought for, which shall be recorded in the proceedings.^[117]

XI. Pilotage, Vessel Detention and Development Fund

Role of Central Government

The Central Government notifies the specific requirement of pilotage in whole or part of inland waterways declared as national waterways.^[118]

Role of State Government

The State Government notifies the requirement of pilotage in whole or party or any stretch of designated inland waterways or such passages that lie within the respective territory of such State Governments, and in respect of which the Central Government has not specified.^[119] The State Government can detain, forfeit or remove from the inland waters, any mechanically propelled inland vessel, which is required to be registered under the IV Act, 2021 if it does not comply with the provisions of the said Act pertaining to registration, survey, carrying capacity of passengers, manning, navigation, safety, wreck, salvage, insurance, and

dangerous or prohibited goods.^[120]

The State Government shall constitute a Development Fund to be utilised for, emergency preparedness; containment of pollution caused by discharge of oil, mixtures, obnoxious substances, chemicals and other noxious and harmful substances, to preserve and protect inland waters; removal of unidentified wreck or obstruction affecting and impeding navigation, among other purposes.^[121]

Role of Master of Vessel

Every master of any mechanically propelled inland vessel, who possesses a Master's Certificate granted under the Inland Vessels Act, 2021 shall, in ports to which Section 31 of the Indian Ports Act, 1908 has been extended, be deemed, to be the pilot of the mechanically propelled inland vessel of which he is in-charge.^[122]

RELEVANT PROVISIONS OF THE INLAND VESSELS ACT, 2021 APPLICABLE TO NON-MECHANICALLY PROPELLED INLAND VESSELS

Role of the State Government

The officer of the authorised department appointed or authorised to maintain the registry, will issue a Certificate of Enrolment to the non-mechanically propelled inland vessels that have enrolled in the registry of enrolment.^[123] The Certificate of Enrolment shall be issued, in the form and manner prescribed by the respective State Government.^[124] The State Government prescribes the basic minimum standards to be observed during the construction of any mechanically propelled inland vessel.^[125] The State Government shall specify the standards of construction, which any class or category of non-mechanically propelled inland vessel shall comply with.^[126] However, the standards prescribed by the State Government should be in harmony with the traditional knowledge and practices passed on as customary or ancestral means that are applied by skilled and talented persons involved in the designing and construction of non-mechanically propelled inland vessel.^[127] The State Government specifies the minimum safety gears and equipment by notification in the Official Gazette with which the non-mechanically propelled inland vessel shall be equipped with for the purpose of ensuring safety of such vessels.^[128] The non-mechanically propelled inland vessels enrolled under the IV Act, 2021 are required to comply with the stipulated safety standards.^[129] For the purposes of ensuring safe navigation of non-mechanically propelled inland vessels, the State Government may, by notification, specify the routes, areas or stretch of inland waters that are prohibited from being used or subject to such terms and conditions, for the navigation of non-

mechanically propelled inland vessel.^[130]

In addition to the abovementioned role, the State Government has been accorded with the power to make Rules to regulate non-mechanically propelled inland vessels. The State Government may make Rules for, (a) prevention and minimising pollution caused by the non-mechanically propelled inland vessels; (b) removal of obstructions to safe navigation; (c) measures to be adopted to avert accidents and casualty; and (d) any other measures.^[131]

The State Government will also constitute a welfare fund at the district level for allocation of such fund to assist the non-mechanically propelled inland vessels which have been enrolled. Any officer appointed or authorised to be in-charge of the said fund shall, with the State Government's approval or such other authority appointed for the said purpose utilise the fund to, (a) create awareness and conduct knowledge dissemination sessions for educating the owner, operator, and service user on improvements required for safe navigation; (b) provide equipment and devices of safety and navigation at a subsidised rate; (c) provide support or relief during casualties, accidents, or such emergencies; and (d) for other purposes.^[132]

RULES ISSUED UNDER THE INLAND VESSELS ACT, 2021

The compliance with the provisions of the IV Act, 2021 is proposed to be streamlined by the Ministry of Ports, Shipping and Waterways through various Rules in exercise of Section 106(1) of the Act which deals with the power of the Central Government to make Rules. The following Rules have been issued in June 2022:

- Inland Vessels (Safe Navigation, Communication and Signals) Rules, 2022
- Inland Vessels (Crew and Passenger Accommodation) Rules, 2022
- Inland Vessels (Fire Fighting Appliances) Rules, 2022
- Inland Vessels (Life Saving Appliances) Rules, 2022
- Inland Vessels (Manning) Rules, 2022
- Inland Vessels (Design and Construction) Rules, 2022
- Inland Vessels (Registration and other Technical Issues) Rules, 2022
- Inland Vessels (Insurance, Limitation of Liability and Obligations of Service Providers and Service Users) Rules, 2022
- Inland Vessels (Survey and Certification) Rules, 2022
- Inland Vessels (Prevention and Containment of Pollution) Rules, 2022

The same may be adhered to, as amended from time to time.

INTERNAL PROCEDURE OF IWAI TO BE FOLLOWED AFTER THE INTIMATION OF AN ACCIDENT/INCIDENT

1. All Regional Directors will constitute a Committee in areas under their jurisdiction comprising of three officials from Technical, Hydrographic and Mech Marine wings to carry out the preliminary enquiry to analyse and determine the circumstances and causes leading to the incident/accident. The committee may co-opt any domain expert to assist them to assess the route cause leading to such disaster and how to mitigate them.
2. Further the committee will proceed after giving necessary intimation to the local authorities under whose jurisdiction the incident/accident occurred, for instance the State Government, Port Trust, Coast Guard, among others for carrying out any preliminary enquiry and with their knowledge.
3. In the event of receipt of incident / accident notice, respective Regional Directors shall take prompt action as enumerated below: -
 - a. Intimate all concerned with respect to the incident/accident
 - b. the investigation committee to immediately proceed to the accident site (within 24 hrs of reporting of incident/accident) to initiate and carry out a preliminary enquiry.
 - c. Intimate the respective local authorities of the State Government about their visit to site of incident/accident.
 - d. Issue river notice detailing the incident/accident immediately and inform respective RIS Station about incident/accident.
 - e. Raise incident report
 - f. Raise alert with respect to the availability / non availability of Fairway
4. The prime responsibility of the vessel's owner, operator or master to inform the officer in charge of the nearest police station and the designated authority by the State Government, in case of wreck, abandonment, damage casualty or loss.
5. However, the Regional Director and officer in-charge of the nearest sub office may also inform the appropriate authorities and State Governments under whose jurisdiction the accident or incident has taken place like Police, Coast Guard, Port Trust, State Governments including the designated department etc. The Regional Director shall after receipt of preliminary enquiry report or earlier if feasible make a report and disseminate information about the incident for the convenience of Shipping and Navigation and also give any directives, if necessary, for stoppage or resumption or restrictions of safe navigation in the area of accident/incident.
6. On receipt of the final report the Regional Director will also mention all the precautions to be taken and safety measures to be observed for continued safe navigation in that area so as to avoid any re-occurrence of similar incidents in the future.
7. The Committee will carry out a preliminary enquiry into the accident/incident and will amongst others check below mentioned points.
 - a. Type of incident/accident;
 - b. Date/time of occurrence and location of incident/accident;
 - c. Information, summary and description and events leading up to the incident/accident;
 - d. Collection of evidence, examination and gathering and preservation of data (physical/electronic/paper/people) of incident/accident ;
 - e. Loss of life or injuries or damage to property or consequential losses or pollution caused by incident/accident ;
 - f. Status and condition of the vessels involved in the incident including vessel's structure, equipment and machinery;
 - g. Weather and river conditions including tidal levels existing during the incident / accident;
 - h. Parties involved in accident/incident;
 - i. Reasons/probable causes for incident/accident with respect to the compliance of policies, procedures, standards. Logbook records are to be verified;
 - j. Identify witnesses, documents and sequence, timing of events, inconsistencies etc

- leading up to the incident. Record statements from witnesses and other persons regarding accident/ incident;
- k. Reasons/probable causes for incident/accident with respect to compliance of policies, procedures, standards, logbook records are to be verified;
 - l. Identify witnesses, documents and sequence, timing of events, inconsistencies etc leading up to the incident. Record statements from witnesses and other persons regarding accident/ incident ;
 - m. Safety awareness, competency, training, knowledge, skill, experience, qualifications etc of persons involved to be checked. Verification of Certificate of Competency of crew;
 - n. Human error, organizational/operational issues, management system /process control issues etc to be investigated;
 - o. Presence of any cross structures or other obstructions near incident site to be observed. Condition of the navigational channel and presence of fairway marks are to be verified;
 - p. Availability of Electronic Navigational Charts or equivalent and their use is to be checked
 - q. RIS or equivalent communication equipment available on-board the vessel to be checked;
 - r. Presence of pilot if on board and his report of incident/accident;
 - s. Any reports or interaction with the press regarding the accident/incident shall be governed by the circular No 01/IWAI/Estt./03/2017/Misc/circular dated 23.10.2017;
 - t. Hull integrity damage of the vessel if any requiring tug or survey vessels assistance at the site;
 - u. In case of any incident/accident in channel it will be ascertained if all the Rules and regulations as per the Handbook of Rules of Road have been adhered to by the vessels
8. The Regional Director shall ensure that the detailed report of the committee findings is submitted to the Head Office, Noida within two weeks of the occurrence of the incident/accident. The report shall include amongst others the following:
- a. Type of incident/accident with a details;
 - b. Findings of the preliminary enquiry of the causes of accident/incident;
 - c. Video and/or photographs of the accident/incident site and sketch diagrams of the damaged vessel;
 - d. Root cause analysis of the incident/accident;
 - e. Safety actions and recommendations of the Committee and Corrective action and preventive action to be taken to minimize and avoid incidents / accidents in the future;
 - f. Deficiencies and issues that were observed during preliminary enquiry;
 - g. Final observations and conclusion to improve the quality, reliability and safety of navigation by vessels on the National Waterways ;
 - h. Contact particulars of concerned Police station in that area;
 - i. All Regional Directors shall make a note of the Hot Spots, if any, in their regions where the probability of occurrence of certain risks and accidents exists and take measures to reduce the probability of the risk of accidents/mishaps taking place
9. Assessments by ROs for critical hotspots shall be done internally and necessary information be disseminated through River Information system (V/U HF) links and river notices.
10. As per Article 9 of Protocol on Inland Water Transit and Trade between Govt. of India and Govt. of Bangladesh, both the Countries shall provide all the necessary assistance to the vessel of the other Countries, which may be grounded or in distress during their voyage in its waterways. The Regional Office shall ensure all assistance to the Bangladeshi vessels involved in any incident/ accident. A detailed report of the incident/accident and recommendation of the preliminary enquiry shall be forwarded to BIWTA for corrective actions by Bangladesh vessels.
11. A database for all incidents/ accidents along with root cause analysis shall be maintained at National Inland Navigation Institute (NINI) at Incident Study and Analysis Cell (ISAC)

- and be made a part of course curriculum for the best practices.
12. In case of any accident or incident all measures shall be taken and efforts made to avoid, mitigate^[133] or reduce any pollution of the National Waterway by Fuel Oil or Hazardous cargo^[134] onboard the vessel.
 13. In addition, the following shall be determined:
 - a. The details and extent of the pollution caused due to the incident/accident ;
 - b. The actions taken to contain the spread and removal of the pollution from the National Waterway ;
 - c. The extent of damage caused by pollution to the flora, fauna and the ecosystem of the National Waterway and its economic effect.
 14. **Obstruction of Channel** – The committee shall identify measures to be taken to remove obstructions in the navigational channel caused due to the accident/incident and ascertain the status of the channel for safe passage of other vessels as below
 - a. In case channel is obstructed and navigation is stopped, the report of status of work being taken up for opening of channel should be reported on daily basis by Regional Office till channel is opened and navigation resumed;
 - b. The position of the vessel in relation to the channel and the space available for safe passage of other vessels is to be promulgated;
 - c. The width and depth of the channel at site of incident, its vicinity and the current/tidal affect and any other impediment or obstruction;
 - d. The size of inland vessels that will be able to safely pass in the channel adjacent to accident/incident site both during day and night hour;
 - e. The estimated time needed to remove the vessel from the channel or to re-float the vessel;
 - f. All measures will be taken to open the channel for routine navigation at the earliest without causing any pollution or any other incident while clearing the passage;
 - g. Safety markers will be put up at the accident site and information disseminated to all concerned for safe navigation.
 15. **Salvage responsibilities of IWAI** – IWAI has the following salvage responsibilities
 - a. The removal of wreck or any obstruction on waterways is the responsibility of the State Govt. as per Inland Vessels Act, 2021;
 - b. IWAI is responsible for safety and convenience of shipping and navigation on National Waterways;
 - c. As per Clause 9 of the PIWT&T Agreement, Bangladeshi vessels will be required to be provided all necessary assistance in the event of an accident and expenditure for salvage operations, if any, shall be borne by Bangladesh;
 - d. In case any vessels is wrecked and requires salvage operations, the Committee shall check and determine the status of the wreck and the time needed to clear and salvage the wreck from the National Waterway.

Annex I**PIWT&T agreement**

(PIWT&T agreement of 2015 along with Addendum 1&2 is Attached)

Annex II**Extract of IWAI Act, 1985****(IWAI act,1985 is attached)****FUNCTIONS AND POWERS OF THE AUTHORITY****14. Functions of the Authority:****(1) The Authority may—**

(a) carry out surveys and investigations for the development, maintenance and better utilisation of the national waterways and the appurtenant land for shipping and navigation and prepare schemes in this behalf;

(b) provide or permit setting up of infrastructural facilities for national waterways;

(c) carry out conservancy measures and training works and do all other acts necessary for the safety and convenience of shipping and navigation and improvement of the national waterways;

(d) control activities such as throwing rubbish, dumping or removal of material, in or from the bed of the national waterways and appurtenant land, in so far as they may affect safe and efficient, shipping and navigation, maintenance of navigable channels, river training and conservancy measures;

(e) remove or alter any obstruction or impediment in the national waterways and the appurtenant land which may impede the safe navigation or endanger safety of infrastructural facilities or conservancy measures where such obstruction or impediment has been lawfully made or has become lawful by reason of long continuance of such obstruction or impediment or otherwise, after making compensation to person suffering damage by such removal or alteration;

(f) provide for the regulation of navigation and traffic (including the rule of the road) on national waterways;

(g) regulate the construction or alteration of structures on, across or under the national waterways; (h) disseminate navigational meteorological information about national waterways;

(i) ensure co-ordination of inland water transport on national waterways with other modes of transport; and

(j) establish and maintain pilotage on national waterways; 1

[(k) enter into joint ventures concerning inland shipping by way of equity participation.]

(2) The Authority may also—

(a) advise the Central Government on matters relating to inland water transport;

(b) study the transport requirement with a view to co-ordinating inland water transport with other modes of transport;

- (c) carry out hydrographic surveys and publish river charts;
- (d) assist, on such terms and conditions as may be mutually agreed upon, any State Government in formulation and implementation of scheme for inland water transport development;
- (e) develop consultancy services and provide such services, on such terms and conditions as may be mutually agreed upon, in India and abroad in relation to planning and development of waterways for shipping and navigation or any facility thereat;
- (f) conduct research in matters relating to inland water transport including development of craft design, mechanisation of country crafts, technique of towage, landing and terminal facilities, port installations and survey techniques;
- (g) lay down standards for classification of inland waterways;
- (h) arrange programme of technical training for inland water transport personnel within and outside the country; and
- (i) perform such other functions as may be necessary to carry out the provisions of this Act.

35. Power to make regulations.—(1) The Authority may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the Rules generally to carry out the purposes of this Act.

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

- (a) the manner in which and the purposes for which, the Authority may associate with itself any person under sub-section (4) of section 3;
- (b) the terms and conditions of service of the Secretary and other officers and employees of the Authority under sub-section (2) of section 8;
- (c) the contracts or class of contracts which are to be sealed with the common seal of the Authority and the form and manner in which a contract may be made by the Authority;
- (d) the manner in which, and the conditions subject to which, any functions in relation to the matters referred to in sub-sections (1) and (2) of section 14 may be performed;
- (e) the rule of the road on a national waterway;
- (f) the safe, efficient and convenient use, management and control of the infrastructures and infrastructural facilities;
- (g) the reception, portorage, storage and removal of goods brought on a national waterway, and the procedure to be followed for taking charge of goods which may have been damaged before landing, or may be alleged to have been so damaged;
- (h) regulating, declaring and defining the docks, wharfs, jetties, landing stages on which goods shall be landed from vessels and shipped on board vessels;
- (i) regulating the manner in which and the conditions under which the loading and unloading of vessels on a national waterway shall be carried out; and
- (j) the exclusion from a national waterway of disorderly or other undesirable persons and of trespassers; 1
- [(k) the terms and conditions for issue of bonds, debentures or other instruments;
- (l) the time, place and the Rules of procedure with regard to the transaction of business at its meetings including the quorum under sub-section (1) of section

5A.]

(3) Any regulation made under any of the clauses (c) to (j) of sub-section (2) may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention.

Extract of National Waterways Act, 2016

1. (1) This Act may be called the National Waterways Act, 2016.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint
2. (1) The existing national waterways specified at serial numbers 1 to 5 in the Schedule along with their limits given in column (3) thereof, which have been declared as such under the Acts referred to in sub-section (1) of section 5, shall, subject to the modifications made under this Act, continue to be national waterways for the purposes of shipping and navigation under this Act.
- (2) The regulation and development of the waterways referred to in sub-section (1) which have been under the control of the Central Government shall continue, as if the said waterways are declared as national waterways under the provisions of this Act.
- (3) The inland waterways specified at serial numbers 6 to 111 in the Schedule along with their limits given in column (3) thereof are hereby declared to be national waterways for the purposes of shipping and navigation. 3. Save as provided in sub-sections (1) and (2) of section 2, it is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of the waterways specified in the Schedule for the purposes of shipping and navigation to the extent provided in the Inland Waterways Authority of India Act, 1985

Annex III

Inland Vessels Act, 2021 (IV Act 2021 is attached)

The provisions of chapter XIII

CHAPTER XIII - INQUIRY INTO CASUALTY, ACCIDENT OR WRECK

74. (1) The State Government, may by notification, appoint any designated authority for the purposes of this Chapter.

(2) The owner, operator or master of a mechanically propelled inland vessel, shall give information of any wreck, abandonment, damage, casualty, accident, explosion or loss occurred to or on board such a vessel while in the inland waters, to the officer in-charge of the nearest police station and to the designated authority appointed under sub-section (1), in such form and manner as may be prescribed by the State Government.

(3) The designated authority shall at once report the contents of the information referred to in sub-section (2) to the District Magistrate.

(4) The officer in-charge of the police station shall, on receipt of information referred to in sub-section (2), investigate into the matter and submit a report to the

jurisdictional Judicial Magistrate in accordance with the provisions of Chapter XII of the Code of Criminal Procedure, 1973.

(5) The Judicial Magistrate may, on receiving the report referred to in sub-section (4), take action as he may deem fit in accordance with the provisions of Chapter XVI.

75. (1) The designated authority may, in pursuance of the information referred to in sub-section (2) of section 74, conduct a preliminary enquiry and submit a report thereof to the District Magistrate, who shall transmit the same to the concerned State Government.

(2) The State Government may, on receipt of the report referred to in sub-section (1), if deemed necessary, direct the District Magistrate to submit an additional report to it and send a copy thereof to the Judicial Magistrate of the first class referred to in sub-section (4) of section 74 through the jurisdictional police.

(3) The powers of the District Magistrate referred to in sub-section (2) and the procedures to be followed by him in holding the inquiry for submission of additional report shall be such as may be prescribed by the State Government.

76. (1) For the purposes of this Chapter, the State Government may appoint and maintain a list of assessors, which may be revised from time to time.

(2) The State Government shall, by Rules made in this behalf, specify the qualifications, criteria and consideration, fees or charges for the assessors, who are conversant with the maritime affairs and have experience in the merchant service or in the navigation of the mechanically propelled inland vessels and willing to act as an assessor.

(3) The District Magistrate may, for the purposes of assisting in the inquiry under this Chapter, appoint any number of assessors, from the list of assessors provided to him by the State Government.

(4) In every inquiry, other than the one specified in sub-section (3), the District Magistrate may, if he thinks fit, appoint an assessor, for the purposes of such inquiry, any person.

(5) Every person appointed as an assessor under this section shall assist the District Magistrate in the inquiry and deliver his opinion as may be sought for, which shall be recorded in the proceedings.

77. (1) The District Magistrate shall, in the case of every inquiry under this Chapter, make a full report of the conclusions at which he has arrived, together with the evidence recorded and the written opinion of any assessor.

(2) The State Government shall, on receipt of the report referred to in sub-section (1) from the District Magistrate, cause it to be published by notification in its Official Gazette.

78. (1) The District Magistrate may, after inquiry, recommend in his report for cancellation or suspension or confiscation of a certificate of competency or a certificate of service granted to a master, crew or engineer by the State Government under Chapter VI, if such District Magistrate finds that—

(a) the accident or casualty, including loss, stranding or abandonment of, or damage to, any mechanically propelled inland vessel, or loss of life, has been caused by the wrongful act or default of such master or engineer;

(b) such master or engineer is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, or in a case of collision, has failed to render such assistance or give such information or notice as may be required under this Act.

(2) At the conclusion of the inquiry, or as soon thereafter as possible, the District Magistrate shall state in open sitting, the decision arrived at by him with respect to the cancellation or suspension or confiscation of any certificate of competency or a certificate of service and, if suspension is ordered, the period for which the certificate is suspended.

(3) Without prejudice to the provisions of this section, the District Magistrate may also make such order and require such security in respect of the costs of the matter as he may deem fit and necessary in the circumstances of the case.

79. (1) The State Government, in whose jurisdiction the certificate of competency or a certificate of service was granted under Chapter VI, may cancel or suspend any such certificate or, in the event of the vessel being found in the jurisdiction of another State Government, such State Government may confiscate the certificate, if,—

(a) on any inquiry made under this Chapter, the District Magistrate reports for cancellation or suspension or confiscation of that certificate under section 78; or

(b) the holder of such certificate is proved to have been convicted of any non-bailable offence; or

(c) the holder of such certificate is proved to have deserted his vessel or has absented himself without leave and without sufficient reason, from his vessel or from his duty; or

(d) in the case of a person holding any designation as provided by the certificate of competency or certificate of service, is or has become, in the opinion of the State Government, unfit to act in such designation, as the case may be.

(2) Every person whose certificate of competency or a certificate of service is suspended or cancelled under this Chapter shall deliver it to such person as the State Government, which suspended or cancelled it, may direct.

(3) If any State Government cancels, suspends or confiscates the certificate of competency or a certificate of service granted under Chapter VI, the proceedings and the fact of confiscation and recommendation for suspension or cancellation, shall be reported to the State Government which has originally issued, granted or endorsed such certificates.

(4) The State Government may, at any time, revoke any order of suspension or cancellation or confiscation which it may have made under this Chapter, or grant a certificate anew, for reasons to be recorded in writing, to any person whose certificate it has so cancelled and such certificate granted anew, shall have the same effect as a certificate of competency granted under this Act after examination

[1] The Ministry of Ports, Shipping and Waterways vide Notification S.O. 743 (E) has appointed 16.02.2022 as the date on which the provisions of Sections 1 and 106 of the Inland Vessels Act, 2021 shall come into force.

[2] S. 4(1) of IV Act, 2021.

- [3] S. 4(2).
- [4] S. 3(h) read with S. 6
- [5] S. 5(1).
- [6] S. 7(1)
- [7] S. 9(1)
- [8] S. S. 12(3)
- [9] S. 12(1)
- [10] S. 12(3)
- [11] S. 10(2)
- [12] <https://egazette.nic.in/WriteReadData/2022/236372.pdf>
- [13] <https://egazette.nic.in/WriteReadData/2022/236376.pdf>
- [14] S. 7(2)
- [15] S. 10(1)
- [16] S. 12(2)
- [17] S. 13(2).
- [18] S. 14(4).
- [19] S. 15(1)
- [20] S. 15(2)
- [21] S. 16(2) read with S. 20.
- [22] S. 14(2)
- [23] S. 22
- [24] S. 23
- [25] S. 27(2)
- [26] S.20(1)
- [27] S. 21(2)
- [28] S. 25(2)
- [29] S. 19.N(1)
- [30] S. 32(1)
- [31] S. 32(2)
- [32] S. 3(n) describes 'Designated Authority' as authorities appointed by the State Government under S. 5(3).
- [33] S. 18(2).
- [34] S. 19(1)
- [35] S. 47(1).
- [36] S. 47(2).
- [37] S. 51(1).
- [38] <https://egazette.nic.in/WriteReadData/2022/236382.pdf>
- [39] <https://egazette.nic.in/WriteReadData/2022/236384.pdf>
- [40] S. 51(3)
- [41] S. 51(4).
- [42] S. 44.
- [43] <https://egazette.nic.in/WriteReadData/2022/236382.pdf>
- [44] <https://egazette.nic.in/WriteReadData/2022/236384.pdf>
- [45] S. 47(3).

- [46] S. 48(1).
- [47] S. 48(1).
- [48] S. 49.
- [49] S. 50(1).
- [50] S. 50(3).
- [51] S.50(2) and (4).
- [52] S. 51(2).
- [53] S. 52(1).
- [54] S. 53(1).
- [55] S. 54(1).
- [56] S. 54(4).
- [57] S. 53(2).
- [58] S. 53(3).
- [59] S. 54(3).
- [60] S. 54(4).
- [61] S. 55(1).
- [62] S. 55(2)(c).
- [63] S. 55(3).
- [64] S. 56(1).
- [65] S. 56(2).
- [66] S. 52(2).
- [67] S. 52(3).
- [68] S. 52(3).
- [69] S. 53(4).
- [70] S. 54(2).
- [71] S. 54(5).
- [72] S. 54(6).
- [73] S. 55(4).
- [74] <https://egazette.nic.in/WriteReadData/2022/236391.pdf>
- [75] Rule 7 of the Inland Vessels (Prevention and Containment of Pollution), Rules 2022
- [76] Rule 7 (5) of the Inland Vessels (Prevention and Containment of Pollution), Rules 2022
- [77] S. 59.
- [78] S. 58(1).
- [79] S. 57.
- [80] S. 58(2)
- [81] The word “person” shall have the meaning assigned to it in S. 3(42) of the General Clauses Act, 1897.
- [82] S. 58(3).
- [83] S. 64(5).
- [84] S. 63.
- [85] S. 60(1).
- [86] S. 60(2).
- [87] As per S. 61(2), reference to damage or loss caused by the fault of a mechanically propelled inland vessel shall be construed as including reference to any salvage or other expenses, consequent upon that fault, recoverable under the provisions of any law in effect by way of damages.

- [88] S. 62(1).
[89] S. 61(3).
[90] S. 62(2).
[91] S. 64(1).
[92] S. 64(2).
[93] S. 64(4).
[94] S. 66.
[95] <https://egazette.nic.in/WriteReadData/2022/236596.pdf>
[96] S. 74(2).
[97] S. 74(3).
[98] S. 75(1).
[99] S. 74(4).
[100] S. 74(5).
[101] S. 75(1).
[102] S. 76(3).
[103] S. 76(4).
[104] S. 77(1).
[105] Under Chapter VI of the IV Act, 2021 which deals with 'Manning, Qualification, Training, Examination and Certification'.
[106] S. 78(1).
[107] S. 78(2).
[108] S. 78(3).
[109] S. 74(1).
[110] S. 74(2).
[111] S. 75(2).
[112] S. 75(3).
[113] S. 76(1).
[114] S. 76(2).
[115] S. 77(2).
[116] S. 79(4).
[117] S. 76(5).
[118] S. 83(1).
[119] S. 83(2).
[120] S. 85.
[121] S. 86.
[122] S. 84.
[123] S. 93(1).
[124] S. 93(2).
[125] S. 94(1).
[126] S. 94(2).
[127] S. 94(2).
[128] S. 94(3).
[129] S. 94(5).
[130] S. 94(6).

I/15516/2023

[131] S. 95.

[132] S. 96.

[133] There may be a disclaimer that any inaction to avoid or mitigate any pollution of the National Waterway – as classified under the Iwai (Classification of Inland Waterways in India) Regulations, 2006 – amounts to violation of the Water (Prevention and Control of Pollution) Act, 1974 since under the Act “stream” includes *inter alia* river and inland water (whether natural or artificial) and Section 24 of the said Act prohibits the use of stream or well for disposal of polluting matter.

[134] S. 3(p) defines “hazardous chemical” as any chemical, which has been designated as pollutants under the Inland Vessels Act, 2021 or any other law for the time being in force in India



INDIA NON JUDICIAL

बंगाल WEST BENGAL

77AB 544553

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 64 OF 2020 (EZ)

IN THE MATTER OF:

Dakshinbanga Matsyajibi Forum Applicant

-Versus-

Inland Waterways Authority of India & Ors Respondents

17 JAN 2023

BUJATA GHOSH DAS
Notary Govt. of W.B.
Regd. No- 014/22
City Sessions Court, Kolkata

17 JAN 2023

AFFIDAVIT

I, Shri Arvind Kumar, presently posted as Director, Inland Waterways Authority of India, Kolkata having Office Address at Inland Waterways Authority of India, P-78, Garden Reach Road Kolkata-700043, West Bengal do hereby solemnly affirm and declare as under:

1. That I am well conversant with the facts and circumstance of the based on the knowledge derived from the records as maintained by the Respondent No. 1, Inland Waterways Authority of India, and have been authorized to swear the present Affidavit on behalf of Respondent No.1 Inland Waterways Authority of India.
2. That the contents of the accompanying Standard Operating Procedure have been drafted by the counsel under my instructions and the contents along with attached annexures are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

VERIFICATION:

Verified at New Delhi on this 16th day of January 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

DEPONENT

Arvind Kumar
अरविन्द कुमार
ARVIND KUMAR

निदेशक / Director
भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
Inland Waterways Authority of India
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार
Ministry of Ports, Shipping & Waterways, Govt. of India
पी-78, गार्डनरीच रोड, कोलकाता-700043
P-78, Garden Reach Road, Kolkata - 700043



SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

S. Ghosh
NOTARY

DEPONENT

Arvind Kumar
अरविन्द कुमार
ARVIND KUMAR

निदेशक / Director
भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
Inland Waterways Authority of India
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार
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P-78, Garden Reach Road, Kolkata - 700043

SUJATA GHOSH DAS
Notary Govt. of W.B.,
Regd. No- 814/22
City Sessions Court, Kolkata

27 JAN 2023



Service in Dakshinbanga Matsyajibi Forum vs Inland Waterways Authority of India & Ors. (O.A. No. 64 of 2020 (EZ))

1 message

ELDF <eldflegal@gmail.com>

Tue, Jan 17, 2023 at 11:39 AM

To: rajib.ray23@gmail.com, amritapanja.23@gmail.com, surendra_kr15@rediffmail.com, litigation.life@gmail.com, prithwish1986@gmail.com, mookherjeesoumitra@gmail.com, bikaskargupta@yahoo.in, debasish_ghosh <debasishghosh06@gmail.com>

Cc: "Cc: Sanjay Upadhyay" <sanjay@eldfindia.com>, Sanjay Upadhyay <sanjayeldf@gmail.com>, Mansi Bachani <mansi@eldfindia.com>, Admin <admin@eldfindia.com>

Respected Sir/Ma'am

We are hereby serving upon you a copy of the Affidavit of IWAI submitting draft of the Standard Operating Procedure (SOP)/Guidance Document for Enquiry Into Accidents/Incidents Involving Inland Vessels on National Waterways & Indo-Bangladesh Protocol Routes (Indian Side) filed on behalf of IWAI before the NGT in Dakshinbanga Matsyajibi Forum vs Inland Waterways Authority of India & Ors (OA 64/2020/EZ). filed by Mr. Sanjay Upadhyay, Advocate for the Respondent No. 1.

Regards

--

Sameer Manher*Clerk**Enviro Legal Defence Firm**29, Presidential Estate LGF,**Nizamuddin East New Delhi – 110013**Ph. No. 011-40573181*

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**MINUTES OF THE 22nd MEETING OF THE STANDING COMMITTEE
UNDER THE PROTOCOL ON INLAND WATER TRANSIT AND TRADE
(PIWT&T) BETWEEN BANGLADESH AND INDIA**

The 22nd meeting of the Standing Committee under the Protocol on Inland Water Transit and Trade (PIWT&T) between the Government of the People's Republic of Bangladesh and the Government of the Republic of India was held in Dhaka on 19 December 2023. Mr. Shaikh Md. Sharif Uddin, ndc, Additional Secretary, Ministry of Shipping, Government of Bangladesh led the Bangladesh delegation and Mr. Sanjay Bandopadhyaya, Chairman, Inland Waterways Authority of India led the Indian Delegation. Composition of both the delegations are placed at **Annex-A**.

2. The meeting commenced with opening remarks by Mr. Shaikh Md. Sharif Uddin, ndc. Welcoming the Indian delegation, he stated that we have common interest and cooperating each other in waterways, land ports, railways and in other sectors. He mentioned that the minutes of the three meetings held in New Delhi in 2021 was signed on 18 December 2023. He hoped that both side will discuss their own agendas and will come to friendly solution today. The leader of the Bangladesh delegation introduced his team members.

3. Mr. Sanjay Bandopadhyaya, Chairman, IWAI, the Leader of the Indian delegation, thanked the Bangladesh side for the hospitality extended to the Indian delegation. In his remarks, the leader of the Indian delegation stated that minutes of the 21st Standing Committee Meeting were signed on 18th December, 2023 and the decisions taken shall be implemented in due course.

4. Adoption of Agenda Items

The leaders of both the delegations then shared the Agenda Items of the 22nd SCM and adopted the same for further discussions. The adopted agenda items of both the side are placed at **Annex-B**.

Item wise discussion on the agenda items are as follows:

5. AGENDA OF BANGLADESH



5.1 Prioritizing VISA processing for Bangladeshi tourists/passengers/Crews travelling through waterways

5.1.1 Bangladesh side intimated that under MoU on Passenger and Cruise Services in Coastal & Protocol route between Bangladesh and India, till now 9 voyages have been completed. Among them 7 are Indian ships and 2 are Bangladeshi ships. Due to the recent developments in the tourism sector of Bangladesh and India, many Bangladeshi tourists are eager to travel to India and experience river cruise. Tour operators of Bangladesh are also interested to operate regular cruise from Dhaka to Kolkata. It is expected that both passenger and the riverine cruise tourism will flourish in future.

5.1.2 In last Shipping Secretary Level Talks, it was agreed by both countries that the matter of providing 'On Arrival' Indian VISA for Bangladeshi tourists travelling through waterways would be taken up to the Home Ministries of both the countries. Bangladesh side requested to settle the issue quickly in order to capitalize the recent interests of the tourists.

5.1.3 Bangladesh side also informed that the online Indian VISA processing system for Bangladeshi Nationals does not have any option for travelling through waterways, as there is for road, rail or air. Bangladesh side proposed to add the option for waterways in the online Indian VISA processing system and issue multiple entry visa.

5.1.4 Indian side stated that they are positively considering the proposal. The issue may be prioritized during renewal of Revised Travel Arrangement (RTA) between Bangladesh and India in January, 2024.

5.1.5 Indian side also informed that the issuance of visas of overseas tourists needs to be prioritized. Both side agreed that operators will share the complete list of tourists with the nodal points (i.e Competent Authorities on PIWTT of both sides) which will be conveyed to the respective missions to expedite the visa process.

5.2 Identify a location for emergency shelter area/ berthing shelter in upstream of Hooghly river

5.2.1 Bangladesh side intimated that in the last Shipping Secretary Level Talks, it was agreed that a suitable location would be designated for vessels to take shelter in case of a natural calamity. As many vessels ply along this route, it is imperative that



we find a location away from the coast so that the vessels are not affected by disasters.

5.2.2 Indian side proposed that Joint Committee may be formed comprising members from Bangladesh and Indian side (IWAI, SMPK , MHA, Government of India) to find out a suitable location for the purpose . Bangladesh side may share the name of the committee members as soon as possible to select the locations within 04 months.

5.2.3 Both side agreed to formulate Joint Committee.

5.3 Amendment of the SOP of MoU on the Passenger and Cruise Services in Coastal & Protocol route between Bangladesh and India

5.3.1 Bangladesh side informed about the Article 10(i) of the SOP of MoU on the Passenger and Cruise Services in Coastal & Protocol route between Bangladesh and India which states, “10(i) *The Master of every vessel will record in the log book every case of death happening on board, including the date and supposed cause of death of any crew, any soul on board, including passengers and shall, when the vessel arrives at her destination, will notify the Competent Authority at the earliest*”.

5.3.2 However, considering the importance of taking prompt action in such cases, and also the availability of modern communication equipment, Bangladesh side suggested that death/injury incidents onboard be reported to the competent authorities immediately.

5.3.3 Both sides agreed to discuss the issue in the Shipping Secretary Level Talks to be held on 20 December 2023.

5.3.4 From the recent experiences with tourist vessels coming from India with tourists, Bangladesh side recommended that a doctor or a certified medical professional and nurse be kept onboard at all times of the voyage irrespective of the number of tourists. However, if the number of persons in a single voyage increases beyond 100, the number of medical officers may be increased to two and for the



number of persons exceeding a thousand, a third medical officer may be carried on board.

5.3.5 Both sides could not reach the consensus on the minimum number of persons for which the operators will be made responsible to carry a doctor on board. More due diligence and consultations are required in this matter by both sides. Concerned authorities of two sides will determine the minimum number of persons and exchange their views. Based on due diligence, the decision may be taken through circulation and included in the SOP of MoU on the Passenger and Cruise Services. Till such time existing SOP shall be followed.

5.4 Conducting recent survey on protocol route 5 & 6 and protocol route 9 & 10 in order to estimate dredging quantity and undertake joint dredging program on 80:20 basis

5.4.1 Bangladesh side informed that the protocol route 5 & 6 i.e. Aricha-Rajshahi-Sultanganj-Maia-Dhulian may prove to be an important route if it is made fully operational. A joint technical committee formed for the purpose, submitted a report after conducting survey on the route mentioned that these areas need maintenance and capital dredging along with the revision of estimated expense in 2019.

5.4.2 Another Indo-Bangla protocol route 9 & 10 i.e. Daudkandi-Sonamura can be made operational by undertaking joint dredging program. A Joint Committee report on the dredging quantity along with the estimated expense has been submitted in 2019.

5.4.3 Bangladesh side suggested that a fresh joint survey be conducted in both of these routes as the previous surveys may be lacking in providing accurate information now and a joint dredging program preferably on 80:20 cost sharing basis may be undertaken at the earliest possible time.

5.4.4 The Indian side stated that operationalization of IBP routes 5 & 6 and 9 & 10 is part of the Joint Statement of Hon'ble Prime Ministers of both the countries dated 07th September 2022 and requires to be carry out on top most priority. Indian side suggested Bangladesh side to submit a formal proposal for carrying out dredging on this route on 80:20 basis. Indian side also suggested to carry out hydrographic survey in parallel for ascertaining the dredging quantity of the stretches falling

under the jurisdictions of each country and share the report with each other for updating the project cost.

5.4.5 Bangladesh side agreed to the same but requested that Joint Committee may be formed for undertaking joint survey for assessment of dredging quantity. Indian side suggested that sample checks of the survey may be done by constituting the Joint Committee.

5.4.6 Both sides agreed to submit the assessment of dredging quantity within 03 months from the date of forming JTC from both the countries and also to submit the formal proposal by Bangladesh side for obtaining internal approval of the concerned Ministries in India.

5.4.7 Indian side also suggested that they are ready for commencement of cargo movement from Maia Port of Call to Sultanganj Port of Call on IBP route nos 5 & 6 and as agreed by Bangladesh side for 05 trial runs from Maia and Sultanganj Ports of Call, the 1st trial run may be conducted on 05th January'2024. Indian side also stated that after 05 trial runs, the movement in this route may be regularized. Bangladesh side intimated that after completion of 05 trial runs and analysis of the reports by the Customs authorities of Bangladesh, further continuation of movements shall be communicated formally.

5.4.8 Further, Bangladesh side intimated that minimum infrastructure required for handling of cargo at Sultanganj is in the process and may take some time but however stated that efforts will be made to commence the trial run by January, 2024 and date will be confirmed in due course of time. Both sides agreed for the same.

5.4.9 Both sides also agreed that a Joint Technical Committee will be formed and it will conduct survey in these routes to determine the dredging quantity. The Joint Committee will complete the survey and share the report within 03 months.

5.5 Assigning a liaison officer for PIWT&T and for Passenger & Cruise services at respective High commission/Assistant High Commission office at Kolkata and Dhaka

5.5.1 Bangladesh side suggested that both the competent authorities under PIWT&T appoint a focal person or a liaison officer at the respective foreign missions in

Kolkata and Dhaka with whom the competent authorities would be able to contact promptly to settle operational issues.

5.5.2 After detailed discussion both sides agreed that concerned foreign ministries will make the arrangement for appointment of the liaison officer to address the issues related to PIWT&T and passenger and cruise service.

5.6 Acute navigational problems in and around Haldia port, India

5.6.1 Bangladesh side informed that Haldia port in India is a regular port of call for vessels plying along IBP routes 1 & 2. Bangladeshi vessels are facing difficulties in loading as the navigability in the port is minimal. The vessels can't load at a single berthing as it takes much time to load a vessel and the port area has draft of less than 2.5m in high tide which becomes nearly dry during the low tide. So, loading becomes time consuming and the vessels remain under critical threat of hull damage as they might get grounded at low tide. Bangladesh side requested the Indian side to increase navigability of the Haldia port.

5.6.2 Indian side informed that they are maintaining 2.5m LAD in this area. Bangladesh side again informed that 2.5m LAD is not enough considering the importance and volume of the traffic. Indian side conveyed that they will conduct dredging in the areas where draft is less than 2.5m.

5.6.3 After deliberations, both side agreed that India and Bangladesh will dredge the shallow patches in their countries as per the promised depth on IBP routes respectively.

5.7 Operational/Navigational problems faced by Bangladeshi operators in IBP routes

5.7.1 Bangladesh side stated

- I. Near the place called 'Pathor Protima' after Baganbari, the water level reduces to 2.00 m during low tide.
- II. There is no navigation buoy & signal light at a place called 'Matla' after sailing eight hours from Hemnagar
- III. No light buoy is there from Bidya to Keplot, smiliarly there is no signal light between Kakdeep to Kolkata




5.7.2 It was discussed under agenda No 5.6.

5.8 On arrival visa for Bangladeshi Crews, Tourists and Passengers travelling by Passenger and Cruise Vessels:

5.8.1 It was discussed under Agenda 5.1.

5.9 Article 8 of the Protocol on Inland Water Transit and Trade (PIWT&T): Repair Facilities

5.9.1 Bangladesh side stated that as per Article 8 of the Protocol on Inland Water Transit and Trade (PIWT&T), vessels of either country calling for urgent repairs on route will be allowed to have repairs done at the Government owned or any reputed marine workshop in either country with the prior permission of the respective Competent Authority. Taking permission from Competent Authority for urgent repairs is impractical and may lead to emergency situation. Notification to the Complement Authority may be considered sufficient in this case after effecting the repair. Therefore, Bangladesh side requested to amend Article 8 of PIWT&T accordingly.

5.9.2 Indian side conveyed that the matter was agreed in 21st SCM. Indian side requested the Bangladesh side to send the draft formally. Indian side will examine and get back afterward.

6. AGENDA OF INDIA

6.1 Facilitation of movement of 'Third country' EXIM Trade on PIWT&T route

6.1.1 Indian side stated that as per agreed minutes of the meeting of the Shipping Level Talks held in New Delhi in October'2021 (signed on 18th December'2023 in Dhaka), the visit of composite team consisting of experts, relevant officials and stakeholders of Bangladesh may visit Krishnapatnam and Vishakapatnam where the mother vessels are calling regularly. If a positive decision is made after consultation with relevant ministries, the team would also visit, Haldia/Kolkata to ascertain technical feasibility and commercial viability of third country cargo under PIWT&T for the benefit of trade of both countries. The composite team shall submit the



report to the Ministry of Shipping, Government of Bangladesh for further consideration.

6.1.2 Indian side requested that in addition to Krishnapatnam, Vishakapatnam, Haldia and Kolkata, the Composite Technical Team (CTT) from Bangladesh may also visit Chennai to ascertain the technical feasibility and commercial viability and share the findings with Indian side within 03 months.

6.1.3 After detail deliberations, it was decided that the matter may be referred to the SSLT scheduled to be held on 20th December'2023.

6.2 Operationalization of IBP route nos 5 & 6 from Maia to Sultanganj in 1st Phase and Maia to Aricha in 2nd Phase

Same as discussed in Agenda no 4 of Bangladesh side.

6.2.1 The Bangladesh side informed that the fresh survey of IBP route nos 5 &6 and 9 &10 may be carried out by Joint Committee of both the countries as the earlier dredging quantity is based on the hydrographic survey carried out in 2021. Dredging, bandalling and marking of river routes may also be carried out in 80:20 basis.

6.2.2 The Indian side stated that operationalization of IBP routes 5 & 6 are part of the Joint Statement of Hon'ble Prime Minister of both the countries and requires to carry out on top most priority. Indian side suggested Bangladesh side to submit a formal proposal for carrying out dredging on this route on 80:20 basis. Indian side also suggested to carry out hydrographic survey in parallel for ascertaining the dredging quantity of the stretches falling under the jurisdictions of each country and share the report with each other for updating the project cost.

6.2.3 Bangladesh side agreed to the same but requested that Joint Committee may be formed for undertaking joint survey for assessment of dredging quantity. Indian side suggested that sample checks of the survey carried out by both sides may be done by constituting the Joint Committee.



6.2.4 Both sides agreed to submit the assessment of dredging quantity within 03 months from signing of the minutes of the 22nd SCM and also to submit the formal proposal by Bangladesh side for obtaining internal approval of the concerned Ministries in India.

6.2.5 Indian side also suggested that they are ready for commencement of cargo movement from Maia Port of Call to Sultanganj Port of Call on IBP route no 5 & 6 and as agreed by Bangladesh side for 05 trial runs from Maia and Sultanganj Ports of Call, the 1st trial run may be conducted in January'2024. Indian side also stated that after 05 trial runs, the movement in this route may be regularized. Bangladesh side intimated that after completion of 05 trial runs and analysis of the reports by the Customs authorities of Bangladesh, the issue will be examined thereafter.

6.2.6 Further Bangladesh side intimated that minimum infrastructure required for handling of cargo at Sultanganj is in the process and may take some time but however stated that efforts will be made to commence the trial run in January'2024 and date will be confirmed in due course of time. Both sides agreed for the same.

6.3 Operationalization of Indo-Bangladesh Protocol (IBP) Route Nos 9 & 10 (Gumti River) under PIWT&T

Same as discussed in Agenda no. 5.4 of Bangladesh side.

6.4 Finalization of itinerary for inclusion of Ichamati river as new route under PIWT&T from Basirhat to Hemnagar for transportation of goods between India and Bangladesh through IWT mode

6.4.1 Indian side intimated that as agreed in the minutes of 21st SCM (signed on 18th December'2023 in Dhaka), the dates for the visit of Bangladesh Joint Committee members in Ichamati river are awaited and Indian side requested to finalize the same at the earliest.

6.4.2 Bangladesh side intimated that they have to reform the Joint Committee and dates of visit of Joint Committee to Indian portion of Ichamati river shall be shared shortly.




6.4.3 Indian side requested to expedite the visit of Bangladesh Joint Committee members to Kolkata at the earliest and submit findings/recommendations within one month.

6.5 Inclusion of Chilmari as transshipment ports in Bangladesh on IBP Route no. 1 & 2 - Amendment of Article 23.1 of PIWT&T

6.5.1 The Indian side intimated that as per agreed minutes of the 21st SCM (signed on 18th December'2023 in Dhaka), Bangladesh side has agreed that they will require some time to discuss the issue with the concerned ministries of Govt. of Bangladesh to consider Chilmari as transshipment port. However issue may be kept for further discussions.

6.5.2 Now, the Bangladesh side welcome this proposal and stated that since the minutes have been signed on 18th December'2023 only, they need some more time for further discussions with concerned Ministries of Government of Bangladesh.

6.5.3 After deliberations, it was agreed that once the stakeholders' discussions by competent authorities of Bangladesh side are completed, the findings of the discussions will be shared with Indian side at the earliest.

6.6 Inclusion of Sylhet (in Bangladesh) under PIWT&T and transportation of cargo through Dawki Land Customs Station to Meghalaya

6.6.1 Indian side intimated that as per agreed minutes of the 21st SCM (signed on 18th December'2023 in Dhaka), it was agreed to form the Joint Committee and details of Indian members of Joint Committee will be shared with Bangladesh. Bangladesh side pointed out that representative from customs and Land Port Authority to be included in the Joint Committee which was agreed by both sides. Bangladesh side informed that more clarity is required on the details of the proposed IBP route as there is no river port and customs station there.

6.6.2 After detail deliberations, Bangladesh side requested Indian side to submit the fresh proposal indicating the routes and proposed port of call for inclusion in the PIWTT and visit by Joint Committee. Both sides agreed for the same.



6.7 The possibility of using the Feni River for moving goods from India to the Bay of Bengal

6.7.1 Bangladesh side informed that as per agreed minutes of the 21st SCM (signed on 18th December'2023 in Dhaka), the Feni River is not navigable and even not being used for domestic cargo movement. As such, connectivity through the Feni River to the Chittagong Port is not a realistic idea. Apart from this, the irrigation project at the coastal estuary is also a barrier for the proposed connectivity. Hence, the Bangladesh side requested to drop this agenda.

6.7.2 After detail deliberations, both sides agreed to drop this agenda.

6.8 Installation of Automatic Identification Systems (AIS) in Bangladesh flag vessels plying on IBP routes under PIWT&T and River Information System Stations in the Bangladesh portion of IBP Routes.

6.8.1 Indian side intimated that they have taken up the commercial development of a navigation and vessel tracking application, which works on the coverage of mobile network in India and Bangladesh. A pilot study of the same was undertaken during the voyage of MV Ganga Vilas from Varanasi to Dibrugarh. This Navigation and tracking application once developed will be used on any mobile/ tablet device having internet for Navigation on the IBP route where all the navigation information will be available and at the same time authorities/ vessel owners can track the vessels during the voyage.

6.8.2 Bangladesh side informed that they have also taken up similar project with external funding for AIS for tracking of vessels plying in the Bangladesh waters. They welcomed the proposal of Indian side and proposed to form the Joint Committee for recommending mobile-based vessel navigation and vessel tracking application and to decide on the way forward in this regard. The report may be submitted by Joint Committee after the study is done.

6.9 Hydrographic Survey and dredging work for seamless connectivity in No-Man's land



6.9.1 Indian side intimated that the detailed hydrographic survey and dredging quantity for No-Man's Area connecting Chilmari-Dhubri has been carried out and dredging quantity has been assessed in the month of October, 2022 jointly by IWAI and BIWTA. The detailed hydrographic survey and dredging quantity for 21 km stretch connecting Karimganj/Zakiganj-Bhanga on IBP routes 3,4 and 7,8 is pending which is required to be carried out jointly at an early date.

6.9.2 Bangladesh side agreed to send their team for undertaking joint hydrographic survey of Zakiganj/Karimganj- Bhanga stretch of IBP routes 3,4 and 7,8 at the earliest and details will be shared within 03-months time from this meeting.

6.10 Inclusion of Chandpur to Payra Sea Port through Meghna and Tetulia river in Bangladesh as new IBP route under PIWT&T

6.10.1 Indian side intimated that Narayanganj, Mongla and Chandpur are situated on the PIWT&T routes. Therefore, if Port of Pyara – Chandpur stretch of Bangladesh waterways is included in the PIWT&T routes, connectivity between Pyara Sea Port to National Waterway No. 2 (Upper Assam) and National Waterway No. 16 (Barak Valley) through Inland waterways can be made operational benefiting both India and Bangladesh and once these inland waterways are linked with coastal shipping, new commercial corridors with Myanmar, Singapore and Thailand are likely to emerge, generating a chain of multiple economic impacts across the region.

6.10.2 Bangladesh side intimated that inclusion of Pyara Port is required to be first discussed in 3rd IGC meeting for inclusion in Agreement on Chattogram and Mongla Port (ACMP). Indian side stated that since it is being considered for inclusion in coastal route, the Chandpur-Payra port route may also be included in the IBP route under PIWT&T to have hinterland connectivity with the ports (Pyara Port) to reap the benefits of the trade. After detail deliberation, it was agreed by both sides to refer the agenda in the 3rd IGC meeting.

6.11 Inclusion of Mongla-Jamtola stretch through Sela River in Bangladesh as new IBP route under PIWT&T




6.11.1 Indian side intimated that the seamless movement of cruise vessel MV Ganga Vilas during the period 13.01.2022 to 17.02.2023 has established the viability of seamless movement of vessels between Ganga Valley and Brahmaputra Valley i.e., from Varanasi to Dibrugarh via Bangladesh using the Indo Bangladesh Protocol (IBP) route nos 1,2 and 7,8. Indian side applauded and thanked Government of Bangladesh for providing full support and assistance during her voyage in Bangladesh waters. Indian side further intimated that the cruise operators planning their future voyages to Kotka/ Jamtola Beach and shall requires special permission during each voyage from Bangladesh authorities. It is proposed that Bangladesh side may be requested to include Mongla-Kotka-Jamtola Beach stretch through Sela River in Bangladesh as new IBP route under SOP on Passenger and tourist

6.11.2 Bangladesh side intimated that Mongla-Kotka-Jamtola beach stretch through Sela river cannot be considered for trade purpose due to its being a reserve forest which is an Ecologically Critical Area (ECA), and due to stringent restrictions by environment department upon movement of Bangladesh cargo vessels in this stretch, no vessels move along that area. However, Bangladesh side suggested MG Canal-Baleshwar-Shupati-Jamtola stretch as a new route under MoU and SOP for passenger and cruise services only for tourists. After detailed deliberations, both sides agreed to consider the alternative option after consultation with relevant authorities of Bangladesh and if a positive decision is made MG Canal-Baleshwar-Shupati-Jamtola stretch may be considered as a route only for tourists.

6.12 Formulation of Standard Operating Procedure (SOP) by IWAI and BIWTA to address the issues related to harmonization of the standards of the vessels, accident, rescue of capsized vessels, environment, compensation to the affected peoples in the IBP routes

6.12.1 Indian side intimated that taking cognizance of the environmental damage caused due to frequent sinking of barges from Bangladesh carrying fly ash in the Indian jurisdiction of IBP route 1,2 and 3,4 at Kolkata under PIWT&T, Hon'ble National Green Tribunal has given its final order on 20th March, 2023 stating that:

- i. While it is undisputed that there have been incidents of capsizing of vessels carrying hazardous material on account of which damage to the environment is patent. It can also not be disputed that such incidents must be avoided and




if such incident takes place, victim has to be compensated on principle of absolute liability.

- ii. Needless to say that if incident takes place in India, any entity violating Indian law has to be dealt with as per the laws of the country. A vessel owned by a foreign entity violating environmental safety norms does not stand on different footing.

6.12.2 Indian side further intimated that the Hon'ble National Green Tribunal has directed that the proposed SOP of Inland Waterways Authority of India be revisited in the light of above-mentioned observations:

- i. Article 1.3 of the Protocol (PIWTT) refers to Inland Vessels Act, 1917 for Indian Vessels and Indian Shipping Ordinance of 1976 for Bangladeshi Vessels. However, the Inland Vessel Act of 1917 has now been superseded by the Inland Vessels Act of 2021. It is proposed that the standard for inland vessels as prescribed by the Inland Vessels Act, 2021 and the Rules issued in pursuance of the same are harmonized with the standards prescribed by Bangladesh in its Indian Shipping Ordinance of 1976. Article 20 of the Protocol on Inland Water Transit and Trade requires evolution of uniform documentation of vessels. Harmonization of the standards could be within the ambit of the PIWT&T.
- ii. Compensation to the victims/ affected party due to sinking of barges and taking action against Barge Owners violating the environmental safety norms in India as per the Indian Law.
- iii. Para 25 of the Protocol on Inland Water Transit & Trade requires establishment of a comprehensive system or quick settlement, clearance and remittance of all sums, claims or dues on account of goods supplied, services rendered or facilities accorded to the vessels of one country in or by the other.

6.12.3 After detailed deliberation, it was agreed that a Joint Committee comprising the members from both the countries to be formed for framing the SOP , addressing issues related to harmonization of the standards of the vessels, accident, rescue of capsized vessels, environment, compensation to the affected peoples in the IBP



routes . Both sides agreed for the same and agreed to constitute the Joint Committee and submit the draft SOP at the earliest.

6.13 Removal of rock outcrop for starting regular operation for Badarpur & Karimganj Terminals

6.13.1 Indian side intimated that due to presence of a small patch of about 250 mtr. rock outcrop (Hard strata) at chainage 25 km (5 km downstream of Karimganj terminal/Zakiganj & transboundary river with Bangladesh) hindering the vessel movement during lean season (i.e., during November to April). The rock outcrop falls in the river Kushiya under the ongoing Ashuganj-Zakiganj stretch of IBP route dredging work (80:20 basis) but removal of hard Strata is not in the scope of the ongoing dredging work. To overcome this situation, Government of India has decided to undertake the work of removal of this rock outcrop with Govt. of India funds.

6.13.2 Indian side also intimated that since the proposed location is falling in river Kushiya which is transboundary river on IBP routes 3,4 and 7,8, assistance and permission of security agencies of both sides will also be required to complete the work smoothly and timely.

6.13.3 Bangladesh side took note of the same and agreed to the proposal of Indian side and stated that fresh survey of the proposed location may be conducted jointly by team members of both the countries within 01 Month. Bangladesh side requested Indian side to share the procedure/methodology of removal of rocks/ hard strata. Upon receiving the proposal, it will be discussed with relevant authorities and Security agencies to facilitate the process.

6.13.4 Indian side agreed to share the procedure/methodology to be followed by Indian side for removal of rock outcrop within 01 month and requested Bangladesh side to give clearance within 03 months time to expedite the work.

6.13.5 After detail deliberations Bangladesh side agreed to carry out the joint detailed survey of the rock outcrop area as soon as possible. keeping in view to carry out the work in the working season (January'24 to April'24) by Indian side.



6.14 Inclusion of Khawthlangtuipui (Karnaphuly) River as IBP Route and Nominate Tlabung (Near ICP Kawrpuichhuah) (India) and Rangamati (Bangladesh) as Ports of Call

6.14.1 Indian side intimated that the river Karnaphuly (also known as Khawthlangtuipui) originates in the Lushai hills of Mizoram, India. It enters Thegamukh, Bangladesh which is 6.1 km away from Demagiri, the nearest town in Mizoram. The river travels through mountainous terrain following a zigzag course before it reaches Kaptai lake in Bangladesh. The Kaptai Lake is 85 km downstream of Thegamukh. The district town of Rangamati is situated on the bank of Kaptai Lake. Rangamati is 75 km away from the Chittagong Port and is well connected by road. In the border area, the midstream of the river is recognized as the common border of both countries. Boats of both the countries negotiate to fly the national flag of their respective countries. Boats flying different flags often come closer and exchange goods between them. Indian side also intimated that Demagiri is well connected to district headquarters Lunglei (90 km), state capital Aizwal (230 km) and Silchar in Assam (424 km) by NH – 54. Its proximity to important trade centres in Bangladesh viz., Dhaka, Comilla and Sylhet, positions Demagiri to be an important trade route between India and Bangladesh, particularly in the context of connecting Northeast India with the rest of India. However, the road infrastructure is suboptimal on both the Indian side and the Bangladesh side. This has created a lot of hardships to a great extent for traders on both sides.

6.14.2 Bangladesh side intimated that this route is not having connectivity with any other IBP route under PIWT&T and will not be feasible to consider as new IBP route.

6.14.3 Indian side stated that North Eastern Region is a landlocked area and the people of both the countries will be primarily benefitted if this part of waterway is connected through. This will also create multimodal connectivity between the countries as well and may create an opportunity for Mizoram's access to the sea. While construction of roads and bridge might impact the natural ecology of this hilly area, waterways would prove as a viable means of transportation with minimal investments.

6.14.4 Indian side requested Bangladesh side to consider the Demagiri-Thegamukh-Rangamati stretch as new IBP route under Protocol of Inland Waterways Transit and Trade (PIWTT).



6.14.5 Indian side stated that this route will give access to sea port (Chattogram, Bangladesh) to the Land-Locked state Mizoram of India and Joint Committee may be formed to assess the navigability in Bangladesh side for way forward in this regard.

6.14.6 Bangladesh side also stated that since this is new proposal from Indian side and the proposed route area is a hilly region and a hydropower project is there, so Bangladesh side requires more consultations with their concerned departments and stake holders. Both sides agreed to this proposal.

7. Next Standing Committee meeting:

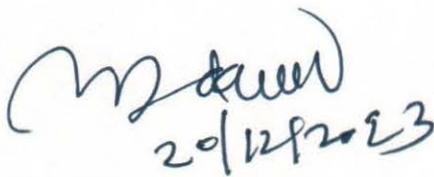
Both the sides agreed that the next meeting of the Standing Committee may be held on mutually convenient date in India

8. Adopted the agreed Minutes of the Meeting.

The meeting appreciated the spirit of engagement and understanding on both sides. It was recognized that engagement, partnerships and collaboration would have wider impact on the relations between the two countries as well.

The leader of the Indian delegation conveyed appreciation to the leader of the Bangladesh delegation.

Signed on this 20th December, 2023 in two originals, both in English in Dhaka, Bangladesh.



Shaikh Md. Sharif Uddin, ndc

Additional Secretary

Ministry of Shipping

Govt. of the People's Republic of Bangladesh



Shri Sanjay Bandopadhyaya

Chairman

Inland Waterways Authority of India

Govt. of the Republic of India

List of delegation members of PIWT&T Meeting

19th December 2023

Dhaka, Bangladesh

Bangladesh Side

1. Mr. Shaikh Md. Sharif Uddin ndc, Additional Secretary (Organization-1), Ministry of Shipping, Dhaka
2. Commodore Arif Ahmed Mustafa , Chairman, Bangladesh Inland Water Transport Authority, Dhaka
3. Mr. Md. Abdus Samad Al Azad, Joint Secretary (FTA-1), Ministry of Commerce, Dhaka
4. Mr. A.T.M. Rokebul Haque, Director General (South Asia), Ministry of Foreign Affairs, Dhaka
5. Mr. Md. Salim Fakir, NDC, Joint Secretary & Member (Planning & Operation), Bangladesh Inland Water Transport Authority, Dhaka
6. Ms. Dilsad Begum, Joint Secretary, Security Services Division, Ministry of Home Affairs, Dhaka
7. Mr. S.M. Mostafa Kamal, Joint Secretary (I.O), Ministry of Shipping, Dhaka
8. Capt. Mohammad Zahid Hossain (TAS), NGP, psc, BN, Member (Harbour & Marine), Payra Port Authority
9. Mr. Md. Aminur Rahman, Deputy Secretary (TA), Ministry of Shipping, Dhaka
10. Ms. Mst. Shukria Parvin, Deputy Secretary (I.O), Ministry of Shipping, Dhaka
11. Mr. Mohammad Shahidul Islam, First Secretary (Customs: International Trade and Agreement), NBR, Dhaka
12. Mr. Afzal Mehdad Adnan, First Secretary, Bangladesh High Commission, New Delhi
13. Mr. Omar Mobin, Second Secretary (Customs: International Trade and Agreement), NBR, Dhaka
14. Mr. Md. Manjurul Kabir, Chief Engineer & Ship Surveyor, Department of Shipping, Dhaka
15. Mr. Rokibul Islam Talukder, Chief Engineer (Dredging), Bangladesh Inland Water Transport Authority, Dhaka
16. Mr. Md. Zainal Abedin, Director (Traffic), Bangladesh Inland Water Transport Authority, Dhaka
17. Mr. Sk. Mahfuz Hamid, Chairman, Coastal Ship Owners Association of Bangladesh
18. Mr. Md. Nurul Hoq, General Secretary, Bangladesh Cargo Vessel Owners Association
19. Mr. Md. Masum Khan, Proprietor, M.K. Shipping Lines, Dhaka

India Side

1. Shri Sanjay Bandopadhyay, Chairman, Inland Waterways Authority of India (IWAI), India
2. Shri Shyam Jagannathan, DGS, Directorate General of Shipping, India
3. Shri Rathendra Raman, Chairman, Syama Prasad Mookerjee Port, Kolkata (SMPK), India
4. Shri R Lakshmanan, Joint Secretary (IWT), Ministry of Ports, Shipping and Waterways (MoPSW), India

5. Shri Sunil Kumar Singh, Vice Chairman (in-charge), Inland Waterways Authority of India (IWAI), India
6. Shri Ashutosh Gautam, Member (Technical), Inland Waterways Authority of India (IWAI), India
7. Shri Vinayak Azaad, Member (Traffic & Logistics), Inland Waterways Authority of India (IWAI), India
8. Capt. Mahendra Kumar, Hydrographic Chief, Inland Waterways Authority of India (IWAI), India
9. Shri Pratik D. Negi, First Secretary, HCI, Dhaka, Ministry of External Affairs (MEA), India
10. Shri Ajay Kumar Bansal, Director (Traffic & Logistics), Inland Waterways Authority of India (IWAI), India
11. Ms. Deepa Srivastava, Additional Commissioner, Central Board of Indirect Taxes & Customs, India
12. Ms. Juhi Rai, Under Secretary, Ministry of External Affairs (MEA), India
13. Ms. Avneet Kaur, Joint Director (IWT), Ministry of Ports, Shipping and Waterways (MoPSW), India
14. Shri Ash Mohomad, DDG, Directorate General of Shipping, India
15. Shri Anil Kumar, AHS, RO-Kolkata, Inland Waterways Authority of India (IWAI), India
16. Shri Raman Chamber, ASO (IWT-II), Ministry of Ports, Shipping and Waterways (MoPSW), India
17. Shri Shitesh Ranjan, Ship Surveyor, Directorate General of Shipping, India
18. Shri Samrat Rahi, Deputy Chairman, Syama Prasad Mookerjee Port, Kolkata (SMPK), India
19. Shri Ravi Shankar Rajhans, Traffic Manager, Syama Prasad Mookerjee Port, Kolkata (SMPK)
20. Shri Raj Singh, MD, Heritage River Journeys Pvt. Ltd.
21. Shri Aditya Gupta, MD, IRC Natural Resources
22. Shri Sunil Mukundan, Managing Director, India Ports Global Ltd.

Meeting of Standing Committee under the Protocol on Inland Water Transit and Trade between India and Bangladesh 2023

Agenda Items of Bangladesh:

1. Prioritizing VISA processing for Bangladeshi tourists/passengers travelling through waterways
2. Identify a location for emergency shelter area/berthing shelter in upstream of Hooghly river
3. Amendment of the SOP of MoU on the Passenger and Cruise Services in Coastal & Protocol route between Bangladesh and India
4. Conducting recent survey on protocol route 5 & 6 and protocol route 9 & 10 in order to estimate dredging quantity and undertake joint dredging program on 80:20 basis
5. Assigning a liaison officer for PIWT&T and for Passenger & Cruise services at respective High commission/Assistant High Commission office at Kolkata and Dhaka
6. Acute navigational problems in and around Haldia port, India
7. Operational problems faced by Bangladeshi operators in IBP routes
8. On arrival visa for Bangladeshi Crews, Tourists and Passengers travelling by Passenger and Cruise Vessels.
9. Article 8 of the Protocol on Inland Water Transit and Trade (PIWT&T): Repair Facilities.

Agenda Items of India:

1. Facilitation of movement of 'Third country' EXIM Trade on PIWT&T route
2. Operationalization of IBP route no 5 & 6 from Maia to Sultanganj in 1st phase and Maia to Aricha in 2nd phase.
3. Operationalization of Indo-Bangladesh Protocol (IBP) Route No. 9 & 10 (Gumti River) under PIWT&T.
4. Finalization of itinerary for inclusion of Ichamati river as new route under PIWTT from Khedapara-Basirhat to Hemnagar for transportation of goods between India and Bangladesh through IWT mode.
5. Inclusion of Chilmari as transshipment ports in Bangladesh on IBP route no 1 & 2 – Amendment of Article 23.1 of PIWTT.
6. Inclusion of Sylhet (in Bangladesh) under PIWT&T and transportation of cargo through Dawki Land Custom Station to Meghalaya and setting up of Joint Technical Committee (JTC) for undertaking feasibility study and hydrographic survey for connectivity of Meghalaya through IBP route No. 3&4 and 7&8.
7. The possibility of using the Feni River for moving goods from India to the Bay of Bengal.
8. Installation of Automatic Identification Systems (AIS) in Bangladesh flag vessels plying on IBP routes under PIWT&T and River Information System Stations in the Bangladesh portion of IBP Routes.
9. Hydrographic survey and dredging work for seamless connectivity in No Man's Land Background.
10. Inclusion of Chandpur to Payra Sea Port through Meghna and Tetulia river in Bangladesh as new IBP route under PIWT&T.
11. Inclusion of Mongla-Jamtola stretch through Sela River in Bangladesh as new IBP route under PIWT&T.
12. Formulation of Standard Operating Procedure (SOP) by IWAI and BIWTA to address the issues related to harmonization of the standards of the vessels, accident, rescue of capsized vessels, environment, compensation to the affected peoples in the IBP routes.
13. Removal of rock outcrop for starting regular operation for Badarpur & Karimganj Terminal.
14. Inclusion of Khawthlangtuipui (Karnaphuly) River as IBP Route and Nominate Tlabung (Near ICP Kawrpuichhuah) (India) and Rangamati (Bangladesh) as Ports of Call.



भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण

(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)

मुख्यालय : जलमार्ग भवन, ए-13, सैक्टर-1, नौएडा-201 301, (उ० प्र०)

INLAND WATERWAYS AUTHORITY OF INDIA

(Ministry of Ports, Shipping and Waterways, Govt. of India)

Head Office : Jalmarg Bhawan, A-13, Sector-1, Noida-201 301 (U.P.)

Website : www.iwai.gov.in | www.iwai.nic.in

Tel. : +91-120-2544036, 2543972, 2527667, 2448101 Fax : +91-120-2544009, 2544041, 2543973, 2521764

No. IWAI/IBP/SCM/2018-19(Vol-I)Part-I.

Date: 08.04.2024

To,

The Chairman,
Bangladesh Inland Water Transport Authority
141-143, Motijheel Commercial Area
Dhaka- 1000. Bangladesh.

Sub: Record of Discussions held on 04.04.2024 with BIWTA on the Way Forward on agreed Minutes of 22nd Standing Committee Meeting and Shipping-Secretary Level Talks held at Dhaka, Bangladesh on 19-20 December, 2023 – reg.

Sir,

I am directed to enclose herewith the draft Record of Discussions held between IWAI & BIWTA on 04.04.2024 to take forward the issues discussed during 22nd Standing Committee Meeting (SCM) and Shipping-Secretary Level Talks (SSLT) held at Dhaka on 19-20 December, 2023 for your comments, if any, (in track change mode) and consent.

2. The same may please be sent back to this office after your consent at an early date, for circulation.

This issues with the approval of Competent Authority.

Yours faithfully,

(A.K. Bansal)

Director (Traffic & Logistics)

Email: akbansal.iwai@nic.in

Phone: 0120-2543931

Encl: As above

Copy to:

Mr. Mohammad Monowar Uzzaman, Member, Planning & Operation, BIWTA
Mr. Md. Zainal Abedin), Director (Traffic), BIWTA
Ms. Sharmila Khanam, Deputy Director (Foreign Traffic), BIWTA

Copy for kind information to:

- PPS / PA to Chairman, IWAI / Vice-Chairman / Member (T&L) / Member (Technical) / Hydrography Chief/ Director IWAI, Kolkata/ Director, IWAI, Guwahati.

• IHC Dhaka - for follow up.

Record Note of Discussions held on 04.04.2024 with BIWTA on the Way Forward on Agreed Minutes of 22nd Standing Committee Meeting and Shipping-Secretary Level Talks held at Dhaka, Bangladesh on 19-20 December, 2023

Shri Vijay Kumar, Chairman, IWAI, welcomed the Chairman, BIWTA, Mr. Md. Arif Ahmed Mustafa, and his team. He stated that the trade between India and Bangladesh through waterways holds immense potential for the future prosperity of both the countries.

The meeting commenced with the opening remarks by Chairman, BIWTA. Thereafter, the way forward on the agreed minutes of 22nd Standing Committee meeting and Shipp-Secretary Level talk was discussed:

1. Operationalization of Maia-Sultanganj stretch of IBP 5 & 6- completion of 5 trial runs and regularization of movement

Three trial runs for the Maia-Sultanganj stretch of IBP 5 & 6 have been completed. BIWTA anticipates completing all five trial runs by May 2024. Following the trial runs, BIWTA will submit a comprehensive report to the Bangladesh Ministry of Shipping to formalize the movement on IBP routes 5 & 6.

2. Finalizing the date of joint team visit to IBP Route 5 & 6 (Dhulian–Aricha) and 9 & 10 (Sonamura-Daudkandi) for development of these routes on 80:20 basis

IWAI and BIWTA have constituted the Committee. BIWTA conveyed that the visit of the joint team shall be arranged by May, 2024. Detailed studies and dredging surveys for these routes are ongoing and are to be completed by May 2024 before the visits.

3. Clearance for removal of rock outcrop on river Barak/ Kushiyara NW-16

BIWTA confirmed that they have received the methodology recently and the same is under examination. Findings will be shared once the technical examination is complete.

4. To start regular movement on IBP route no.1 and 2 connecting Haldia with Pandu. Maintenance of 2.5 meter LAD in critical stretch between Sirajganj-Daikhowa in Bangladesh

It was informed that IWAI is holding meetings with various stakeholders for cargo enhancement on Indo-Bangladesh Protocol Route under the chairmanship of Chairman, IWAI. The availability of LAD is a prerequisite for movement of the vessels. BIWTA informed that they are also observing increase in cargo in IBP route and they are monitoring the LAD very minutely, particularly, on the Sirajganj-Daikhowa and Ashuganj-Zakiganj. With regard to the observation of BIWTA regarding water level near the jetty side at Haldia, it was informed that the dredging is already in progress at Haldia region and the issue will be resolved.

5. **Finalizing the date of visit to Kolkata/ Haldia, Vishakhapatnam, Krishnapatnam and Chennai Port for Facilitation of movement of 'Third country' EXIM Trade on PIWT&T route**

Joint Committee has been constituted by both sides and the probable date of visit of team to India is awaited from BIWTA. BIWTA informed that date of Committee visit will be fixed within May, 2024.

6. **Hydrographic Survey and dredging work for seamless connectivity in No-Man's land in Bhanga-Karimganj/ Zakiganj stretch of IBP Route 3,4 and 7,8**

BIWTA informed that the team which is carrying out survey for IBP route no. 5 & 6 and 9 & 10 will be deputed to conduct survey in No-Man's land in Bhanga-Karimganj/ Zakiganj stretch. The date of the visit will be finalized by next month, i.e., May, 2024.

7. **Visit of Bangladesh team to India for feasibility for inclusion of Ichamati river in IBP route**

BIWTA informed that the committee has already been constituted and informed that the date will be fixed soon, possibly by mid-May, 2024.

8. **Installation of Automatic Identification Systems (AIS) in Bangladesh flag vessels plying on IBP routes under PIWT&T and River Information System Stations in the Bangladesh portion of IBP Routes**

BIWTA informed that they have also constituted a committee and sent to their Ministry of Shipping for formation of Joint Technical Committee. Representative of MEA, Govt. of India, informed that name of Committee members from Indian side is yet to be received from MoPSW.

9. **Inclusion of Chilmari as transshipment ports in Bangladesh on IBP Route no. 1 & 2 - Amendment of Article 23.1 of PIWT&T**

IWAI has requested BIWTA to expedite discussions with stakeholders and share the findings for inclusion of Chilmari as transshipment Port. BIWTA informed that Ministry of Shipping will form a committee to assess the feasibility of the same.

10. **Prioritizing VISA processing for Bangladeshi tourists/passengers/ Crews travelling through waterways**

BIWTA informed that at present there are no visa related issues for the Bangladesh citizens travelling through inland waterways and they are getting visas from Indian High Commission, Dhaka, for travelling through the waterways.

11. **Identify a location for emergency shelter area/ berthing shelter in upstream of Hooghly river**

BIWTA informed that the Ministry of Shipping has constituted a committee for identification of locations and is awaiting details of the committee members from India.

12. **Assigning a liaison officer for PIWT&T and for Passenger & Cruise services at respective High Commission/Assistant High Commission office at Kolkata and Dhaka**

First Secretary, IHC at Dhaka, informed that he is the Liaison Officer for PIWT&T for all practical purposes. BIWTA will pursue the matter with the concerned Ministry in Bangladesh for assigning liaison officer at Bangladesh High Commission, New Delhi, and office of the Assistant High Commissioner, Kolkata.

13. **Extension of IBP route up to Varanasi**

IWAI informed that extension of IBP route up to Varanasi will be beneficial for both Bangladesh and India. The extension of IBP route up to Sagardighi has already been agreed during 22nd Standing Committee meeting. BIWTA informed that they will share the report by the Committee to explore the possibility to extend IBP route up to Varanasi.

14. Before summing up the discussions, Chairman, BIWTA, requested also to look into the following issues:

- i. Landing passes for crews: Ship crews visiting India are facing inconvenience in getting landing passes for crew, which used to be provided before Covid-19 to facilitate purchasing of essential stores/ medicines, etc. This facility has been discontinued post Covid-19.
- ii. Immigration and customs facilities for cruise and passengers: Immigration & customs is performed in Kolkata at Marine House, which is far from the river belt. It shall be convenient if the same can be performed from IM Jetty/ River Jetty where vessel is berthed for embarkation/ disembarkation.
- iii. Parking facilities should be made available to Bangladeshi cruise vessels going to India, as BIWTA is providing such facilities to Indian cruise vessels in Bangladesh.

Chairman IWAI responded that IWAI will examine the above issues and revert.

15. Both sides hoped that the instant meeting will expedite action on various decisions taken during the last SCM and SSLT.

Meeting ended with a vote of thanks to the chairs.

In attendance:

India Side	Bangladesh Side
Shri Vijay Kumar, Chairman, IWAI	Commodore Arif Ahmed Mustafa Chairman, BIWTA
Shri Sunil Kumar Singh, Vice-Chairman, IWAI	Mr. Md. Salim Fakir, ndc Joint Secretary (Member & Operation), BIWTA
Shri Ashutosh Gautam, Member (Tech), IWAI	Mr. Abusayed, Deputy Secretary Ministry of Shipping
Shri Vinayak Azaad, Member (T&L), IWAI	Mr. Rokibul Islam Talukder Chief Engineer (Dredging), BIWTA
Shri P. Srinivas, Hydrography Chief, IWAI	Mr. Shajahan, Director, C&P Department BIWTA
Shri A.K. Bansal, Director (T&L), IWAI	Begume Shamsun Nahar, Director, Hydrography Department, BIWTA
Shri Surjeet Singh Guleria, DIG, BSF, Kolkata	Mr. Abdus Salam, Additional Director C&P Department, BIWTA
Shri Ajay Pal Singh Sirohi, Director, MoPSW	Mr. Anamul Hoque Bhuiyan, Joint Director Marine Safety & Traffic Management Department, BIWTA
Shri Sanjeev Sharma, Dy. Director, Bureau of Immigration	Ms. Sharmila Khanam, Deputy Director Marine Safety & Traffic Management Department, BIWTA
Shri Balbeer Singh, Dy. Secretary, MHA	Mr. Mostafizur Rahman, Deputy director Hydrography Department, BIWTA
Shri Pratik D. Negi, First Secretary, IHC, Dhaka	Mr. Ehsan Ahmed Khan Assistant Director (Foreign Traffic) Marine Safety & Traffic Management Department, BIWTA
Shri Siddharth Kumar Baraily, Under Secretary (BM), MEA	

-TRUE COPY-

Yahoo Mail - Information Regarding Accident of M.V. Sea World ...

Information Regarding Accident of M.V. Sea World (M. No. #7490) at Goramara Chor under P.S. Sagar

From: operation ajbela (operationajbela@gmail.com)

To: iwaical@yahoo.com; dirkol@iwai.gov.in

Date: Friday, 14 February 2025 at 06:41 pm IST

Dear Sir,
Please find attachment
(Previously mail is treated at cancel)

--
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With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912 ✓

 Master Letter (2).pdf
184.1kB

 Master Letter (1).pdf
261.8kB

 981.pdf
311.7kB



AJBELA NAVIGATION

SHIPPING AGENT

Date: 14.02.2025

To
The Officer-in-Charge
Hemnagar ICP
24 Parganas(North),Hemnagar

Subject: Information Regarding Crack Seen in M.V. Sea World (M. No. # 7490) at Goramara Chor under P.S. Sagar

Dear Sir,

This is to inform you that our Bangladeshi-flagged vessel, *M.V. Sea World (M. No. # 7490)*, completed loading 1190.00 MT of dry fly ash from Budge Budge Jetty-4, Kolkata, on 11th February 2025 and departed for Budge Budge on 12th February 2025, on 13th February 2025 on and around 1:30 p.m.. The barge at grounded near Goramara Chor and develop of a crack the middle of the barge.

There were 12 crew members on the vessel (crew list attached for reference) and they are under the watch of Sagar Police Station

Thanking you,

Yours faithfully,
For AJBELA NAVIGATION

Authorised Signatory



Copy to:

1. Director, Inland Waterways Authority of India (Kolkata Br)
2. Officer-in-Charge, Immigration Check Post

7, Waterloo Street, Ground Floor, Kolkata - 700 069

0331 2216080/12 Fax: +91 3340704133

King Ocean Shipping Lines

Corporate Office: House # 417, Road # 30, New DOHS Mohakhali, Dhaka-1206, Bangladesh.
Tel: +88-02-8753015, 8752153, Fax: +88-02-8752153, E-mail: baichl@mailbangla.net, Web: www.rolf-group.com

CREW LIST

Name of Vessel: M. V. SEA WORLD	Port of Departure: Khulna, Bangladesh.	Port of Destination: Kolkata, India.
IMO No./Protocol No.-	Date of Departure:	Flag (Nationality): Bangladesh

This is certify that following crew who are posted on M. V. SEA WORLD M. NO. 7490

Sl.	Full Name (in block letters)	Rank	I CARD No.	SIGNATURE
751	01. MD. ALAMIN SHAK	MASTER	440	শ্রী. আলমিন শাক
743	02. MD. RAJIB SHEIKH	DRIVER	441	শ্রী. রাজিব শেখ
741	03. MD. JIHAD MOLLA	SUKANI	442	শ্রী. জিহাদ মোল্লা
743	04. SHAGOR	SUKANI	443	শাগর
751	05. MOHAMMAD ALI LUTU SARDAR	GREASER	444	শ্রী. আলী লুতু
743	06. MD. AHAD SHEIKH	GREASER	445	শ্রী. আহাদ শেখ
761	07. TARIKUL ISLAM	LASKER	446	তারিকুল ইসলাম
743	08. BAPPI SHEKH	LASKER	447	বাপ্পি শেখ
741	09. MD. MIHAD FAKIR	LASKER	448	শ্রী. মিহাদ ফকির
741	10. MD. SWON MOLLA	LASKER	449	শ্রী. স্বন মোল্লা
729	11. SHARIFUL SHEIKH	LASKER	450	শরিফুল শেখ
743	12. JOSIM UDDIN SHAKH	COOK	451	জসিম উদ্দিন শাক

For The Kapatakhya Trading
Manager
As Agent Shipping Agent

On behalf of King Ocean Shipping Lines

26-01-2025
NOOR-A-AREFIN SHAWON
Asstt. Revenue Officer
Coastal Exam & Vtd Commissioner
Khulna L.C. Station, Khulna

REIMONGOL-ICP
PS-KOYRA KHIULNA

DEPARTURE
TIME 06:00 AM
DATE 30/01/25

OFFICER IN CHARGE
REIMONGOL-ICP
KHIULNA

Temperature Taken
By W.A.L.K.C.
No Cold, No Cough

M. V. SEA WORLD
শ্রী. আলমিন শাক
MASTER

D/m / Asst. (J.P.S.)
24/02/25

To,
The Director
I.W.A.I
Kolkata, R.O

Sub-Submission of inspection report of Bangladesh Flagged vessel M M.V. Sea World (Reg.no M-7490)

Sir,

With reference above subject please find the enclosed herewith inspection report of Bangladesh flagged vessel M.V. Sea World (Reg.no M-7490), which was inspected by undersigned on 14.02.2025 at river Hoogly West Bengal.

Enclosed as above:

Saptarshi Ghorai
Saptarshi Ghorai (J.E)

**Inspection Report of Bangladesh flag vessel M.V.SEA WORLD,
Reg. No. M-7490 in river Hoogly, at Ghoramara, West Bengal:**

Date of damage of vessel plate & Time : 13/02/2025 1330 hrs
Date of inspection by IWAI Official : 14/02/2025
Indian Shipping Agent : M/s Ajbela Navigation.

As directed for inspection, dated 14.02.2025, undersigned had a visit at river Hoogly, West Bengal, at 1225 hrs, and found that the M.V.Sea World, M-7490 was anchored at river Muriganga, West Bengal. During the course of inspection M.V.Sea World, Master Mr.Md. Alamin Shak, IM2 500311521 reported that the said vessel loaded with fly ash 1190 MT. from Budge Budge Jetty-4, Exporter M/s-IRC Commercials and sailed towards Hemnagar LCS on 11.02.2025 with Indian Pilot Mr. Md. Habibullah and reached at Ghoramara on 12.02.2025. On dated 13.02.2025 they are sailed towards Hemnagar LCS without any Indian pilot and they are unable to find proper route due to fog and grounded near Ghoramara Char (Latitude 21.92412831°, Longitude 88°13567163), "location enclosed" at 1330 hrs and developed a crack in the middle of the Vessel.

All 12 nos crew members are rescued by Sagar Police Station.

It is found that no pilot on board in this vessel, The Indian agent namely M/s Ajbela Navigation already deploy the salvage team and POL already shifted in the Barrel and put a cautionary mark.

The under signed advised to the representative of Indian agent of the affected vessel M/s Ajbela Navigation, Kolkata to take the following action immediately:

1. To evacuate the fly ash through proper way and to repair the crack.
2. To evacuate the fly ash and also submitted the photograph in IWAI.
3. To deploy repair team after salvage the said vessel on priority basis.
4. To submit the detailed report and day to day progress of works of the affected vessel to the IWAI Officials, Kolkata.
5. Agent has also been instructed to keep the day and night cautionary marks for identification of the affected vessel till she re-float.

Saptarshi Ghose



Bangladesh flag vessel M.V. Sea World, M-7490

Enclosure:- 1 Documents related to this affected vessel.

M.V. Sea World

- F-1 BIWTA voyage permission.
- F-2 Vessel Survey certificate.
- F-3 Vessel registration certificate.
- F-4 IWAI Inward Permission.
- F-5 Master certificate.
- F-6 Certificate of Quantity loaded.
- F-7 Report submitted by the Master.
- F-8 Crew List.
- F-9 Grounded Vessel location.

Saptarshi Ghorai



বাংলাদেশ অভ্যন্তরীণ নৌ পরিবহন কর্তৃপক্ষ
BANGLADESH INLAND WATER TRANSPORT AUTHORITY

Website: www.biwta.gov.bd Facebook Page: www.facebook.com/biwta1958
বিশেষায়ুক্তিগত কার্যালয়, ১৪১-১৪২ নম্বর মতিঝিল বাণিজ্যিক এলাকা, পোস্ট বক্স নং-১৬৩, ঢাকা-১০০০, বাংলাদেশ
BIWTA BHABAN, 141-142, MOTIHEEL C/A, POST BOX-76, DHAKA-1000, BANGLADESH
Grams: AUTHORITY, Fax: 880-2-9511072, Phone: 9511071-9511074, 9511075, 9511076, 9511077

File No. 18.11.0000.122.31.031.23. 4 86

Date :- 26/01/2025, English
12/10/1431, Bangla

M/S. King Ocean Shipping Lines
House -417, Road -30, New DOHS
Mohakhali, Dhaka-1213.

Sub: Voyage permission for carriage of Inter-country goods under the
Protocol on Inland Water Transit & Trade between Bangladesh & India

Ref: Your Application No. King Ocean/Proto/ Worg /2024/ V.P.-01, Date-23/01/2025

Voyage permission is hereby accorded in favour of your owned vessel **M.V. Sea World (M-7490)** under the guidance of Mr. Md. Alamin Shak, Master, Class-2, Certificate No. IM2 500311521 to proceed for Kolkata from Khulna empty and return loaded through protocol route no.281 under the particulars & conditions as follows:-

- | 01. Port of Sailing | Next Port of Call | Ultimate port of Destination |
|---------------------|-------------------|---------------------------------|
| Khulna | Kolkata | Narayanganj (Khanpur RCC Jetty) |
- Nature of cargo: **Fly Ash.**
 - Validity period of this permission : **From- 28/01/2025 to 26/02/2025.**
 - The operator shall have to observe all Customs/ Immigration formalities under the Acts now enforce
 - During the voyage the vessel should not ply through the Shawla river.
 - The vessel having highest 3.65 Metre draft (asper river notice issued on 15.01.2025) will have to run through Mongla - Ghashiakhali channel in one way system during day light with full tide water.
 - The vessel shall ensure to avoid any collision with the deployed dredger or dredging equipment while acrossing Mongla- Ghashiakhali channel
 - The operator shall submit a return of the cargo carried duly certified by the concerned customs authority within seven days from the date of completion of the voyage.
 - Original copies of survey certificate and draft chart shall have to be displayed on board the vessel in such manner as any authority may examine those documents at any time.
 - The vessel/ Operator should ensure that the vessel ply under the guidance of the trained pilot when the vessel is in Indian territory.
 - VHF set of the vessel should always be on-air and on contact with the nearest vessel.
 - The vessel operator /shipping agent shall comply with the standard operating procedure (SoP) issued by Inland Waterways Authority of India (IWAI) vide memo no. IWAI/KOL/PROT(1)/2018-19 dated April 28th, 2020 while the vessel is in Indian territory
 - The operator will have to adhere all provisions of the Inland Shipping Ordinance 1976 and circulars/ orders issued by the concerned authorities from time to time.
 - All provision of the Protocol on Inland Water Transit & Trade between Bangladesh & India will be effective.
 - In the event of extension /amendment of this permission the proposal must be submitted five days prior to expiry of this permission.

(Md. Saiful Islam)
Director

Competent Authority on behalf of the Govt.
of Bangladesh for the PIWT&T
between Bangladesh & India.
E-mail: protocolbiwta@gmail.com
Phone: 9513170, Fax: 9511302

Copy for Information and Necessary action to (Not on seniority basis).

- Sr. Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka.
- Sr. Secretary, Ministry of Defence, Gona Bhaban Complex, Sher-e-Bangla Nagar, Dhaka.
- Sr. Secretary, Ministry of Shipping, Bangladesh Secretariat, Dhaka.
- Chairman, National Board of Revenue, Segunbagicha, Dhaka.
- Director General, Border Guard Bangladesh, Pilkhana, Dhaka.
- Director General, National Security Intelligence, Segunbagicha, Dhaka.
- Director General, Defence Forces Intelligence, 32, Dhaka Cantonment Market, Dhaka.
- Director General, Department of Shipping, BIWTA, Bhaban, Motijheel, Dhaka.
- Commissioner, Customs Excise & VAT, Customs House, Mongla, Khalishpur, Khulna.
- Director, National Security Intelligence, Narayanganj / Khulna.
- Director, Operations, Coast Guard Headquarters, Agargaon Administrative Area, Sher-e-Bangla Nagar, Dhaka.
- Director IWAI, Kolkata WB India.
- Director, Conservancy & Pilotage, BIWTA, Dhaka.
- Zonal Commander, Western Zone, Bangladesh Coast Guard, Mongla Port Area, Mongla, Bagerhat.
- Joint Director (Port), BIWTA, Narayanganj / Khulna.
- Joint Director (C&P), BIWTA, Narayanganj / Khulna.
- Superintendent of Police, Narayanganj / Khulna.
- Superintendent of Police, DSB, Narayanganj / Khulna.
- Superintendent Land Customs, Customs House, Khulna.
- Land Customs Officer, Sheikhbaria Land Customs Check Post, Sheikhbaria, P.O. Jorsingh, Khulna.
- Revenue Officer, Land Custom Station, H.S. Con. Office, 1701, Farid, Dhaka.

Saifurabi Ghosai

F-2



গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
নৌ-পরিবহন অধিদপ্তর

সার্ভে সনদ

(বাংলাদেশ অস্বাভাবিক নৌ-চলাচল অধ্যাদেশ ১৯৭৬ ধারা ৯ অনুসারে প্রদত্ত)

সনদ নং: ০৬.১০০৫৭৮৯৪
সার্ভে সনদের মেয়াদ: ০৮-০৮-২০২৫
সনদ প্রদানের তারিখ: ২৪-০৭-২০২৪



নৌযানের নাম: এমভি. সী ওয়ার্ল্ড mv. Sea World রেজিস্ট্রেশন নম্বর: এম-৭৪৯০
নৌযানের পরিমাপ: দৈর্ঘ্য ৫৮.৮৮ প্রস্থ: ৮.৫৫ গভীরতা: ৩.৯৭
মালিকের নাম: জনাব কে. এম. আরিফুল্লাহমান পিতার নাম: মৃত কাজী আবদুল হাই
কোম্পানির ঠিকানা: মেসার্স কিং ওশান শিপিং লাইন্স, রোড #- ৩০, বাড়ী # ৪১৭ নিউ ডিওএইচএস, মহাখালী, থানা: কাফরুল, জেলা: ঢাকা।

যে স্থানে রেজিস্ট্রেশন হয়েছে	ইঞ্জিনের সংখ্যা ও ইঞ্জিনের শক্তি	নৌযানের ধরন
ঢাকা	২ - ৬০০ বিএইচপি	মালবাহী

যাত্রী পরিবহন ক্ষমতা			কেবিনের সংখ্যা	নৌযানের নির্মাণকাল ও টনেজ	
রাত্রিকালে (রাতের অধিকাংশ সময় চলাচলরত নৌযানে রাত্রিকালীন যাত্রী সংখ্যা প্রয়োজ্য হবে)	দিবাকালে (দিনের অধিকাংশ সময় চলাচলরত নৌযানে দিবাকালীন যাত্রী সংখ্যা প্রয়োজ্য হবে)	মূল ডেকে ২য় ডেকে ৩য় ডেকে	২য় ডেকে ৩য় ডেকে	নৌযানের নির্মাণকাল	গ্রস রেজিস্টার্ড টন (জিআরটি) (ইহা মাল পরিবহনের ক্ষমতা নহে)
০	০		০	২০০৫	৪৮৭

জীবন রক্ষাকারী সরঞ্জাম ও অন্যান্য তথ্য		
অগ্নি নির্বাপক যন্ত্র ও জীবন রক্ষাকারী সরঞ্জামের তথ্য		অন্যান্য সরঞ্জাম
ক) লাইফ বয়ঃ ৭	ঙ) ফায়ার বাকেটঃ ১২	খ) ফার্স্ট এইড বক্সঃ ১
খ) লাইফ জ্যাকেটঃ ১২	চ) পাম্পঃ ১	এ) সেক্টি ল্যাম্প/টিউঃ ভাল
গ) লাইফ রায়ফটঃ ০	ছ) বালির বাক্সঃ ১	ট) রেডিওঃ
ঘ) অগ্নি নির্বাপক বক্সঃ ৬	জ) কম্পাসঃ	ঠ) মোবাইল নম্বরঃ ০১৫৫০০৬৩৮৫০

মাস্টার/ইঞ্জিনিয়ার/ড্রাইভার/নাবিকের সংখ্যা								
মাস্টার			ইঞ্জিনিয়ার/ড্রাইভার			নাবিক		
২য়	শ্রেণির ইনল্যান্ড মাস্টার	১ জন	২য়	শ্রেণির ইঞ্জিনিয়ার/ড্রাইভার	১ জন	১২ জন		
	শ্রেণির ইনল্যান্ড মাস্টার	০ জন		শ্রেণির ইঞ্জিনিয়ার/ড্রাইভার	০ জন			

সার্ভেয়ার কর্তৃক সম্পাদিত সার্ভে চেকলিস্ট সংযুক্ত না থাকিলে এই সনদ বৈধ নহে।
সার্ভে চেকলিস্ট সংযুক্ত থাকার সাপেক্ষে এই সার্ভে সনদের মেয়াদ: ০৮-০৮-২০২৫
তারিখ পর্যন্ত বলবৎ থাকিবে।



Powered by Dream 71 Bangladesh Ltd.


পক্ষে মহাপরিচালক
নৌ-পরিবহন অধিদপ্তর, ঢাকা



Saptarshi Ghosh



বোজিংয়েশান

স্যাটিফিকেশন

সংস্কৃতিক্রীড়া মন্ত্রণালয়, সরকার
শ্রী-মান নিবন্ধনের কার্যালয়
স্বাভাবিক জাতিজা উপাংশ অধিদপ্তর, ১৯৭৬



অনুমানিত বোজিংয়েশান বিবরণ (খসড়া)

বোজিংয়েশান নং	অনুমানিত নাম	নং, তারিখ এবং বোজিংয়েশান স্থান	সংক্রান্ত বোজিংয়েশান নং, তারিখ ও স্থান (খসড়া)
৩৪৮-৭৪৯০	সম্রাটী ডি-৩৫০	নাম: ১০৫৬৬ তারিখ: ৩০.১০.২০০৫ স্থান: জাতিজা	নং: ২৪৯২ তারিখ: ৩০.১০.২০০২ স্থান: জাতিজা

প্রাপ্তি বিবরণ

নং	নাম	বোজিংয়েশান নং	তারিখ	স্থান	অনুমানিত নাম	তারিখ	স্থান	অনুমানিত নাম
১	সম্রাটী	৩৪৮-৭৪৯০	৩০.১০.২০০৫	জাতিজা	১০৫৬৬	৩০.১০.২০০২	জাতিজা	২৪৯২

সম্রাটী ডি-৩৫০

নং	নাম	বোজিংয়েশান নং	তারিখ	স্থান	অনুমানিত নাম	তারিখ	স্থান	অনুমানিত নাম
১	সম্রাটী	৩৪৮-৭৪৯০	৩০.১০.২০০৫	জাতিজা	১০৫৬৬	৩০.১০.২০০২	জাতিজা	২৪৯২

সত্যায়িত ১৩/১০/১০

এই সত্যায়িত প্রমাণিত হইবে যে উপরোক্ত বিবরণ সত্য এবং সঠিক।

সত্যায়িতকারী:

তারিখ: ১৩/১০/১০

Saptarishi Gurukul

IWA-PORTAL

<https://iwaiportal.nic.in/approvalletter.php?pid=93232&Encl=1>

INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Ports, Shipping and Waterways, Government of India)
REGIONAL OFFICE: P-78 Garden Reach Road, Kolkata- 700043 (W.B.)
Tel: 24390393 / 5577 / 6055 FAX : 24395570 / 1710
Email: iwaical@yahoo.com, dirkol.iwai@nic.in

No- IWAI/KOL/PROT/In/7665/27-01-2025 /11752

Date: 27-
January-2025

To,
The Superintendent of Customs
Land Custom Station
24 Parganas (North), Hemanagar

Inward Permission OF M.V.SEA WORLD

1: Ref : BIWTA Permission No 18.11.0000.122.31.031.23.486, Dated: 26-January-2025
2: Application of Shipping Agent -M/s AJBELA NAVIGATION , 7, WATERLOO STREET KOLKATA 69 Dated 27-January-2025

Dear Sir,

With reference to the above Inward permission for the vessel M.V.SEA WORLD (empty) is granted for her voyage from Khulna to Haldia India through Protocol Route No. 2 to enter Indian Waters from 31/01/2025 to 09/02/2025 for Loading Fly Ash and shall leave Indian waters on or before 25/02/2025. The berthing location details is/are given as under :

1. IWAI Haldia Jetty

It is requested to complete necessary custom formalities and allow the vessel to proceed further.

Thanking You

Yours faithfully,

27/1/2025
Director
&

Competent Authority on behalf
of the Govt. of India for the PIWT&T
between India & Bangladesh

Copy to:-

1. The Director BIWTA Dhaka Bangladesh (by email)
2. The Traffic Manager (I/C) (Attn Suptd Wharves Sale) Kolkata - 700043 (by email)
3. The Commander Indian Coast Guard Dist- 8 Anchorage Camp, Haldia Port - 721695 Purba Medinipur (by email)
4. The Commanding Officer 235 IWT Op Unit Engrs Pin- 913235 c/o 99 APO (by email)
5. The Additional DSP DIB (Immigration) Bhabani Bhawan, Kolkata
6. The Additional Suptd of Police, District intelligence Branch South 24 Parganas (by email)
7. The Secretary Home Department, Govt. of West Bengal, Writers Building Kolkata
8. The Commandant 18 Battalion BSF Tagore villa Kolkata - 700035
9. The Director IWT Directorate Govt. of West Bengal Kolkata- 700014 (by email)
10. The Director Marine Deptt. 15 Strand Road Kolkata - 700001 (by email)
11. M/s AJBELA NAVIGATION , 7, WATERLOO STREET KOLKATA 69 With reference to your letter dated 27/01/2025 on the subject above, the vessels are allowed to sail through Nurpur area when no Ocean going vessels are in the vicinity. All precautionary measures are to be taken while crossing location at Nurpur Jetty where Bangladesh vessels have capsized near to the main channel and on upstream side of the Jetty to avoid any untoward incident while passing from these location. Entire responsibility for this will be of the Shipping Agent. No vessel should anchor within 5 kms of Nischintapur river training Jetty of KoPT

Vessels sailing in the Hooghly river should follow the "Rules for Inland Vessels" notified and published under chapter-III of "Calcutta Port Rules, 1994". **No inland Vessel shall anchor in such a position or in such a manner as to offer obstruction to any sea-going vessel in the navigable channel.**

NOTE- All vessels sailing between Ramongal and Netdhopani shall have to follow all restrictions laid down by the Field Director Sunderban Tiger Reserve India as stipulated under the wildlife protection act/ India forest act and orders of pollution control board India. They should not throw anything out from the vessels including bilge water, polythin, bags etc. and should not use horn/loud speakers. Berthing of any vessels in the above stretch/sailing at night is strictly prohibited. Violation of the above may lead to fine up to Rs. 25000/- and/or imprisonment.

Saptarishi Ghorai

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
 Government of the People's Republic of Bangladesh
 বাংলাদেশ সরকারের ১৯৭৫-এর শিপিং মোতায়েন আইন ১৯৭৫
 Certificate issued under the provisions of Bangladesh Inland Shipping Ordinance 1975

M2 002531

যোগাযোগ সনদ
CERTIFICATE OF COMPETENCY
 ২য় শ্রেণীর স্থলপাঠ মাস্টার
SECOND CLASS INLAND MASTER

সনদ নং ও তারিখ
 Certificate No. **IM2 500311521**
 Date of Issue **17-10-2022**

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার এই সনদ প্রদান করিতেছে যে,
 The Government of the People's Republic of Bangladesh certifies that **MD. ALAMIN SHAK**
 উপরোক্ত অধ্যাদেশের ৩৬ ধারা মোতাবেক যোগ্য এবং নির্দিষ্ট কার্যক্রমে সীমাবদ্ধতার পরিসরে দক্ষতা সম্পন্ন
 has been found duly qualified in accordance with the provisions of section 36 of the above Ordinance and has been found competent to perform the following
 function at the level specified, subject to any limitations indicate until **16-10-2027** পর্যন্ত
 অথবা এই সনদের নবায়নের মেয়াদ অথবা পুনরায় প্রদর্শিত তারিখ পর্যন্ত সতঃ
 or until the date of expiry of the renewal of the validity of this certificate as may be shown overleaf.

কর্তৃত্ব (FUNCTION)	সীমাবদ্ধতা (যদি থাকে) (LIMITATIONS (IF ANY))
SECOND CLASS MASTER OF INLAND SHIPS	LASS IPAN 417 KW (569 BHP)



স্বাক্ষর (Signature) 

নাম (Name) **Md Manjurul Kabir**

প্রধান পরীক্ষক
Chief Examiner

সনদধারীর নাম
Name of the holder **MD. ALAMIN SHAK**

মাতার নাম
Mother's Name **Zarina Begum**

পিতার নাম
Father's Name **Habibur Shak**

জন্ম তারিখ
Date of birth **10-01-1990**

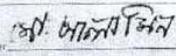
স্থায়ী ঠিকানা
Permanent Address **SOUTH FUKRA, KASHIANI,
GOPALGONJ, BANGLADESH**

উন্নয়নকারী তারিখ
Qualifying Certificate met on **17-08-2022**

সনদ প্রদানের স্থান - পৌ. শরিফুল হকের, ঢাকা, বাংলাদেশ
 Certificate issued at DEPARTMENT OF SHIPPING, DHAKA, BANGLADESH

সনদ নং ও শ্রেণী
 Certificate No & Grade **IM2 500311521
 IM2**

প্রদানের তারিখ
 Issued on **17-10-2022**

সনদধারীর স্বাক্ষর
 Signature of the holder 



মুদ্রিত
 Director General
 পৌ. শরিফুল হকের
 Department of Shipping

নোট: এ সনদধারী ব্যতীত এই সনদ অন্য কারো হস্তগত হলে মহাপরিচালক, পৌ. শরিফুল হকের, ১৪১-১৪৩, মতিঝিল বা./এ, ঢাকা-১০০০, বাংলাদেশে প্রাপ্ত হলে সনদ প্রেরণের জন্য অনুরোধ করা যাবে। তবে যথা প্রাপ্ত করণ বহন করা হইবে।
 Note: Any person other than the holder coming in possession of this document is requested to send it to the Director General, Department of Shipping, 141-143, Motiheel C/A, Dhaka-1000, Bangladesh in an unstamped envelope. Postage will be paid by the addressee.





MERCHANT MARINE SURVEYORS & ASSAYERS

16K, DOVER LANE, 1ST FLOOR, KOLKATA - 700 029

Phone : 033-2461 8724 / 82740 32847 TELE FAX : 033-4001 1598

Email : merchant.marine@rediffmail.com / chinmoy.bhattacharya@gmail.com

Website : www.mmsa.in.net

REGD. LICENSE NO. IRDA/IND/SLA-59079 Exp. 05.04.2026. CERTIFICATE OF COMPETENCY FOR DRAUGHT SURVEY, Ship Survey License No. 33504/19-07

REPORT NO. MMSA/IRC/BUDGE BUDGE/2024-25/157

DATE - 12.02.2025

CERTIFICATE OF QUANTITY LOADED EXPORT OF DRY FLY ASH IN BULK

Pursuant to the instructions given by IRC COMMERCIAL PVT LTD., IRC House, 1, Sunyat Sen Street, Kolkata - 700 012 we, the Marine Cargo Surveyors, attended the barge M.V. SEA WORLD in order to ascertain the quantity loaded.

We now report as follows:

Place of Survey : Budge Budge Jetty - 4, Kolkata.
Cargo Loaded : Dry Fly Ash in Bulk.
Exporter's Invoice No. : 337/SEA/2425/05
Initial Date of Survey : 11.02.2025
Final Date of Survey : 12.02.2025
Barge Name : M.V. SEA WORLD

LENGTH	59.80 M		
BREADTH	8.55 M		
INITIAL FREE BOARD		FINAL FREE BOARD	
Port Side	3.22 M	Port Side	0.30 M
Starboard Side	3.22 M	Starboard Side	0.30 M
Mean	3.22 M	Mean	0.30 M
Submersion : 2.92 M			
Tank Ullages (INITIAL)		Tank Ullages (FINAL)	
Fore Peak	2.37 M	Fore Peak	2.42 M
Aft Peak	0.36 M	Aft peak	0.42 M
QUANTITY LOADED		1190.000 M.T.	

Hence, we certify that the barge M.V. SEA WORLD had loaded One Thousand One Hundred Ninety Metric Tons of Cargo (Dry Fly Ash in Bulk) from Budge Budge Jetty - 4, Kolkata, India.

ISSUED WITHOUT PREJUDICE

FOR MERCHANT MARINE SURVEYORS & ASSAYERS



[CHINMOY BHATTACHARYA]
SURVEYOR

Chinmoy Bhattacharya 12.02.2025

Saptarshi Ghose

"Master Declaration"

I am Mr.Md. Alamin Shak (IM2 500311521) M.V.Sea World vessel's Master stated that we are sailing M.V Sea World (M-7490) from Budge Budge on dated 11.02.2025 loaded with flyash 1190MT towards Namkhana and anchored at Ghoramara with Indian pilot on dated 12.02.2025. On dated 13.02.2025 approximately 0900 hrs The Indian pilot left this vessel and go-through another empty vessel. Due to high water pressure and fog we are sailing this vessel as per pilot declare route, we are unable to find proper route and grounded near Ghoramara Char and develop a crack on middle of the Vessel. The help of local people and state police administration we are(12 Nos of Vessel Crew) shelter in Sagar Police Station.

The Indian Pilot Namely Mr. Md. Habibullah.

King Ocean Shipping Lines

Corporate Office: House # 417, Road # 30, New DOHS Mohakhali, Dhaka-1206, Bangladesh.
Tel: +88-02-8753015, 8752153, Fax: +88-02-8752153, E-mail: baichi@mailbangla.net, Web: www.aif-group.com

DECLARATION FORM

TOTAL NOS. 12 (TWELVE) M. V. SEA WORLD M. NO. 7490

SL. NO.	Name of the Crew member	Position held	Currency		Mobile No.	Signature
			Bangladesh	Foreign		
01.	MD. ALAMIN SHAK	MASTER				শ্রী: আলমিন শাক
02.	MD. RAJIB SHEIKH	DRIVER				শ্রী: রাজিব শেখ
03.	MD. JIHAD MOLLA	SUKANI				শ্রী: জিহাদ মল্লা
04.	SHAGOR	SUKANI				শাগর
05.	MOHAMMAD ALI LUTU SARDAR	GREASER				শ্রী: আলি লুতু
06.	MD. AHAD SHEIKH	GREASER				শ্রী: আহাদ শেখ
07.	TARIKUL ISLAM	LASKER				তারিকুল ইসলাম
08.	BAPPI SHEKH	LASKER				বাপ্পি শেখ
09.	MD. MIHAD FAKIR	LASKER				শ্রী: মিহাদ ফকির
10.	MD. SWON MOLLA	LASKER				শ্রী: স্বন মল্লা
11.	SHARIFUL SHEIKH	LASKER				শারিফুল শেখ
12.	JOSIM UDDIN SHAKH	COOK				জসিম উদ্দিন শাক
		Total Tk				

Such of the articles declares therein as are to be landed
Should be specified separately in these columns
(Forms to be used for the vessels to and from Bangladesh)

Certified that above declaration is true to the best of my knowledge

For The Kapetakkho Trading
Shahin Arifat Ullah
Manager
Kapetakkho Trading,
Shipping Agent
On behalf of King Ocean Shipping Lines

26-01-2015
NOOR-A-REFIN SHAWON
Asstt. Revenue Officer
Customs Excise & Vat Commissionerate
Khulna LC. Station, Khulna

M.V. SEA WORLD
শ্রী: আলমিন শাক
MASTER

S.M.A.E. 30/01/25
S.M.A.E. MORSHED ALI
Inspector of Customs
Khulna LC. Station, Khulna

30-01-15
Rupan Chakma
Assistant Revenue Officer
Sheikhpada LC Station
Koyra, Khulna

Sapteswari Ghose



Khasimara, West Bengal, India

Latitude

21.92412831°

Longitude

88.13567163°

Local 12:44:25 PM

GMT 07:14:25 AM

Altitude 0 meters

Friday, 14.02.2025

Supriya Ghose



भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
(पोत परिवहन मंत्रालय, भारत सरकार)
INLAND WATERWAYS AUTHORITY OF INDIA
(MINISTRY OF PORTS, SHIPPING & WATERWAYS, GOVT. OF INDIA)
P-78, GARDEN REACH ROAD, KOLKATA - 700 043.
पी०-78, गार्डरीच रोड, कोलकाता-700043

GRAM - JALMARG, Phone :- 2439 - 0393 / 1710 / 6055 / 5577 Telefax :- 2439 - 5570, E-mail:- iwaical@yahoo.com

IWAI/KOL/PROT(1)/2024-25//720

February 17, 2025

To,

M/s. Ajbela Navigation,
7, Waterloo Street,
Kolkata - 700 069

Sub: Distress of Bangladesh flag vessel MV Sea World (M 7490)
Ret Email dated 14.02.2025 received from M/s Ajbela Navigation

Sir,

Reference above, M/s Ajbela Navigation have reported that Bangladesh Flag Vessel namely MV Sea World (M 7490) loaded with 1190.00 MT of Fly ash sailed from Budge Budge Jetty-4, Kolkata on 11.02.2025 and on 13.02.2025 at around 01:30 P.M, the said Barge grounded near Ghoramara Char and developed of a crack in the middle of the Barge. Further, said shipping Agent, intimated that the unloading of fly ash is being carried out.

In this regard you are directed for the following:

1. Vessel may be taken to the safe location with support of other empty vessel(s) and also to ensure the safety of the vessel & crew.
2. Anchor Ball and night navigation lights should be provided at the location.
3. Necessary action to rectify the detects immediately and report in detail may be forwarded immediately about the vessel condition & its present position etc.
4. Necessary action to afloat the vessel and also to evacuate the cargo & POL immediacy.

Further, the action Taken Report and day to day progress may be submitted to IWAI, Kolkata.

Yours sincerely

[Signature]
for Director 17/02/2025

Copy for necessary action to:

1. Shri S. Kundu, AHS & Nodal officer for IBP Routes, IWAI, Kolkata
2. Sri Saptarshi Ghorai, IWAI, Kolkata: you are directed to oversee the operation and provide necessary assistance to the vessel operators and submit the report to IWAI Kolkata office.

Copy for information to:

1. Chief Engineer (T & L), IWAI, Noida
2. Director (NER), IWAI, Noida
3. PA to Member (T & L), IWAI, Noida - for favour of kind information to Member (T & L) please.

Head Office :- A-13, Sector- I, NOIDA, U.P. Pin - 201301.

Ph:- 0120-2543972/4004/4036/2521764.

Fax: - 0120-2543973/4009/4041/2521664.

Email:- iwainoi@nic.in Web site :- www.iwai.nic.in

Yahoo Mail - Report Regarding Incidence happened with M.V. Se...

<https://mail.yahoo.com/d/folders/1/messages/232116>

Report Regarding Incidence happened with M.V. Sea World (M. No. # 7490) at Gharamara under P.S. Sagar (Sundarban Police District)

From: AJBELA NAVIGATION (ajbelanavigation@gmail.com)

To: dirkol@iwai.gov.in; iwaical@yahoo.com

Date: Friday, 21 February 2025 at 02:06 pm IST

Please Ignore previous mail

 VID-20250221-WA0010.mp4

 VID-20250221-WA0011.mp4

 VID-20250221-WA0018.mp4

Dear Sir,

As you are already aware that a Bangladeshi-flagged vessel, **M.V. Sea World (M. No. # 7490)** came under our agency and loaded DRY FLY-ASH from Budge Budge Jetty-4, Kolkata on 11th February 2025.

And sailed from Budge Budge on 12th February 2025. Unfortunately, on 13th February 2025 at around 1.30 p.m., the barge grounded near Ghoramara Char and developed a crack in the middle of the barge and now partially sank.

Our salvage team is dealing with the situation and arranged a team for the salvage of the partially sank vessel. They managed some boats (Nauka) and a team to unload the vessel. Salvage team already managed to unload some cargo and keep it in a safe place with all precautions (Picture attached for reference). They are trying their best to finish it as early as possible.

We will update the situation to you on a daily basis, some of the pictures and videos of the current situation of unloading are attached for your reference.

--
With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

 WhatsApp Image 2025-02-21 at 13.11.01.jpeg
297.4kB

 WhatsApp Image 2025-02-21 at 12.04.59.jpeg
223.5kB

 WhatsApp Image 2025-02-21 at 12.05.00 (1).jpeg
253.8kB

 WhatsApp Image 2025-02-21 at 12.05.00.jpeg
227.4kB

Yahoo Mail - Report Regarding Incidence happened with M.V. Se...

<https://mail.yahoo.com/d/folders/1/messages/232116>



WhatsApp Image 2025-02-21 at 12.04.59 (2).jpeg
249kB



WhatsApp Image 2025-02-21 at 12.04.58 (1).jpeg
205.5kB



WhatsApp Image 2025-02-21 at 13.26.09.jpeg
31.9kB





Yahoo Mail - Re: Report Regarding Incidence happened with M.V....

<https://mail.yahoo.com/d/folders/1/messages/232116>

Re: Report Regarding Incidence happened with M.V. Sea World (M. No. # 7490) at Gharamara under P.S. Sagar (Sundarban Police District)

From: AJBELA NAVIGATION (ajbelanavigation@gmail.com)

To: dirkol@iwai.gov.in; iwaical@yahoo.com

Date: Saturday, 22 February 2025 at 02:13 pm IST

Dear Sir,

As we reported you in our previous mail the current situation of the barge M.V SEA WORLD (M#7490) is as follows:

*** We are transferring the liquid cargo from M.V.SEA WORLD to our barge M.V.GARAI (WB1367). most of the liquid cargo has been transferred to M.V.GARAI as you can see in the videos attached

On Fri, Feb 21, 2025 at 2:05 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Please Ignore previous mail

 VID-20250221-WA0010.mp4

 VID-20250221-WA0011.mp4

 VID-20250221-WA0018.mp4

Dear Sir,

As you are already aware that a Bangladeshi-flagged vessel, **M.V. Sea World (M. No. # 7490)** came under our agency and loaded DRY FLY-ASH from Budge Budge Jetty-4, Kolkata on 11th February 2025.

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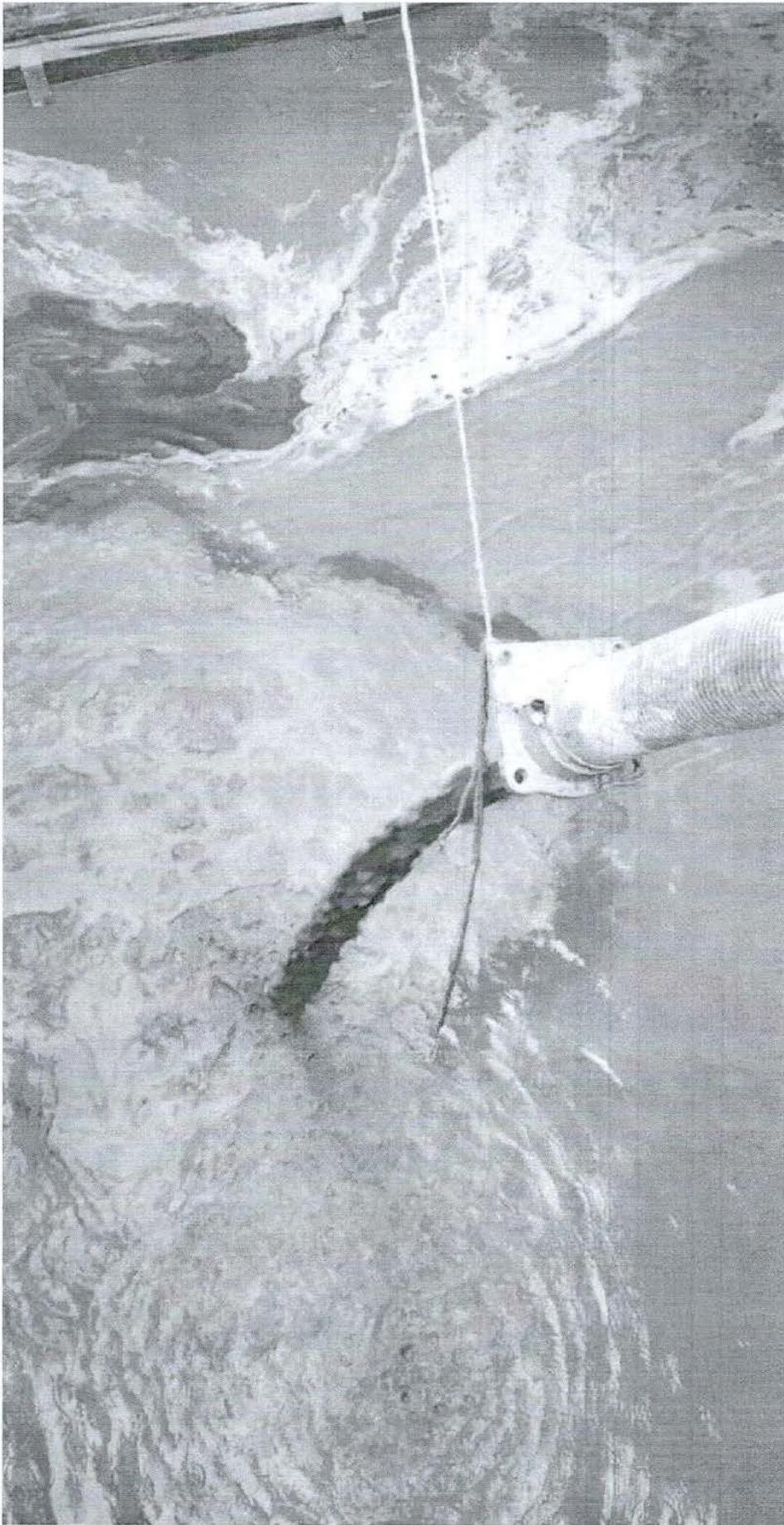
--

With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

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With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912





Yahoo Mail - Re: Report Regarding Incidence happened with M.V....

7 MESSAGES - 6
<https://mail.yahoo.com/d/folders/1/messages/232116>

Re: Report Regarding Incidence happened with M.V. Sea World (M. No. # 7490) at Gharamara under P.S. Sagar (Sundarban Police District)

From: AJBELA NAVIGATION (ajbelanavigation@gmail.com)

To: iwaical@yahoo.com; dirkol@iwai.gov.in

Date: Monday, 24 February 2025 at 11:45 am IST

Dear Sir,

Status of partially sunk barge MV SEA WORLD is as follows:

**** Salvage operation continues and transfer of liquid cargo to MV GARAI is running as you have seen in previous images and videos.

On Fri, Feb 21, 2025 at 1:56 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

 VID-20250221-WA0010.mp4

 VID-20250221-WA0011.mp4

 VID-20250221-WA0018.mp4

Dear Sir,

As you are already aware that a Bangladeshi-flagged vessel, **M.V. Sea World (M. No. # 7490)** came under our agency and loaded DRY FLY-ASH from Budge Budge Jetty-4, Kolkata on 11th February 2025.

And sailed from Budge Budge on 12th February 2025. Unfortunately, on 13th February 2025 at around 1.30 p.m., the barge grounded near Ghoramara Char and developed a crack in the middle of the barge and now partially sank.

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We will update the situation to you on a daily basis, some of the pictures and videos of the current situation of unloading are attached for your reference.

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With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

--

With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

Yahoo Mail - Re: Report Regarding Incidence happened with M.V....

<https://mail.yahoo.com/d/folders/1/messages/232116>

Re: Report Regarding Incidence happened with M.V. Sea World (M. No. # 7490) at Gharamara under P.S. Sagar (Sundarban Police District)

From: AJBELA NAVIGATION (ajbelanavigation@gmail.com)

To: iwaical@yahoo.com; dirkol@iwai.gov.in

Date: Thursday, 27 February 2025 at 04:43 pm IST

Dear sir,

Please find the summary report attached

On Thu, Feb 27, 2025 at 4:09 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Dear Sir,

the current position of the vessel M.V.SEA WORLD is as follows:-

***The barge is under repair and in floating position.

***POL of approximately 600 Ltr has been shifted to the Indian flagged vessel MV GARAI safely. No spillage of POL in the river.

***The liquid flyash has been shifted to MV GARAI partially and dry flyash to the shore as you have seen in the previously sent images and videos. Shifting of liquid flyash is going on continuously. Repairing videos have been attached here for your reference.

On Wed, Feb 26, 2025 at 12:32 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Dear Sir,

Status of vessel M.V.SEA WORLD is as follows:-

**** salvage team has completed the salvage operation and repair of the barge has already started. We are trying our best to float it as early as possible.

Current images and videos have been attached for your ready reference.

On Fri, Feb 21, 2025 at 1:56 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

 VID-20250221-WA0010.mp4

 VID-20250221-WA0011.mp4

 VID-20250221-WA0018.mp4

Dear Sir,

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Yahoo Mail - Re: Report Regarding Incidence happened with M.V....

<https://mail.yahoo.com/d/folders/1/messages/232116>

We will update the situation to you on a daily basis, some of the pictures and videos of the current situation of unloading are attached for your reference.

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With Regards,
Ajbela Navigation
7,Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

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Kolkata-700069,
Phone No : 9831696912

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With Regards,
Ajbela Navigation
7,Waterloo Street,
Kolkata-700069,
Phone No : 9831696912



Summary report-SEA WORLD.pdf
2.7MB

Yahoo Mail - Re: Report Regarding Incidence happened with M.V....

https://mail.yahoo.com/d/folders/1/messages/232116

Re: Report Regarding Incidence happened with M.V. Sea World (M. No. # 7490) at Gharamara under P.S. Sagar (Sundarban Police District)

From: AJBELA NAVIGATION (ajbelanavigation@gmail.com)

To: iwaical@yahoo.com; dirkol@iwai.gov.in

Date: Friday, 28 February 2025 at 11:28 am IST

Sir,

We are shifting our barge M. V. Sea World from Ghora Mara to lot 8 with the help of two barges M. V. Garai(Indian) and M. V. Sea Pental (Bangladeshi) .

On 27 Feb 2025, at 4:42 PM, AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Dear sir,
Please find the summary report attached

On Thu, Feb 27, 2025 at 4:09 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Dear Sir,
the current position of the vessel M.V.SEA WORLD is as follows:-

***The barge is under repair and in floating position.
***POL of approximately 600 Ltr has been shifted to the Indian flagged vessel MV GARAI safely.
No spillage of POL in the river.
***The liquid flyash has been shifted to MV GARAI partially and dry flyash to the shore as you have seen in the previously sent images and videos. Shifting of liquid flyash is going on continuously.
Repairing videos have been attached here for your reference.

On Wed, Feb 26, 2025 at 12:32 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Dear Sir,
Status of vessel M.V.SEA WORLD is as follows:-
**** salvage team has completed the salvage operation and repair of the barge has already started. We are trying our best to float it as early as possible.
Current images and videos have been attached for your ready reference.

On Fri, Feb 21, 2025 at 1:56 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

 VID-20250221-WA0010.mp4

 VID-20250221-WA0011.mp4

 VID-20250221-WA0018.mp4

Dear Sir,

As you are already aware that a Bangladeshi-flagged vessel, **M.V. Sea World (M. No. # 7490)** came under our agency and loaded DRY FLY-ASH from Budge Budge Jetty-4, Kolkata on 11th February 2025.

1
Yahoo Mail - Re: Report Regarding Incidence happened with M.V....

<https://mail.yahoo.com/d/folders/1/messages/232116>

And sailed from Budge Budge on 12th February 2025. Unfortunately, on 13th February 2025 at around 1.30 p.m., the barge grounded near Ghoramara Char and developed a crack in the middle of the barge and now partially sank.

Our service team is dealing with the situation and arranged a team for the salvage of the partially sank vessel. They managed some boats (Nauka) and a team to unload the vessel. Service team already managed to unload some cargo and keep it in a safe place with all precautions (Picture attached for reference). They are trying their best to finish it as early as possible.

We will update the situation to you on a daily basis, some of the pictures and videos of the current situation of unloading are attached for your reference.

--
With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

--
With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

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With Regards,
Ajbela Navigation
7, Waterloo Street,
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Phone No : 9831696912

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With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

<Summary report-SEA WORLD.pdf>

Yahoo Mail - Re: Report Regarding Incidence happened with M.V....

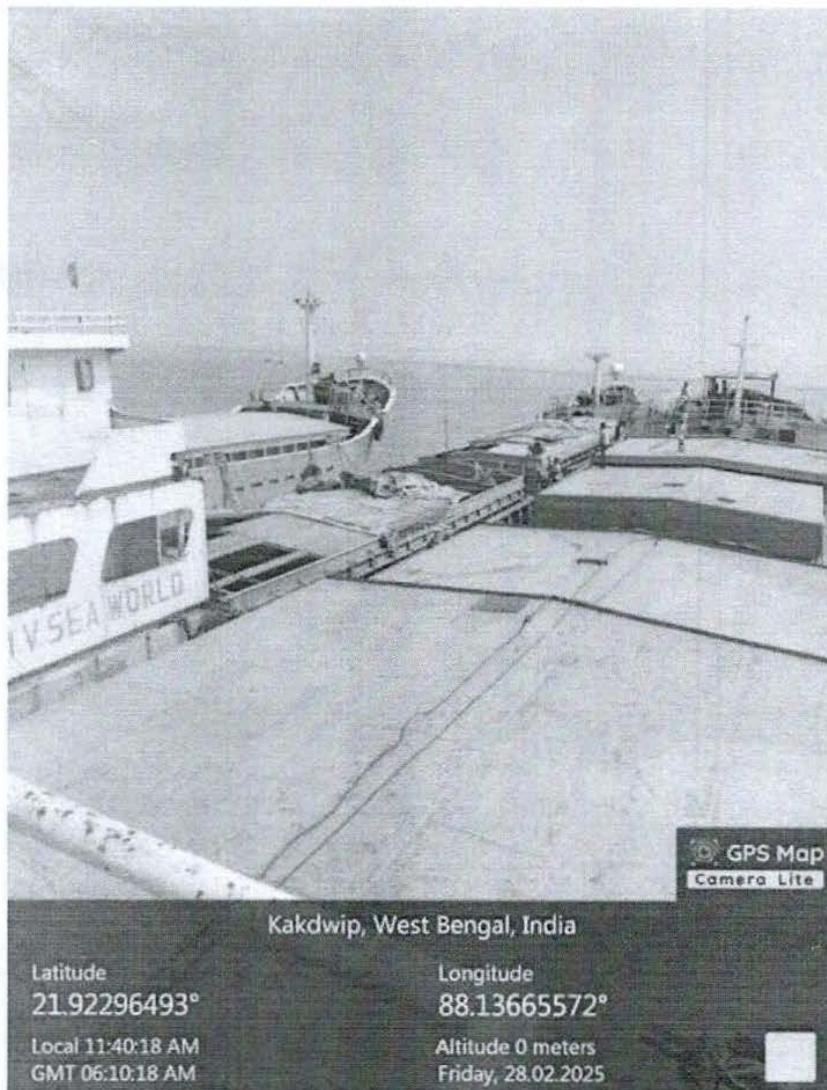
<https://mail.yahoo.com/d/folders/1/messages/232116>

Re: Report Regarding Incidence happened with M.V. Sea World (M. No. # 7490) at Gharamara under P.S. Sagar (Sundarban Police District)

From: AJBELA NAVIGATION (ajbelanavigation@gmail.com)

To: iwaical@yahoo.com; dirkol@iwai.gov.in

Date: Friday, 28 February 2025 at 11:47 am IST



Sent from my iPhone

On 28 Feb 2025, at 11:28 AM, AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Sir,

We are shifting our barge M. V. Sea World from Ghora Mara to lot 8 with the help of two barges M. V. Garai(Indian) and M. V. Sea Pental (Bangladeshi) .

On 27 Feb 2025, at 4:42 PM, AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Yahoo Mail - Re: Report Regarding Incidence happened with M.V....

INCIDENT -10
<https://mail.yahoo.com/d/folders/1/messages/232116>

Re: Report Regarding Incidence happened with M.V. Sea World (M. No. # 7490) at Gharamara under P.S. Sagar (Sundarban Police District)

From: AJBELA NAVIGATION (ajbelanavigation@gmail.com)

To: iwaical@yahoo.com; dirkol@iwai.gov.in

Date: Friday, 28 February 2025 at 12:46 pm IST

Dear Sir,

The damaged vessel has been brought to the LOT-8 for further repair purposes. Image attached for your reference.

On Fri, Feb 28, 2025 at 12:32 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Dear Sir,

Current position of the vessel is as follows:-

*** Barge is now in floating position and with the help of Indian flagged vessel MV GARAI and Bangladeshi flagged vessel MV SEA PENTAL are towing the damaged barge to LOT-8 for further repair. Images and videos attached for reference. We will update once the barge reaches the LOT-8 and share you the images.

On Fri, Feb 28, 2025 at 11:28 AM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Sir,

We are shifting our barge M. V. Sea World from Ghora Mara to lot 8 with the help of two barges M. V. Garai(Indian) and M. V. Sea Pental (Bangladeshi).

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Please find the summary report attached

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***POL of approximately 600 Ltr has been shifted to the Indian flagged vessel MV GARAI safely. No spillage of POL in the river.

***The liquid flyash has been shifted to MV GARAI partially and dry flyash to the shore as you have seen in the previously sent images and videos. Shifting of liquid flyash is going on continuously. Repairing videos have been attached here for your reference.

On Wed, Feb 26, 2025 at 12:32 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Dear Sir,

Status of vessel M.V.SEA WORLD is as follows:-

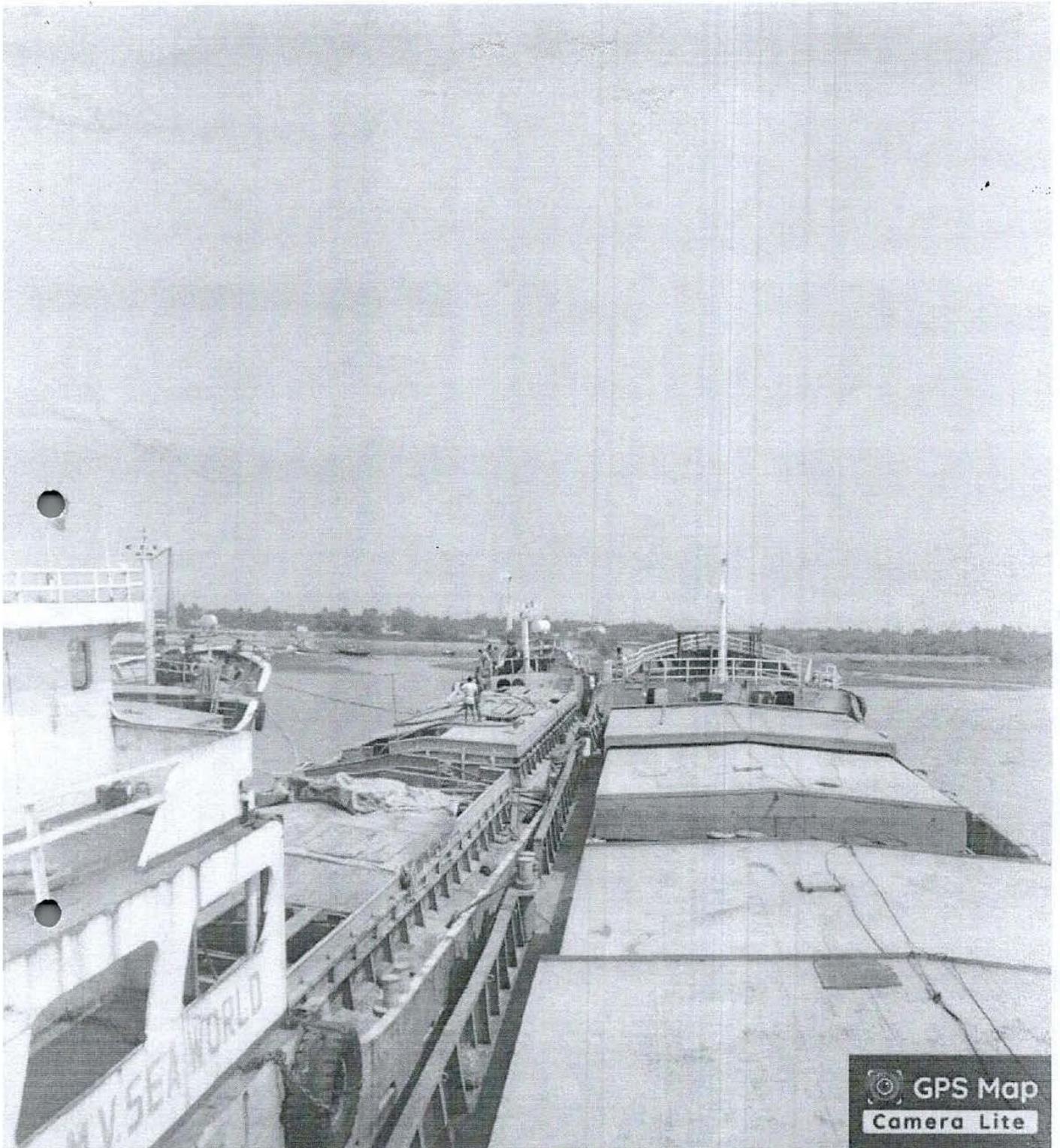
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We are trying our best to float it as early as possible.

Current images and videos have been attached for your ready reference.

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 VID-20250221-WA0010.mp4



GPS Map
Camera Lite

India

Latitude
21.87398624°

Longitude
88.16348406°

Local 12:38:22 PM
GMT 07:08:22 AM

Altitude 0 meters
Friday, 28.02.2025



GPS Map
Camera Lite

India

Latitude
21.87398994°

Longitude
88.16348446°

Local 12:38:20 PM
GMT 07:08:20 AM

Altitude 0 meters
Friday, 28.02.2025



India

Latitude
21.87401536°

Longitude
88.1634796°

Local 12:38:09 PM
GMT 07:08:09 AM

Altitude 0 meters
Friday, 28.02.2025

ANNEXURE R/15

Enclosure - 14



LIFE
Lifestyle for
Environment

WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Government of West Bengal)
Alipore Regional Office, 5th Floor, Minority Bhawan
12, Biplabi Kanailal Bhattacharya Sarani, Alipore,
Kolkata-700027, Phone:033-2202-3132

Memo No. 141 / ZII/Gen/08-20

Date:05/03/2025

To
The Director
Inland Waterways Authority of India
Ministry of Shipping, Govt. of India
Regional Office, P -78, Garden Reach Road
Kolkata-700 043

Sub: Safe Disposal of recovered Fly Ash from sunken Bangladeshi Flag Vessel MV Sea World, reported by Times of India, Kolkata on 17.02.2025 near Ghoramara Under Ghoramara GP under Sagar Block of 24 Paraganas (South).

Ref:

1. Inspection of the accident site by WBPCB on 04.03.2025
2. Your letter dated 28.02.2025
3. O.A. No.30/2025/EZ of Hon'ble National Green Tribunal, Eastern Bench (Date of hearing 07.03.2025)

Sir,

With reference to the above, during inspection on 04.03.2025, partially recovered fly ash from sunken Bangladeshi Flag Vessel MV Sea World reported by Times of India, Kolkata on 17.02.2025 near Ghoramara under Ghoramara GP under Sagar Block of 24 Parganas (South) was shown by Mr. Anal Dey, representative of Indian Agent, M/s. Ajbela Navigation, which has been kept in another Vessel namely M.V. Garai near Lot 8 of Kakdwip. Besides, fly ash from sunken Bangladeshi Flag Vessel MV Sea World (now kept near Lot 8 of Kakdwip) was not fully evacuated.

You are requested to direct the concerned agent to dispose the fly ash from both the Vessel in environmentally safe manner (for use of cement and concrete industry, Brick and Block Making Industry, Land filling with proper lining to prevent leaching) and submit report mentioning quantity of Fly Ash safely disposed (with documentary evidence like geo tagged photographs, video, work order).

Thanking you.

Yours faithfully

Senior Environmental Engineer
Alipore Regional Office



भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण

(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)

INLAND WATERWAYS AUTHORITY OF INDIA

(Ministry of Ports, Shipping and Waterways, Govt. of India)

क्षेत्रीय कार्यालय : पी-७८, गार्डनरीच रोड, कोलकाता - ७०० ०४३ (प० बं०)

REGIONAL OFFICE : P-78, Garden Reach Road, Kolkata - 700 043 (W.B.)

दूरभाष : 2439 0393 / 5577 / 6055, फ़ैक्स : 2439 5570



E-mail : iwaical@yahoo.com
dirkol.iwai@nic.in

IWAI/KOL/PROT(1)/2024-25/1784

March 6, 2025

To,
M/s. Ajbela Navigation
7, Waterloo Street
Kolkata - 700 069

Sub: Safe disposal of recovered Fly ash from the Indian Vessel MV Garai and evacuation of remaining Fly ash from the distressed Bangladesh Flag Vessel M.V. Sea World (M 7490) - reg.

Ref: 1. Email dated 14.02.2025 received from M/s. Ajbela Navigation
2. IWAI Ro Kolkata letter No. IWAI/KOL/PROT(1)/2024-25/720, dated 17.02.2025
3. WBPCB Memo no. /41/ZII/Gen/08-20, dated 05.03.2025 (Copy enclosed for reference)

Reference subject cited above, West Bengal Pollution Control Board, Kolkata vide letter under ref (3) above have intimated that, during the inspection on 04.03.2025, partially recovered fly ash from distressed BD Flag vessel M.V. Sea World has been kept in another vessel namely MV Garai. Besides, Fly Ash from distressed BD Flag vessel M.V. Sea World was not fully evacuated. Both vessels are at kept near Lot 8, Kakdwip.

Accordingly, it is directed to dispose the Fly Ash from both the Vessels in environmentally safe manner (for use of cement and concrete industry, Brick and Block Making Industry, Land filling with Proper lining to prevent leaching) and submit report mentioning quantity of Fly Ash safely disposed with documentary evidence like geo tagged photographs, video, work order to this office.

Yours Sciencereply

Encl : As stated.

श्रीरामकृष्ण मिश्र

Director

Copy to :

1. Sr. Environmental Engineer, WEPCB, (Department of Environment, Govt. of West Bengal), Alipore, Kolkata - 700027
2. Chief Engineer (Traffic & Logistics), IWAI, Noida
3. Director (NER), IWAI, Noida
4. PA to Member (T & L), IWAI, Noida - for favour of kind information to Member (T & L) please.

Head Office : Jalmarg Bhawan, A-13, Sector-1, NOIDA - 201 301 (U.P.)
Phone : +91-120-2544036, 2543972, 2527667, 2448101, Fax : +91-120-244009, 2544041, 2521764, 2543973
Website : www.iwai.gov.in / www.iwai.nic.in Email : iwainol@nic.in



भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण

(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)

INLAND WATERWAYS AUTHORITY OF INDIA

(Ministry of Ports, Shipping and Waterways, Govt. of India)

क्षेत्रीय कार्यालय : पी-७८, गार्डनरीच रोड, कोलकाता - ७०० ०४३ (प० बं०)

REGIONAL OFFICE : P-78, Garden Reach Road, Kolkata - 700 043 (W.B.)

दूरभाष : 2439 0393 / 5577 / 6055, फैक्स : 2439 5570



E-mail : iwaical@yahoo.com
dirkol.iwai@nic.in

IWAI/KOL/PROT(1)/2024-25/4284

March 6, 2025

To,
The Director & Competent Authority on behalf
Of the Govt. for functioning of PIWT&T,
BIWTA,
141-143, Motijheel Commercial Area,
Dhaka- 1000, Bangladesh

Sub: Accident of Bangladesh Flag Vessel M.V. Sea World (M 7490) loaded
with Fly ash near Kashimara Ghat, Ghoramara under Sagar PS,
South 24 Parganas, West Bengal - reg.

Ref: BIWTA File No. 18.11.0000.122.31.021.22(Part-3)/1171, dated
26.02.2025

Sir,

Reference above, it is to inform that, the Bangladesh Flag Vessel MV Sea World, M-7490 on account of India Agent M/s. Ajbela Navigatin, Kolkata, carrying Fly Ash grounded on 13.02.2025 near Kashimara Ghat, Ghoramara under Sagar PS, South 24 Parganas, West Bengal. All the crew of the said vessels are safe and with the local police custody.

Solvaige operations have been carried out by the Indian shipping agent and presently said vessel have been floated and shifted from the accident location to near by shore at Lot 8, Kakdwip for repair works.

Yours Sciencerely

(R.K. Singh)
Director

Copy to :

1. Chief Engineer (Traffic & Logistics), IWAI, Noida
2. Director (NER), IWAI, Noida
3. PA to Member (T & L), IWAI, Noida - for favour of kind information to Member (T & L) please.

Head Office : Jalmarg Bhawan, A-13, Sector-1, NOIDA - 201 301 (U.P.)

Phone : +91-120-2544036, 2543972, 2527667, 2448101, Fax : +91-120-244009, 2544041, 2521764, 2543973

Website : www.iwai.gov.in / www.iwai.nic.in Email : iwainol@nic.in



भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण

(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)

INLAND WATERWAYS AUTHORITY OF INDIA

(Ministry of Ports, Shipping and Waterways, Govt. of India)

क्षेत्रीय कार्यालय : पी-७८, गार्डेनरीच रोड, कोलकाता - ७०० ०४३ (प० बं०)

REGIONAL OFFICE : P-78, Garden Reach Road, Kolkata - 700 043 (W.B.)

दूरभाष : 2439 0393 / 5577 / 6055, फैक्स : 2439 5570



SAGARMALA
PORT-LED PROSPERITY

E-mail : iwaical@yahoo.com
dirkol.iwai@nic.in

IWAI/KOL/PROT(1)/2024-25/1897

March 10, 2025

To,
The Sr. Environmental Engineer
West Bengal Pollution Control Board
(Department of Environment, Govt. of West Bengal)
Alipore Regional Office, Minority Bhaban (5th. Floor)
12, Biplabikanailal Bhattacharya Sarani, Alipore
Kolkata - 700027

Sub: Request to share cause behind disposal of Fly Ash to River water during salvaging of sunken BD Flag vessel M.V. Sea World, reported by Times of India, Kolkata on 17.02.2025 near Ghoramara under Ghoramara GP under Sagar Block of 24 Paraganas (South) - reg.

Ref: 1. WBPCB Memo No.142/ZII/Gen/08-20, dated 05.03.2025
2. IWAI/KOL/PROT(1)/2024-25/1889, dated 07.03.2025
3. Letter dated 10.03.2025 received from M/s. Ajbela Navigation

Sir,

Reference above, please find enclosed herewith, the information pertain to the captioned subject submitted by M/s Ajbela Navigation, Kolkata (India Shipping Agent of BD Flag vessel M.V. Sea World) vide letter under ref (3) above, is for you ready reference.

Yours Sincerely

for Director

Encl: As stated.

Copy to:

1. Chief Engineer (Traffic & Logistics), IWAI, Noida
2. Director (NER), IWAI, Noida
3. PA to Member (T & L), IWAI, Noida - for favour of kind information to Member (T & L) please.

In reference to your Memo no: IWAI/KOL/PROT(1)/2024-25/1889. You have asked to share causes behind disposal of fly ash into river water during salvaging of sunken Bangladeshi Flag vessel M.V.Sea World.

From: operation ajbela (operationajbela@gmail.com)

To: iwaical@yahoo.com; dirkol@iwai.gov.in

Date: Monday, 10 March 2025 at 11:58 am IST

Dear Sir,
Please find attachment

--
With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912



Sea World Sunken Letter.pdf
681.2 KB

D'num - 1 (G.I-1204)
[Signature]
10/03/2025



AJBELA NAVIGATION

SHIPPING AGENT

Date: 10.03.2025

To
The Director
Inland Waterways Authority of India
Garden Reach Road
Kolkata -700 043.

Dear Sir,

In reference to your Memo no: IWAI/KOL/PROT(1)/2024-25/1889. You have asked to share causes behind disposal of fly ash into river water during salvaging of sunken Bangladeshi Flag vessel M.V.Sea World.

Sir, for your information, incident happened on 13 Feb. 2025, around 1:30 P.M. onwards, during that Period, the Bangladeshi Flag vessel M.V.Sea World crew noticed that the vessel's hull at midship area developing crack.

The safety of life of people onboard. safety of the vessel and Environmental Hazard- were concerned for the crew on board.

Cargo holds were fully loaded with Fly Ash and started oozing out into the river, as the crack started increasing. At this point of time the crew were helpless to prevent unwanted discharge into the river. Crew of the vessel were very fortunate that locals rescued them and given shelter in a safe area. The qty of unwanted discharge due to developed crack expected approx. 490 MT.

Observing various hazard may pollute the environment, The Ajbela Navigation immediately deployed salvage team. The salvage team started dispose cargoes (Fly Ash) on board to a safe places in nearby land.

During this shifting process, high water raised at the river Hooghly (Muri Ganga). And due to raising high water. deck of M.V.Sea World was submerged, which caused, ingress of water inside cargo hold carrying fly ash, also inside vessel's engine room. These ingress water accumulation disturbed stability of the vessel and chances of total loss of vessel was absolute and which would cause another environmental hazard.

In view of above Salvage team initiated pumping out of water from Engine room as well as pumping out from cargo hold loaded with Fly Ash. (Which were at that time mixed with mud & water) to maintain stability of the vessel.

Quantity pumped out (mixed with fly ash, water & mud) approximately 100 m.t. when the water level went substantially down, A nearby vessel M.V.Garai had been called around M.V.Sea World and disposed a certain quantity Fly Ash(mixed with mud & water approximate 550m.t).

Sir, you also mentioned "Sunken" vessel and certainly M.V.Sea World, would had Sunked, if above action of pumping out were not initiated at right time , which would cause another environmental hazard.

Therefore all the operations eg. Like transfer of cargoes in safe place inside land , transferring cargoes to another vessel also pumping out form engine room and cargo hold flooded, described above carried out in view of safety of vessel, safety of crew and to prevent further damage to environment

Sir trust I could explain the reason behind disposing of cargoes into river , which was not intentional , rather which was to prevent further damage to environment , and safety of vessel and whatever quantity oozed out due crack , that was beyond control of human being as sudden emergency have had occurred

To recapitulate qty discharge as below:

Qty discharged nearby shore area	- 50 m.t. (approx)
Qty discharged to M.V.Garai	- 550 m.t. (approx)
Qty pumped to maintain stability of vessel to prevent sinking	- 100 m.t. (approx)
Qty naturally oozed out due to developing Crack approx	- 490 m.t. (approx)
Qty estimated reaming on board M.V.Sea Word	- 50 m.t. (approx)
	<hr/>
	= 1190 m.t. (Approx.)
Qty as per B/L	= 1190 m.t.

Thanking you,

Yours faithfully

For **AJBELA NAVIGATION**


Authorised Signatory



REPORT REGARDING DISCHARGE OF FLY ASH FROM M.V.GARAI AT KULPI

From: AJBELA NAVIGATION (ajbelanavigation@gmail.com)

To: iwaical@yahoo.com; dirkol@iwai.gov.in

Date: Thursday, 20 March 2025 at 12:33 pm IST

Dear Sir,

It is to inform you that the fly ash qty approximately 750MT, which was loaded in M.V.GARAI has been discharged at RKB UDYOG PVT LTD in Kulpi as you can see in the picture and videos.

M/s RKB UDYOG PVT LTD, a brick making company, has received fly ash for the manufacturing of bricks this year. Receipt from RKB UDYOG PVT LTD has been attached.

 WhatsApp Image 2025-03-20 at 11.42.04 (1).jpeg

 WhatsApp Image 2025-03-20 at 11.42.04.jpeg

 WhatsApp Image 2025-03-20 at 11.42.05 (2).jpeg

 WhatsApp Image 2025-03-20 at 11.42.06 (1).jpeg

 WhatsApp Image 2025-03-20 at 11.42.06 (2).jpeg

 WhatsApp Image 2025-03-20 at 11.42.07 (1).jpeg

 WhatsApp Image 2025-03-20 at 11.42.07 (2).jpeg

 WhatsApp Image 2025-03-20 at 11.42.07 (5).jpeg

 WhatsApp Image 2025-03-20 at 11.42.07.jpeg

 WhatsApp Image 2025-03-20 at 11.42.08 (2).jpeg

 WhatsApp Image 2025-03-20 at 11.42.08 (3).jpeg

 WhatsApp Image 2025-03-20 at 11.42.08 (4).jpeg

 WhatsApp Image 2025-03-20 at 11.42.08 (5).jpeg

 WhatsApp Image 2025-03-20 at 11.42.08 (6).jpeg

 WhatsApp Image 2025-03-20 at 11.42.08 (7).jpeg

 WhatsApp Video 2025-03-20 at 11.42.09 (1).mp4

 WhatsApp Video 2025-03-20 at 11.42.09 (2).mp4

 WhatsApp Video 2025-03-20 at 11.42.09 (3).mp4

 WhatsApp Video 2025-03-20 at 11.42.09.mp4

On Fri, Feb 28, 2025 at 12:45 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Dear Sir,

The damaged vessel has been brought to the LOT-8 for further repair purposes. Image attached for your reference.

On Fri, Feb 28, 2025 at 12:32 PM AJBELA NAVIGATION <ajbelanavigation@gmail.com> wrote:

Dear Sir,

Current position of the vessel is as follows:-

*** Barge is now in floating position and with the help of Indian flagged vessel MV GARAI and Bangladeshi flagged vessel MV SEA PENTAL are towing the damaged barge to LOT-8 for further repair. Images and videos attached for reference. We will update once the barge reaches the LOT-8 and share you the images.

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***The liquid flyash has been shifted to MV GARAI partially and dry flyash to the shore as you have seen in the previously sent images and videos. Shifting of liquid flyash is going on continuously.

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 VID-20250221-WA0010.mp4

 VID-20250221-WA0011.mp4

 VID-20250221-WA0018.mp4

Dear Sir,

As you are already aware that a Bangladeshi-flagged vessel, ***M.V. Sea World (M. No. # 7490)*** came under our agency and loaded DRY FLY-ASH from Budge Budge Jetty-4, Kolkata on 11th February 2025.

And sailed from Budge Budge on 12th February 2025. Unfortunately, on 13th February 2025 at around 1.30 p.m., the barge grounded near Ghoramara Char and developed a crack in the middle of the barge and now partially sank.

Our service team is dealing with the situation and arranged a team for the salvage of the partially sank vessel. They managed some boats (Nauka) and a team to unload the vessel. Service team already managed to unload some cargo and keep it in a safe place with all precautions (Picture attached for reference). They are trying their best to finish it as early as possible.

We will update the situation to you on a daily basis, some of the pictures and videos of the current situation of unloading are attached for your reference.

--

With Regards,
Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

--

With Regards,

301

219


Ajbela Navigation
7,Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

--

With Regards,
Ajbela Navigation
7,Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

--

With Regards,
Ajbela Navigation
7,Waterloo Street,
Kolkata-700069,
Phone No : 9831696912
<Summary report-SEA WORLD.pdf>

--

With Regards,
Ajbela Navigation
7,Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

--

With Regards,
Ajbela Navigation
7,Waterloo Street,
Kolkata-700069,
Phone No : 9831696912

--

With Regards,
Ajbela Navigation
7,Waterloo Street,
Kolkata-700069,
Phone No : 9831696912



1.jpeg
221.8kB



2.jpeg
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3.jpeg
295.3kB



RKB.pdf
193.8kB

WEST BENGAL POLLUTION CONTROL BOARD

CTO Certificate No. C025135 Valid upto 31.12.2027

Memo No. 79/1/CTO/CTE/BFLR(111)/ 12534(1) /17

Date: 21.12.2022.

To
RKB Udyog Private Limited,
Vill. Kulpi,
Po & Ps. Kulpi,

Additional Conditions :

The Unit Should maintain the Operational Guidelines as per the Memorandum issued by the L & LR Department (M & M Branch) vide No. 2648-M&M/LR/A-II-26/2010 Dated : 27.10.2016 & No. 2649-M&M-26/2010 Dated : 27.10.2016.

- a. Unit Should use 25% of Fly Ash by weight as raw materials.
- b. If the unit is located within 1.6 K.M. of Mango Orchards the unit should not operate from the Month of February to May in Every Year.
- c. Unit does not damage to any Public Road, Bridge, Culvert or any other Public Utility.
- d. Unit does not obstruct the normal flow of the River and does not damage the Embankment of the River.
- f. Unit does not excavate or borrow of brick earth or ordinary earth for the purpose of brick making above 1.5 meter from the adjoining ground level.
- d. This Consent to Operate is issued on the basis of submission of the unit regarding installation of Brick Kiln having Zig Zag Technology and it must be operate using Brick Kiln having Zig Zag Technology. In future, if it is found that you are operating the Brick Kiln without installation of Zig Zag Technology with the Bric Kiln, action will be taken against your unit as per Section 33A Water (Prevention and Control and Pollution) Act, 1974, Section 31A of Air (Prevention & Control of Pollution), 1981 and Section 15 of Environment (Protection) Act, 1986.


Additional District Magistrate &
District Land & Land Reforms Officer
and

Ex-Officio District Environment Officer,
South 24 Parganas, Alipore.

Additional District Magistrate & District Land &
Land Reforms Officers and
Ex-officio District Environment Officer
South 24-Parganas, Alipore

07. This Applicant shall provide comprehensive pollution control equipment and operate and maintain the same continuously to conform the quality of the final gaseous emission to the Standard as given below :

Stack No.	Stack height from G.L. (in mts.)	Stack attached to (sources and control system, if any)	Volume Nm ³ /hr	Velocity of gaseous emission (mg/sec)	Concentrations of parameters not to exceed				Frequency of sampling
					SPM (mg./Nm ³)	CO (% v/v)			
S-1	32	Brick kiln	—	—	250	—	—	—	yearly
S-2	—	—	—	—	—	—	—	—	—
S-3	—	—	—	—	—	—	—	—	—
S-4	—	—	—	—	—	—	—	—	—

08. The Applicant shall maintain the generation and treatment/disposal of non-hazardous solid waste as specified below.

Type of waste	Quantity	Treatment	Disposal
Coal Ash	15 MT	Manual	Filling low land

09. The Applicant shall take adequate measures for control of noise levels from its own sources within premises to conform to

Time (6am - 10pm)	Limit in dB (A) L _{eq}	Time (10pm - 6am)	Limit in dB (A) L _{eq}
Day time (06 a.m. to 10 p.m.)	65	Night Time (10 p.m. to 06 a.m.)	55

10. The Applicant shall remain responsible for quantity and quality of liquid effluent and air emissions and shall furnish to the State Board all information in respect of quality, quantity, rate of discharge, place of discharge liquid effluent and air emissions.

11. The Applicant shall at all times maintain good house-keeping, proper working order, control pollution (including fugitive emissions) from all sources to maintain clean environment in & around factory premises and surrounding areas/inhabitants.

12. The Applicant shall bring about at least 33% of the available open land under the green coverage/ plantation.

13. The Applicant shall provide for sufficient alternate electric power source to operate all pollution control facilities. In absence of such alternate power source, the production should be stopped/reduced/controlled to conform the conditions of the Consent.

14. All the stacks connected to various sources of emissions must be painted/displayed to designate by numbers such as S-1, S-2 etc. and shall have ports, ladder, platform etc. for monitoring/sampling the air emissions and the same shall be made available for inspection and use by the State Board's staff as well as State Board authorised agencies.

15. The Applicant shall install a separate energy meter showing the consumption of energy for operation pollution control devices and shall install suitable device for measuring the volume of water consumed for different purposes as mentioned above giving correct result to the satisfaction of the State Board.

16. The Applicant shall allow the Officers of the State Board to enter into the premises of the unit at any reasonable time to inspect the pollution control systems and shall provide adequate and safe facility for collection of wastewater and solid waste samples for monitoring and measuring by the State Board's staff as well as State Board's authorised agencies.

17. The Applicant shall maintain an Inspection Book in the factory premises which shall be made available for inspecting officers of the State Board for inspection, review and to write down any direction or observation as deemed necessary during the inspection.

18. The Applicant shall intimate to the State Board immediately of any occurrence or apprehension of occurrence of discharge of any pollutants in excess of quality and quantity as mentioned above to any receiving water body/system or to atmosphere owing to accident or other unforeseen incident/event including natural disaster and the Applicant shall take adequate steps to prevent such accidental event.

19. The Applicant shall apply for renewal of consent to State Board in prescribed form 60 (sixty) days before expiry of this Consent.

20. The Applicant shall not make any alteration/modification/expansion in the existing manufacturing process and equipment, pollution control system and shall not bring into any altered or new outlet/outfall or stack change the place of discharge, without prior approval of the Board.

21. The Applicant shall comply with the conditions as laid down in the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, Hazardous Wastes (Management & Handling) Rules, 1989 and 'Public Liability Insurance Act, 1991.

Additional Conditions : Enclosed in separate sheet.



For and on behalf of the Board
 Additional District Magistrate & District Land Reforms Officers and
 Ex-officio District...

(Member Secretary)

WEST BENGAL POLLUTION CONTROL BOARD

'Paribesh Bhawan' Bldg. No. 10A, Block-LA, Sector-III, Salt Lake City, Kolkata - 700 098
(Orange/Green Category Unit)



Memo Number: BFLR (111)
79/1/CPO-CPE/12534/2017

Date: 21/12/2017

Consent to Operate under Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974, and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

The West Bengal Pollution Control Board (hereinafter referred to as State Board) under the provisions of Section 25 & 26 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended, and Rules and Orders made thereunder hereby grants its Consent to:

M/s. RKB Vdyog Private Limited
(hereinafter referred to as Applicant) for its unit located at vill - Kulpi; Po+B. Kulpi;
South 24 Parganas
(Detailed address of the manufacturing unit)

for a period from upto 31/12/2017, to operate the industrial unit and to discharge liquid effluent and to emit gaseous effluent from the premises/land of the industrial unit in accordance with the conditions as mentioned below provided on any day at any instance the quantity and quality of liquid discharge and gaseous emission shall not exceed the permissible limit as specified in this consent letter and as specified in the Environmental (Protection) Act, 1986.

Breach of the conditions and/or failure to comply with the directions as mentioned below shall render the applicant liable for prosecution under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

The State Board reserve the right to revoke, withdraw or make any reasonable variation/change/alter the conditions of this consent letter giving one month's notice to the applicant.

Conditions:

01. This Consent is valid for the manufacture of

Sl. No.	Name of major products and by-products	Quantity produced per month	Sl. No.	Name of major products and by-products	Quantity produced per month
01.	<u>Brick</u>	<u>2,00,000 -</u>	03		
02.			04		

02. The Applicant shall observe the following fuel consumption pattern.

Sl. No.	Type of fuel	Quantity per day	Sl. No.	Type of fuel	Quantity per day	Sl. No.	Type of fuel	Quantity per day
01	<u>Coal</u>	<u>1.5 MT</u>	02			03		

03. The Applicant falls in the Orange category of the Water (Prevention and Control of Pollution) Cess Act, 1977 and Rules made thereunder and shall comply with the provisions of said Act. and Rules and regularly submit to the Board the Returns of Water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

04. Daily water consumption for the following purposes should not exceed.

Industrial cooling, spraying in mine pits and boiler feed water (water used for gardening should be included in this category of use)	Domestic purpose	Processing whereby water gets polluted and the pollutants are easily biodegradable	Processing whereby water gets polluted and the pollutants are not easily biodegradable
<u>NA</u>	<u>1200 Hrs</u>	<u>600 Lts</u>	<u>NA</u>

05. Daily discharge of effluent shall not exceed

	Industrial liquid effluent	Domestic liquid effluent	Mixed (Industrial & domestic) liquid effluent
No. of outfalls	<u>NA</u>	<u>01</u>	<u>NA</u>
Quantity	<u>NA</u> KL	<u>0.24</u> KL	<u>NA</u> KL
Place of discharge		<u>Own land soakpit</u>	

06. The Applicant shall provide drainage system for conveying industrial & domestic liquid waste & separate drainage system for storm-water and shall provide comprehensive treatment facility for industrial and domestic liquid waste (sewage, sullage & liquid effluent generated from canteen) and operate and maintain the same to conform to the Standard for final effluent as given below.

Outlet	Nature of effluent	Parameters and standard (in mg/l. max)					Frequency of effluent sampling
		BOD	COD	TSS	O & G		
<u>01</u>	<u>Domestic Sewage</u>	<u>30</u>	<u>250</u>	<u>100</u>	<u>10</u>	<u>Yearly</u>	



Manufacturer of RKB Brand Bricks
Construction Work & Others
Brick Field Unit-I & II

Kulpi, P.O.+P.S.- Kulpi
Dist.- South 24 Parganas
West Bengal, India, Pin- 743351
email id : rkbudyog20@gmail.com
Mob. : 8328751828 / 9733600143

From : RKB UDYOG Pvt. Ltd.

Date : 19/03/25

To
The Proprietor, Ajbela Navigation,
Shipping Agent,
7, Waterloo Street, Kal-700069,

Sr,

I have the honour to received
approx. 750 (Seven hundred fifty) Ton (MT.)
Fly ash with mud from your company,
i.e. Ajbela Navigation, Kal-700069,
on free cost. My deliver that Fly ash
from M.V. GARAT through pipeline - which
fly ash will use for manufacture of
bricks for this year.

Yours faithfully

Signature of Deliver
AJBELA NAVIGATION
Proprietor

Signature of Receiver
For RKB UDYOG PVT. LTD.
Arbab Halder
DIRECTOR

306



GPS Map
Camera Lite

Unnamed Road, Durganagar, West Bengal 743351, India

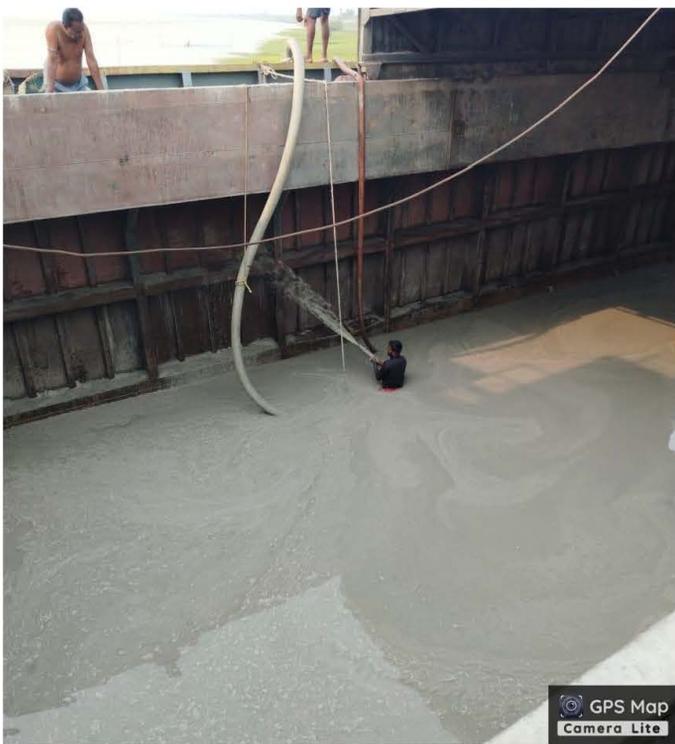
Latitude
22.06835309°

Longitude
88.2223923°

Local 03:03:02 PM
GMT 09:33:02 AM

Altitude 0 meters
Monday, 17.03.2025

274



GPS Map
Camera Lite

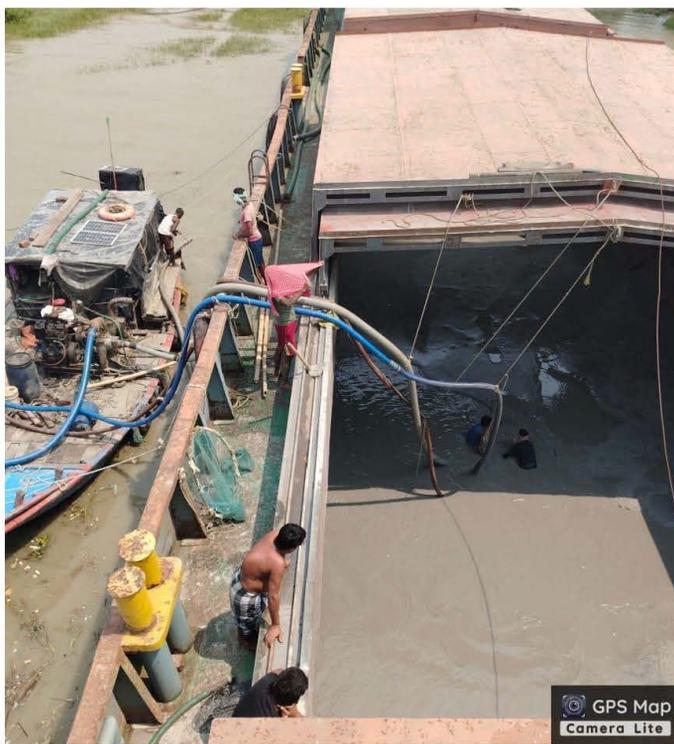
CVH5+XX, Kalinagar, West Bengal 743442, India

Latitude
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Longitude
88.2337953°

Local 02:57:27 PM
GMT 09:27:27 AM

Altitude 3 meters
Monday, 17.03.2025



GPS Map
Camera Lite

Unnamed Road, Durganagar, West Bengal 743351, India

Latitude
22.06831234°

Longitude
88.22233621°

Local 11:25:19 AM
GMT 05:55:19 AM

Altitude 0 meters
Tuesday, 18.03.2025



GPS Map
Camera Lite

Unnamed Road, Durganagar, West Bengal 743351, India

Latitude
22.06866264°

Longitude
88.22301576°

Local 11:42:48 AM
GMT 06:12:48 AM

Altitude 0 meters
Tuesday, 18.03.2025



GPS Map
Camera Lite

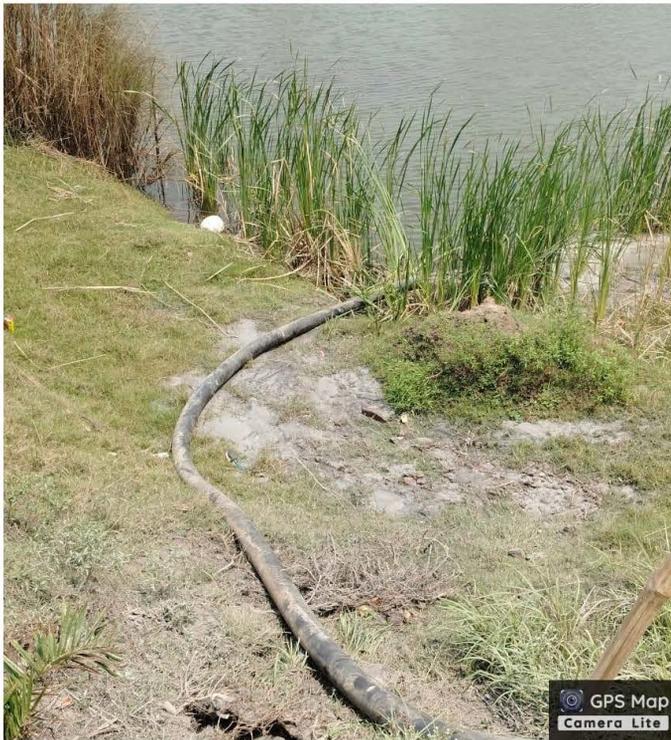
Unnamed Road, Durganagar, West Bengal 743351, India

Latitude
22.06859121°

Longitude
88.22296977°

Local 11:47:05 AM
GMT 06:17:05 AM

Altitude 0 meters
Tuesday, 18.03.2025



GPS Map
Camera Lite

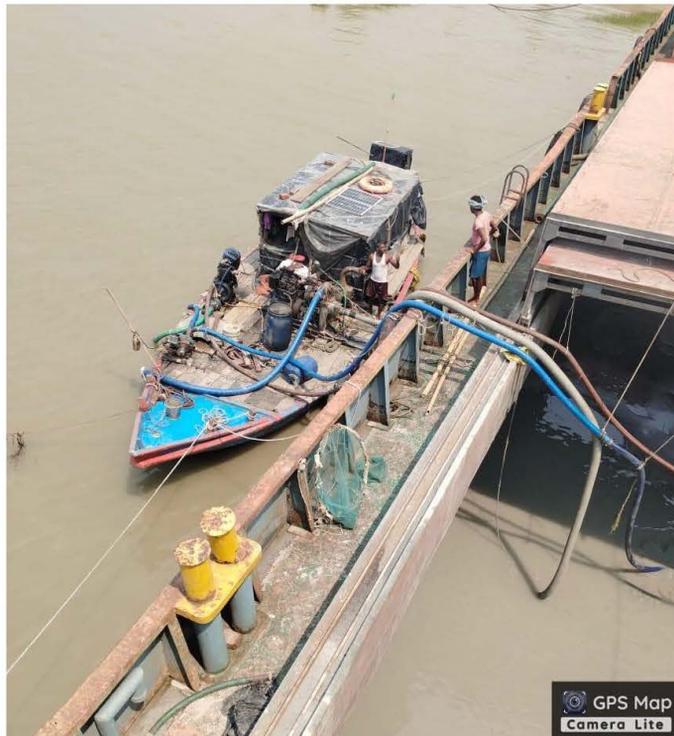
Unnamed Road, Durganagar, West Bengal 743351, India

Latitude
22.0769743°

Longitude
88.1225798°

Local 11:47:14 AM
GMT 06:17:14 AM

Altitude 0 meters
Tuesday, 18.03.2025



GPS Map
Camera Lite

Unnamed Road, Durganagar, West Bengal 743351, India

Latitude
22.06834188°

Longitude
88.22236894°

Local 11:56:26 AM
GMT 06:26:26 AM

Altitude 0 meters
Tuesday, 18.03.2025



309

~~227~~



-TRUE COPY-

310

~~298~~
ANNEXURE R/20SAILING OF SEA WORLD

From: AJBELA NAVIGATION (ajbelanavigation@gmail.com)

To: dirkol@iwai.gov.in; iwaical@yahoo.com

Date: Saturday, 22 March 2025 at 11:13 am IST

Sir,

This is to inform you that repairing of M.V. Sea World is done, now the barge can sail. BIWTA authority has issued a permission of M.V. Sea Paradise (M -25322) for towing the barge M. V. Sea World along with her crew members from India to Narayangong, Bangladesh.

In this regard you are requested to allow inward permission of the barge at earliest.

We are attaching here BIWTA permission.

--

With Regards,

Ajbela Navigation
7, Waterloo Street,
Kolkata-700069,
Phone No : 9831696912



BIWTA-TOWING PERMISSION.jpeg

126.6kB



বাংলাদেশ অভ্যন্তরীণ নৌ পরিবহন কর্তৃপক্ষ
BANGLADESH INLAND WATER TRANSPORT AUTHORITY

Website: www.biwta.gov.bd Facebook Page: www.facebook.com/biwta1958
বিনাইয়াতীর্থে কক্ষ: ১৪১-১৪১৪ অভ্যন্তরীণ বাণিজ্যিক এলাকা পোস্ট বক্স নং-৭৬, ঢাকা-১০০০, বাংলাদেশ
BIWTA BHABAN, 141-141, MOTIJHEEL C.A. POST BOX-76, DHAKA-1000, BANGLADESH
Grants: AUTHORITY, Fax: 880-2-9991972, Phone: 95513170, 9555342, 9513039, 9552027

File No. 18.11.0000.122.31.031.23.1386

Date :- 10 /03/2025, English
25 /11/1431, Bangla.

M/S. King Ocean Shipping Lines
House -417, Road -30, New DOHS
Mohakhali, Dhaka-1213.

Sub: Voyage Permission of Empty vessel **M.V. Sea Paradise (M-25322)** for towing the distress vessel **M.V. Sea World (M-7490)** under the Protocol on Inland Water Transit & Trade between Bangladesh & India.

Ref: Your Application No. King Ocean/Proto/ Paradise /2025/ V:P:- 01 Date-06/03/2025.

In cancellation of voyage permission vide this office memo no. 18.11.0000.122.31. 031.23.1210 dated:27/02/2025, your empty vessel **M.V. Sea Paradise (M-25322)** is allowed to tow your vessel in distress **M.V. Sea World (M-7490)** along with crew from Indian water to Narayanganj, Bangladesh following the conditions as under:

- The operator will have to adhere all provisions of the Inland Shipping Ordinance'1976 and circulars/ orders issued by the concerned authorities from time to time.
- All provision of the Protocol on Inland Water Transit & Trade between Bangladesh & India will be effective.
- All other official and technical formalities should have to be observed for the voyage.
- The customs official is to be informed properly.
- The validity of this permission shall remain valid from 13-03-2025 to 11-04-2025 and the vessels will return Narayanganj within the time limit.

(Signature)
10.03.25

(Md. Saiful Islam)
Director

&
Competent Authority on behalf of the Govt.
of Bangladesh for the PIWT&T
between Bangladesh & India.
E-mail: protocolbiwta@gmail.com
Phone: 9513170, Fax: 9511302

Copy for Information and Necessary action to (Not on seniority basis).

- Sr. Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka.
- Sr. Secretary, Ministry of Defence, Gona Bhaban Complex, Sher-e-Bangla Nagar, Dhaka.
- Sr. Secretary, Ministry of Shipping, Bangladesh Secretariat, Dhaka.
- Chairman, National Board of Revenue, Agargaon, Sher-E- Bangla Nagar, Dhaka.
- Director General, Border Guard Bangladesh, Pilkhana, Dhaka.
- Director General, National Security Intelligence, Segunbagicha, Dhaka.
- Director General, Defence Forces Intelligence, 32, Dhaka Cantonment Market, Dhaka.
- Director General, Department of Shipping, BIWTA, Bhaban, Motijheel, Dhaka.
- Commissioner, Customs Excise & VAT, Customs House, Mongla, Khalishpur, Khulna.
- Director, National Security Intelligence, Narayanganj / Khulna.
- Director, Operations, Coast Guard Headquarters, Agargaon Administrative Area, Sher e Bangla Nagar Dhaka.
- Director IWAI, Kolkata WB India.
- Director, Conservancy & Pilotage, BIWTA, Dhaka.
- Zonal Commander, Western Zone, Bangladesh Coast Guard, Mongla Port Area, Mongla, Bagerhat.
- Joint Director (Port), BIWTA, Narayanganj / Khulna.
- Joint Director (C&P), BIWTA, Narayanganj / Khulna.
- Superintendent of Police, Narayanganj / Khulna.
- Superintendent of Police, DSB, Narayanganj / Khulna.
- Superintendent Land Customs, Customs House, Khulna.
- Land Customs Officer, Sheikhbaria Land Customs Check Post, Sheikhbaria, P.O. Jorsingh, Khulna.
- Revenue Officer, Land Custom Station H.R. Complex (2nd Floor), Dhaka-Narayanganj Link Road, Narayanganj.

Joint Director



भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण

(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)

INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Ports, Shipping and Waterways, Govt. of India)

क्षेत्रीय कार्यालय : पी-७८, गार्डनरीच रोड, कोलकाता - ७०० ०४३ (प० ब०)

REGIONAL OFFICE : P-78, Garden Reach Road, Kolkata - 700 043 (W.B.)

दूरभाष : 2439 0393 / 5577 / 6055, फ़ैक्स : 2439 5570



E-mail : iwaical@yahoo.com
dirkol.iwai@nic.in

IWAI/KOL/PROT(1)/202-21/1980

March 22, 2025

To,
The Sr. Environmental Engineer
West Bengal Pollution Control Board
(Department of Environment, Govt. of West Bengal)
Alipore Regional Office, Minority Bhaban (5th Floor)
12, Biplabikanailal Bhattacharya Sarani, Alipore
Kolkata - 700027

Sub: Safe disposal of recovered Fly ash from the Indian Vessel MV Garai and evacuation of remaining Fly ash from the distressed Bangladesh Flag Vessel M.V. Sea World (M 7490) - reg.

Ref: 1. WBPCB Memo No.142/ZII/Gen/08-20, dated 05.03.2025
2. IWAI/KOL/PROT(1)/2024-25/1889, dated 07.03.2025
3. Letter dated 10.03.2025 received from M/s. Ajbela Navigation
4. IWAI/KOL/PROT(1)/2024-25/1897, dated 10.03.2025
5. Email dtd. 20.03.2025 received from M/s. Ajbela Navigation (Enclosure_1)
6. Email dtd 22.03.2025 received from M/s. Ajbela Navigation(Enclosure_2)

Sir,

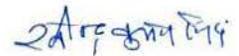
Reference above, please find enclosed herewith, the information pertain to the captioned subject submitted by M/s Ajbela Navigation, Kolkata (India Shipping Agent of BD Flag vessel M.V. Sea World) vide Email under ref (5) above.

2. Further, M/s. Ajbela Navigation, vide Email under ref (6) above. have intimated that, the repair works of distressed vessel BD Flag vessel M.V. Sea World have been carried out. BIWTA has issued a voyage permission for towing the distressed vessel MV Sea World (M-7490) by another Empty BD Flag vessel namely MV Sea Paradise (M-25322) along with crew from India water to Narayanganj, Bangladesh.

The above is for your information and further necessary action form your end please.

Yours Sciencerealy

Encl : As stated.


Director

Copy to :

1. Chief Engineer (Traffic & Logistics), IWAI, Noida – Further directives in regard to Para- 2.
2. PA to Member (T & L), IWAI, Noida–for favour of kind information to Member (T & L) please.



ENVIRO LEGAL DEFENCE FIRM <eldflegal@gmail.com>

Counter Affidavit of IWAI in the case of In Re: Sinking B'deshi vessel dumps toxic fly ash in river near Ghoramara, shows video shared by panchayat member News item published in the Times of India, Kolkata Section dt. 17.02.2025 v. Union of India & Others. [OA No. 30/2025].

ELDF <eldflegal@gmail.com>

Fri, Apr 25, 2025 at 2:05 PM

To: advocate.paushali@gmail.com, rajib.ray23@gmail.com, surendra_k15@rediff.com, surendra_kumar15@rediffmail.com, surendra kumar <surendra_kr15@rediffmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>

Cc: Sanjay Upadhyay <su@chambersofsanjayupadhyay.com>, Mansi Bachani <mansi@eldfindia.com>, Gitanjali Sanyal <gitanjali@eldfindia.com>

Dear Sir/Ma'am,

Please find attached the Counter Affidavit of IWAI in the case of In Re: Sinking B'deshi vessel dumps toxic fly ash in river near Ghoramara, shows video shared by panchayat member News item published in the Times of India, Kolkata Section dt. 17.02.2025 v. Union of India & Others. [OA No. 30/2025].



IWAI- Counter Affidavit - 25.04.2025.pdf

Thanks & Regards

--

Sameer Manher

Clerk

Enviro Legal Defence Firm

29, Presidential Estate LGF,

Nizamuddin East New Delhi – 110013

Ph. No. 011-40573181