

## **National Waterways, Safety of Navigation and Shipping Regulations, 2002**

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### **National Waterways, Safety of Navigation and Shipping Regulations, 2002**

In exercise of the powers conferred by Section 35 of the Inland Waterways Authority of India Act, 1985 (82 of 1985), the Inland Waterways Authority of India, with the prior approval of the Central Government, hereby makes the following regulations for ensuring safety of navigation and shipping on the national waterways, namely

#### **1. Short title and commencement :-**

- (1) These regulations may be called the National Waterways, Safety of Navigation and Shipping Regulations, 2002.
- (2) They shall come into force on the date of their publication in the Official Gazette.

(3) These regulations extend to all National Waterways.

## **2. Definitions :-**

In these regulations, unless the context otherwise requires:-

(a) "Act" means Inland Waterways Authority of India Act, 1985 (82 of 1985);

(b) "Annexure" means Annexure to these regulations;

(c) "Competent Officer" means an officer appointed as such by the Authority to be in charge of a section of the National Waterway for the development, management and maintenance;

(d) "Channel marks" includes bamboo marks, buoys and beacon;

(e) "Convoy" means a group of vessels, floating equipment or raft towed or pushed by a mechanically propelled vessel;

(f) "Drifting" means being driven by the current with the engine stopped;

(g) "Ferry boat" means any vessel providing a transport service across or along a waterway;

(h) "Inland mechanically propelled vessel" means a mechanically propelled vessel which ordinarily plies on any inland water;

(i) "Lock" means confined section of river or canal where level can be changed for raising and lowering boats between adjacent sections by use of gates and sluices;

(j) "Lock basin" means the approach to the lock narrowing towards the lock from upstream and downstream;

(k) "Master" means any person not being a pilot, harbour master, berthing master, has for the time being the command or charge of a vessel;

(l) "Mechanically propelled vessel" means very description of vessel propelled wholly or in part by electricity, steam or other mechanical power;

(m) "Navigable channel" means the channel intended for passage of ships;

(n) "Owner" means when used in relation to goods, includes any consigner consignee, shipper or agent for the safe custody thereof and when used in relation to any vessel, includes, any part owner,

charterer consignee, mortgage or agent in charge thereof;

(o) "Port" means an inland port;

(p) "Small craft" means any vessel with a hull length less than 10 metres and less than 3 metres wide;

(q) "Section" means a portion of the waterway controlled by one field headquarter;

(r) "Terminal" means the place where the cargo and passengers change from one mode to other mode of transportation; Terminal facilities include berthing, cargo transfer, storage and ticketing and passenger rest, comfort rooms; and

(s) "Vessel" means every description of watercraft, including small craft, vessel under oars or sail, floating equipment and non-displacement craft.

#### CHAPTER 1

#### WATERWAYS AND SAFETY MEASURES ON WATERWAYS

### **3. Marking of Navigable Channel :-**

A navigable channel may be marked to indicate safe limits of the channel by channel marks like bamboo marks or buoys. Details of channel marking are given in Annexure-I. In case there is night navigation marks shall be provided with light or painted with luminous paint.

### **4. Traffic signals and signs :-**

Traffic signals or signs may be erected on the banks of the river or on any fixtures on the river to ensure safety on the navigable channel. The signboards shall be painted with bright luminous paint. Different signals and signs are given in Annexure-II.

### **5. Passage through Bridges :-**

When a vessel is passing under a bridge, the height of the mast or the height of the collapsed mast and that of the wheelhouse/superstructure should be less than that between waterway level and the height of the road bridge. Speed of such vessel should be regulated with reference to prevailing weather conditions and the currents likely to be experienced.

### **6. Passage through locks :-**

(1) While navigating through the locks and lock basin, the master shall comply with any order given to him by the lock master to

ensure safety and orderly movement of ship and quick passage through the lock.

(2) The order of priority for passage through the lock shall be as follows:-

(a) Vessels of the Authority, government vessels, vessels belonging to the military and police;

(b) Passenger craft;

(c) Fishing boats;

(d) Cargo vessels;

(e) Other craft.

(3) The master shall take the following precautions while navigating through the lock-

(a) Vessels approaching a lock basin shall reduce speed and navigate with caution. Overtaking is prohibited near lock basin unless instructed to do so by the lock master.

(b) Vessels shall not trail anchors, cables or chains in locks or lock basin.

(c) While the lock is being filled or emptied, vessels shall be moored and mooring shall be so handled as to prevent bumping against the walls or gates.

(d) Vessels shall provide adequate fenders to avoid damage to the lock structure,

(e) Vessel under sails shall lower their sails before entering the lock.

(4) The passage through locks shall be in the order of arrival of the vessels in the lock basin.

(5) Notwithstanding anything contained in Section 6(2) any vessel expressly granted priority of passage by the Authority shall have priority for locking or unlocking.

## **7. Reduction of speed in certain circumstances :-**

(1) Every vessel shall regulate their speed to avoid creating excessive wash or suction likely to cause damage to stationary or other moving vessels or structures.

(2) In particular the vessel shall reduce speed in good time, but without losing the steering way required for safety:

(a) outside port entrances;

(b) near vessels made fast to the bank or to a landing stage loading or discharging cargo;

(c) near vessels lying at normal stopping places.

**8. Drifting of a vessel on the National Waterway :-**

Drifting of a vessel in the National Waterway unless authorized by the Competent Officer, is prohibited.

**9. Crossing of navigable channel by ferry vessels :-**

While crossing the navigable channel, the ferry vessels shall keep at such distance from vessels or rafts moving along the navigable channel, so that the latter are not obliged to change their course or reduce speed :

Provided that ferry vessels, under special circumstances may be granted priority of passage across the navigable channel by the Competent Officer and such vessel shall exhibit a green allround light by night and a green flag by day, and shall have right of way as the circumstances permit.

**10. Navigational and meteorological information :-**

Competent Officer shall arrange for dissemination or information on storm, flash flood, channel depth and danger in navigation by issuing river notices, publishing river charts and displaying appropriate cautionary signals as given in Annexure-III at the river ports.

CHAPTER 2

SAFETY OF VESSELS

**11. Certification of survey and registration :-**

Every certificate of registration and every certificate of survey issued in respect of a mechanically propelled vessel under the Merchant Shipping Act, 1958 , the Coasting Vessels Act, 1938, the Canals and Public Ferries Act, 1890 (Madras Act II of 1890) and the Inland Vessels Act, 1917 shall be valid and effective as a certificate of registration or certificate of survey as the case may be, for making voyage in the national waterways :

Provided that the certificate of survey shall be suitably endorsed by the Competent Officer having regard to the safety requirements as

per regulations.

**12. Certificate of competency :-**

Certificate of competency or certificate of service as master, serang, engineer and engine driver issued under the Merchant Shipping Act, 1958 and the Inland Vessels Act, 1917 , shall be valid for making voyage in national waterways.

**13. Identification marks on vessels :-**

(1) Every vessels except a small craft shall bear the following identification marks on its hull-

(a) Name of vessel (Name shall be inscribed on each bow and stem of the vessel).

(b) Registration No.

(c) Place of registry and year of registration.

(2) The identification mark shall be inscribed with letters not less than 20 cm in height and 2 cm wide and shall be painted in light colour on a dark background or in a dark colour on a light background.

(3) In addition to the identification marks, every vessel shall display on a fixed board, exhibited on the upper deck, the following information-

(a) gross registered tonnage.

(b) maximum permissible number of passengers.

(c) name of the owner.

(d) date of last survey.

(4) Every vessel shall have the load line marked at least for one meter amidship on both sides and draught scale marked in meters and decimeters at both ends of the vessel.

(5) Every small craft shall have its registration number and name of owner inscribed on both side of the vessel.

(6) Every craft shall have its registration number or the name of the owner, or both, exhibited on a wide board at a conspicuous part of the craft.

**14. Vessels to ply with certain conditions for movement on**

### **national waterways :-**

Vessels making voyage in the national waterways shall -

(a) ensure that the length, breadth, height, draught and speed of the vessel, convoys, and side by side formations are suitable and in accordance with the limits as specified by the Competent Office from time to time.

(b) ensure that no object is allowed to project beyond the sides of the vessel or raft that would constitute a danger to other vessels, rafts, floating establishments or installations on or adjacent to the waterways or channel except under the condition specified at (c).

(c) ensure strict compliance of the safety requirements for carriage of over dimensional cargo as specified by the competent officer in each case.

### **15. Conditions relating to mooring or anchoring of vessels in port area :-**

No vessel shall be moored or anchored within a port except in areas designated for such purposes by the Competent Officer.

### **16. Stationary Vessels :-**

All stationary vessels, rafts and floating equipments must be anchored or made fast securely enough to withstand the current in such a way that they can adjust to the change in water level.

### **17. Pilotage :-**

(1) The Competent Officer shall:-

(a) classify the river stretch where pilotage shall be compulsory and where the pilotage shall be optional;

(b) arrange positioning of experienced pilots; and

(c) provide services of the pilot to the vessels in areas where pilotage is declared compulsory.

### **CHAPTER 3**

NAVIGATIONAL SAFETY AND THE RESPONSIBILITY OF THE MASTER AND THE OWNER

### **18. Instructions to the Master :-**

(1) The master shall be responsible for ensuring that the vessel is river worthy. He should follow the regulations relating to the safety measures for navigation in particular: -

- (a) take all precautions required to exercise vigilance and to avoid damage to the vessel, installations in the national waterway and avoid causing obstructions to shipping and navigation;
- (b) to avoid imminent danger, take all steps required by the situation (according to the general practice of seamanship) even if this entails departing from these regulations;
- (c) be responsible for compliance with the rules or regulations applicable to his vessel and his crew and to the vessels in tow, while his vessel is engaged in towing of other vessels;
- (d) ensure possession of valid certificates of registration and survey of the vessel and valid certificate or licence by the crew, ships article or the crew list, ships log and engine log;
- (e) ensure that at no time the vessel is overloaded or carried more than the number of passengers it is certified to carry;
- (f) ensure that dangerous goods or explosive materials are carried on board as authorized by Competent Authority and procedures and safety precautions as per the Explosives Rules, 1983 are taken for carrying of such goods or material onboard;
- (g) on sighting a vessel or raft which has suffered an accident endangering persons or the vessel or threatening to obstruct the channel, give immediate assistance to such vessels without endangering safety of his own vessel;
- (h) in case of any marine casualty, give warning to the approaching vessels to enable them to take necessary action in good time and steer clear of the channel when in danger of sinking or goes out of control;
- (1) ensure that life saving appliances as specified in Annexure IV are carried onboard, in good condition and in a position available for immediate use;
- (j) ensure that no time the vessel discharge in the waterway except at places designated by the Competent Officer, raw sewage, oily substances, garbage etc.
- (2) The master of a passenger vessel shall display the disposition and use of life saving appliances carried onboard and demonstrate the use of life jackets before commencement of journey.
- (3) The master shall ensure that all the navigational aids, fire

fighting and flooding control appliances are on board in proper working condition and in a position available for immediate use and cause regular conduct of exercises to his crew for the efficient use of such appliances.

(4) The master shall make immediate report to the nearest competent officer on -

(i) sighting of any other vessel in distress;

(ii) grounding or sinking of the vessel;

(iii) out break of fire or flooding in his vessel;

(iv) damage caused to any waterway installations or permanent structures;

(v) observing uncharted obstruction or failure of navigational aid is noticed;

(vi) falling overboard of any object which may become an obstruction or danger to navigation;

(vii) spillage of oil into National Waterway;

(viii) piracy or theft onboard.

(5) Master or persons in charge of a vessel shall give the competent officer or any person authorized by him all necessary facilities for verifying compliance with these regulations.

### **19. Instructions to the owner :-**

(1) Owner of the vessel shall make sure that the vessel is riverworthy in all respect and has competent crew on it.

(2) The owner shall -

(a) ensure that the vessel does not proceed on any voyage or be used for any service unless the vessel has a valid certificate of survey in force applicable for such voyage or service;

(b) ensure that only qualified personnel with a valid certificate of competency certificate of service or licence are employed on board the vessel as master/serang, engineer or driver and the crew;

(c) ensure that the crew provided is sufficiently huge and skilled to ensure the safety on those onboard and safe navigation;

(d) provide insurance for his vessel against third party risks;

- (e) arrange displaying of the distinguishing mark (registration mark) in a conspicuous place;
  - (f) ensure that the certificate of registration granted in respect of any vessel shall be used only for the lawful navigation of that vessel;
  - (g) report alterations carried out on his vessel which do not correspond with the particulars relating to the vessel or the description entered in the certificate of registration to the registering authority;
  - (h) if it is an abandoned vessel, in the navigable channel, make arrangements for immediate marking of the vessel to avoid danger to other vessels;
  - (i) make arrangements for the removal of a vessel from the navigation channel as early as possible or as directed by the competent officer;
  - (j) forthwith give notice to the nearest competent officer, whenever-
    - (i) a vessel has been wrecked, abandoned or materially damaged;
    - (ii) any casualty happening to or on board any vessel, including loss of life, material damage to any other vessel or structures;
    - (iii) a vessel has spilled oil into National Waterway.
- (3) If an owner fails to remove a vessel under clause (h) of sub-regulation (2), the Competent Officer shall cause the removal of such vessel and recover the cost of such removal from the owner.

#### CHAPTER 4

#### SUSPENSION, CANCELLATION AND APPEAL

### **20. Power to suspend and cancel endorsement on certificate of survey :-**

- (1) The Competent Officer reserves the rights to suspend forthwith the endorsement on Certificate of Survey of the vessel for a period not exceeding sixty days in the case of contravention of any of the regulation mentioned hereinbefore at the first instance.
- (2) In the case of repeated contravention, the Competent Officer shall have the power to cancel the endorsement on Certificate of

Survey of the vessel forthwith.

**21. Appeal :-**

(1) Any person aggrieved by an order of the Competent Officer issued under Regulation 20, may within thirty days from the date on which he receives such order, appeal against it to the officer so designated.

(2) The Officer so designated shall cause notice of every such appeal to be given to the Competent Officer in such manner as may be prescribed and after giving an opportunity to the appellant to be heard, shall pass such order thereon as deems fit and his decision shall be final.

CHAPTER 5

PENALTIES AND LEGAL PROCEEDINGS

**22. Penalty for failure to observe navigable channel :-**

If the master of the vessel fails to observe the navigable channel mark in contravention of Regulation.3, he shall be punishable with fine which may extend to four hundred rupees.

**23. Penalty for failure to observe traffic signals and sign :-**

If the master of the vessel fails to observe any of the traffic sign or signal in contravention of Regulation.4, he shall be punishable with fine which may extend to two hundred and fifty rupees.

**24. Penalty for failure to observe overhead clearance :-**

If the master of the vessel fails to ascertain the overhead clearance of his vessel or fails to regulate the speed by passing through the bridge in contravention of Regulation.5, he shall be punishable with fine which may extend to five hundred rupees.

**25. Penalty for non-compliance with this order from lock master :-**

If the master of the vessel fails to comply any of the order given to him by the lock master to ensure the safety and orderly movement of the vessel and quick passage through the locks in contravention of Regulation.6(1) and (2) he shall be punishable with fine which may extend to five hundred rupees.

**26. Penalty for failure to take precaution while negotiating through lock :-**

If the master fails to take any one of the precautions while passing through lock in contravention of Regulation.6(3), he shall be

punishable with fine which may extend to three hundred rupees.

**27. Penalty for failure to regulate speed to avoid creation of excessive wash or suction :-**

If the master of the vessel fails to regulate the speed of the vessel to avoid creation of excessive wash or suction likely to cause damage the stationary or other moving vessel or structures in contravention of Regulation.7, he shall be punishable with fine which may extend to two hundred rupees.

**28. Penalty for causing the vessel to drift :-**

If the master of the vessel, not being authorized by the Competent Officer, causes his vessel to drift in contravention of Regulation.8, he shall be punishable with fine which may extend to one hundred rupees.

**29. Penalty for failure to keep safe distance :-**

If the master of a ferry vessel while crossing the navigable channel fails to keep such distance from vessels or rafts moving along the navigable channel, so that the latter are forced to change their course or reduce speed in contravention of Regulation.9, he shall be punishable with fine which may extend to one hundred rupees.

**30. Penalty for failure to observe Navigational and Meteorological information :-**

If the master of the vessel fails to observe the river notices or river charts or cautionary signals issued by the Competent Officer in contravention of Regulation.10, he shall be punishable with fine which may extend to two hundred rupees.

**31. Penalty for failure to obtain endorsement on Certificate of Survey for voyage in National Waterways :-**

If any vessel proceeds on a voyage on National Waterways without obtaining the endorsement on Certificate of Survey in contravention of Regulation.11, the owner and the master shall each be punishable with fine which may extend to five hundred rupees.

**32. Penalty for failure to keep valid Certificate of Competency for making voyage on National Waterways :-**

If the vessel proceeds on a voyage on National Waterway without the Certificate of Competency in contravention of Regulation.12, the master, serang, engineer and engine driver shall each be punishable with fine which may extend to five hundred rupees.

**33. Penalty for failure to bear identification marks on**

**vessel :-**

If any vessel makes a voyage on National Waterways without bearing any of the identification mark in contravention of Regulation.13, the master and the owner shall each be punishable with fine which may extend to two hundred and fifty rupees at first instance and rupees four hundred in case of continued contravention.

**34. Penalty for failure to comply with waterway limits :-**

If the master of the vessel fails to ensure that the length, breadth, height and draught of his vessel and speed of the vessel and convoy in contravention of Regulation.14(a) he shall be punishable with fine which may extend to three hundred rupees.

**35. Penalty for causing an object to project beyond the side of the vessel :-**

If the master of a vessel cause an object to project beyond the sides of the vessel constituting a danger to other vessel or installation in contravention of Regulation.14(b), he shall be punishable with fine which may extend to four hundred rupees.

**36. Penalty for non-compliance with safety requirement for over-dimensional cargo :-**

If the master of the vessel fails to comply with the safety requirements for carriage of over-dimensional cargo in contravention of Regulation.14(c) he shall be punishable with fine which may extend to three hundred rupees.

**37. Penalty for anchoring of the vessel outside the designated area in a port :-**

If the master of the vessel causes his vessel to be moored or anchored in area not designated for such purposes within a port in contravention of Regulation.15 he shall be punishable with fine which may extend to one hundred rupees at first instance and , rupee one hundred per day in case of continued contravention.

**38. Penalty for improper mooring :-**

If the owner or master of a stationary vessel, raft and floating equipment fails to anchor or make fast the vessel securely enough to withstand the current and change in water level in contravention of Regulation.16, he shall be punishable with fine which may extend to five hundred rupees.

**39. Penalty for failure to observe the river stretch for compulsory pilotage :-**

If the master of the vessel makes a voyage on national waterway without a pilot on a river stretch where pilotage is compulsory, as classified by the Competent Officer, in contravention of Regulation.17, he shall be punishable with fine which may extend to five hundred rupees.

**40. Penalty for failure to observe instruction to the master**

:-

If the master of the vessel fails to observe any of the instructions given to him in contravention of Regulation.18, he shall be punishable with fine which may extend to five hundred rupees for each contravention.

**41. Penalty for failure to observe instructions to the owner**

:-

If the owner of the vessel fails to observe any of the instructions given to him in contravention of Regulation.19, he shall be punishable with fine which may extend to five hundred rupees for each contravention.

**42. Application of the provision of Inland Vessels Act, 1917**

:-

Notwithstanding anything mentioned hereinbefore, the provisions of Chapter 7, of the Inland Vessels Act, 1917 (1 of 1917) shall also mutatis-mutandis apply to all the mechanically propelled vessels making voyage on national waterway as they apply to mechanically propelled vessels on any Inland Waterways.

**43. Provision for punishment of offences not otherwise provided for :-**

If any person contravening any of these regulations for which no specific penalty has been

provided for, he shall be punishable with fine which may extend to two hundred and fifty rupees.