

उद्देश्य और कारण

वर्तमान वैश्विक पटल पर अधिकांश राष्ट्र डी-कार्बोनाइजेशन की चुनौतियों का सामना अपेक्षाकृत अधिक सतर्कतापूर्वक कर रहे हैं। जीवाश्म ईंधन के तीव्र ह्रास, ईंधन के मूल्यों में उत्तरोत्तर वृद्धि और यानों की संख्या में निरन्तर वृद्धि के फलस्वरूप उत्पन्न गम्भीर पर्यावरण प्रदूषण के कारण पर्यटन के साधन के दृष्टिगत अपेक्षाकृत सस्ता एवं प्रदूषण मुक्त परिवहन के रूप में जलमार्ग का अंगीकरण आवश्यक हो गया है।

उत्तर प्रदेश विभिन्न पवित्र नदियों एवं प्राकृतिक सौन्दर्ययुक्त स्थलों से समृद्ध राज्य है। राज्य के प्रमुख नदियों जैसे-गंगा, यमुना, सरयू इत्यादि में वर्षपर्यंत जल का निरन्तर प्रवाह बना रहता है। उल्लेखनीय है कि भारत सरकार, राष्ट्रीय जलमार्ग अधिनियम, 2016 (अधिनियम संख्या 17, सन् 2016) के अधीन 111 राष्ट्रीय जलमार्गों की घोषणा कर चुकी है, जिनमें गंगा नदी पर राष्ट्रीय जलमार्ग संख्या-1 (प्रयागराज से हल्दिया तक) के अतिरिक्त, दस अन्य राष्ट्रीय जलमार्ग उत्तर प्रदेश राज्य में हैं। उत्तर प्रदेश राज्य में जल परिवहन एवं जल पर्यटन को विकसित किए जाने के क्रम में राज्य स्तर पर अन्तर्देशीय जलमार्ग प्राधिकरण का गठन करना आवश्यक हो गया है। इस प्राधिकरण के गठन से, राज्य के भीतर जल परिवहन, जल पर्यटन और पोत परिवहन तथा नौ परिवहन में विकास, विनियमन एवं पर्यावरणीय संरक्षण सुनिश्चित करते हुए राज्य में एक पृथक प्रशासनिक इकाई स्थापित हो जायेगी, जो अन्तर्देशीय जलमार्ग परिवहन के विकास हेतु तीव्र एवं समयबद्ध कार्यवाही सम्भव बनाएगी। जलमार्गों के विकास के माध्यम से उक्त प्राधिकरण का गठन नदियों की संवृद्धि एवं संरक्षण को भी सुनिश्चित करेगा। जलमार्गों के विकास से जल पर्यटन के दृष्टिगत नदियों के किनारे अवस्थित धार्मिक एवं ऐतिहासिक स्थल भी विकसित होंगे। जल परिवहन एवं जल पर्यटन में विकास तथा विस्तार से बड़े पैमाने पर रोजगार भी सृजित होंगे।

उपर्युक्त के दृष्टिगत उत्तर प्रदेश अन्तर्देशीय जलमार्ग प्राधिकरण के गठन का विनिश्चय किया गया है।

तदनुसार उत्तर प्रदेश अन्तर्देशीय जलमार्ग प्राधिकरण विधेयक, 2023 पुरःस्थापित किया जाता है।

आज्ञा से,

अतुल श्रीवास्तव,
प्रमुख सचिव।

No. 587(2)/LXXIX-V-1-2023-1-ka-21-2023

Dated Lucknow, December 8, 2023

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Antardeshiy Jalmarg Pradhikaran Adhiniyam, 2023 (Uttar Pradesh Adhiniyam Sankhya 22 of 2023) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 7, 2023. The Parivahan Anubhag-4 is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH INLAND WATERWAYS AUTHORITY ACT, 2023

(U.P. ACT NO. 22 OF 2023)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to provide for the constitution of an Inland Waterways Authority in the State of Uttar Pradesh for the regulation and development of Inland Waterways for the purposes of safe, efficient, reliable and environment friendly inland water transport and tourism by way of river side communities' development, first and last mile connectivity to help modal shift, logistics policy as well as shipping and navigation, and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Seventy-fourth Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. (1) This Act may be called the Uttar Pradesh Inland Waterways Authority Act, 2023. Short title, extent, and commencement
- (2) It extends to the whole of Uttar Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be notified for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions

2. (1) In this Act, unless the context otherwise requires,-

- (i) "appurtenant land" means all lands appurtenant to a national waterway or state waterway, whether demarcated or not;
- (ii) "Authority" means Uttar Pradesh Inland Waterways Authority constituted under this Act;
- (iii) "berth" means facility such as wharf, jetty *etc.* for berthing the vessel/ship alongside inland water;
- (iv) "cargo" includes anything except living persons carried or to be carried in the vessel;
- (v) "cargo vessel" means a vessel which is not a passenger vessel;
- (vi) "Central Government" means the Government of India;
- (vii) "Chairperson" means the Chairperson of the Authority appointed under sub-section (4) of section 3 of the Act;
- (viii) "conservancy" includes dredging, training, closure, diversion or abandoning channels;
- (ix) "conservancy measures" means measures for the 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 regions not connected with shipping and navigation;
- (x) "ferry" means a vessel providing passenger transport services or combined passenger and goods transport services across or along inland waterways within the State of Uttar Pradesh;
- (xi) "goods" includes livestock and anything carried by a vessel except living persons;
- (xii) "infrastructure" includes structures such as docks, wharves, jetties, landing stages, locks, bouys, inland ports, cargo handling equipment, road and rail access and cargo storage spaces, and the expression "infrastructural facilities" shall be construed accordingly;
- (xiii) "inland waters", for the purpose of inland navigation, includes rivers, canals, streams, lakes and other navigable water bodies within the territorial jurisdiction of Uttar Pradesh which may be declared as such by notification in the official *Gazette* by the State Government;
- (xiv) "inland waterway" means national as well as State waterway;
- (xv) "jetty" means artificial structure into the inland water enabling the passage of passengers and cargoes to and from the vessel;
- (xvi) "manufacturer" means a person engaged in the manufacturing of vessels or any part or equipment thereof;
- (xvii) "member" means a member of the Authority appointed under sub-section (4) of section 3 and includes the Chairperson and the Vice Chairperson of the Authority.
- (xviii) "national waterway" means the Inland Waterway declared to be a national waterway under the National Waterways Act, 2016 (Act no. 17 of 2016);
- (xix) "navigable channel" means a channel navigable during the whole or a part of the year;
- (xx) "passenger" means any person carried on a vessel except persons employed or engaged in any capacity on board of the vessel in connection with the business of the vessel;
- (xxi) "passenger vessel" means a vessel used or adapted to be used for the carriage of passengers for hire or reward;
- (xxii) "port" shall have the same meaning as defined in the Indian Ports Act, 1908 (Act no. 15 of 1908);
- (xxiii) "prescribed" means prescribed by rules made under this Act;
- (xxiv) "regulations" means regulations made by the Authority under this Act;

(xxv) "rules" means rules made by the State Government under this Act;

(xxvi) "State Government" means the Government of Uttar Pradesh;

(xxvii) "State Legislature" means the Legislature of Uttar Pradesh;

(xxviii) "State waterway" means the inland waterway within the territorial jurisdiction of Government of Uttar Pradesh which may be declared as such, by notification in the official *Gazette*, by the State Government;

(xxix) "wharf" means a construction on the banks of inland water for berthing of a ship/vessel;

(2) Words and expressions used in the Inland Waterways Authority of India Act, 1985 (Act no.82 of 1985) and the Inland Vessels Act, 2021(Act no.24 of 2021) and the Central rules made thereunder, and not defined in this Act shall have the same meaning as assigned to them in the aforesaid Acts and rules.

CHAPTER II

THE UTTAR PRADESH INLAND WATERWAYS AUTHORITY

3. (1) The State Government shall by notification in the Official *Gazette*, constitute for the purpose of this Act, an Authority to be called "The Uttar Pradesh Inland Waterways Authority".

Constitution of the
Authority

(2) The said Authority shall exercise such powers and discharge such functions as assigned to it under this Act and the rules made thereunder.

(3) 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.

(4) The Authority shall consist of the following, namely:-

(i) Either the Minister of Transport, Uttar Pradesh or an expert from amongst persons who have special knowledge of and professional experience in matters related to inland waterways, shipping and navigation, ports, maritime affairs or in matters connected therewith as may be nominated or appointed by the Chief Minister of Uttar Pradesh- Chairperson;

(ii) A person appointed by the State Government from amongst persons who have special knowledge of and professional experience in matters related to inland waterways, shipping and navigation, ports, maritime affairs or in matters connected therewith – Vice-Chairperson;

(iii) Additional Chief Secretary/ Principal Secretary of the Department of Finance – Member (*ex-officio*) ;

(iv) Additional Chief Secretary/ Principal Secretary of the, Public Works Department (PWD) - Member (*ex-officio*) ;

(v) Additional Chief Secretary/ Principal Secretary of the Department of Transport - Member (*ex-officio*) ;

(vi) Additional Chief Secretary/ Principal Secretary of the Department of Irrigation and Water Resources - Member (*ex-officio*) ;

(vii) Additional Chief Secretary/ Principal Secretary of the Department of Tourism and Culture Member (*ex-officio*) ;

(viii) Additional Chief Secretary/ Principal Secretary of the Department of Forest and Environment - Member (*ex-officio*) ;

(ix) A representative of Inland Waterways Authority of India (IWAI) nominated by the Chairman of IWAI - Member;

(x) Transport Commissioner, Uttar Pradesh - Chief Executive Officer (CEO) *ex-officio*.

Office of the Authority	<p>4. (1) The headquarters of the Authority shall be at Lucknow.</p> <p>(2) The Authority may, with prior approval of the State Government, establish sub-offices and citizen facilitation centers at such other places, as may be considered necessary.</p>
Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson (VC)	<p>5. (1) The Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson (VC) of the Authority shall be a whole time officer of the Authority.</p> <p>(2) The Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson shall hold office for such term as may be prescribed but the same shall not be exceeding 5 years. The term of office of Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) may be renewed by the Chief Minister of Uttar Pradesh and that of Vice-Chairperson may be renewed by the State Government for such further period as specified in the notification issued in this regard.</p> <p>(3) The Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson shall be entitled to receive, from the funds of the Authority, such salaries and allowances and shall be governed by such conditions of service as may be determined by a general or special order of the State Government in this behalf.</p>
Disqualifications for appointment as Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson	<p>6. A person shall be disqualified for being appointed as the Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson, if he –</p> <p>(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or</p> <p>(b) is an undischarged insolvent; or</p> <p>(c) is of unsound mind and stands so declared by a competent Court; or</p> <p>(d) has been removed or dismissed from the service of the Government or a company owned or controlled by the Government; or</p> <p>(e) has, in the opinion of the State 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.</p>
Resignation and removal of the Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson	<p>7. (1) The Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson may, by notice in writing under their own hand addressed to the Governor of the State of Uttar Pradesh, resign from his office.</p> <p>(2) Notwithstanding anything in section 5, the Chief Minister of Uttar Pradesh or the State Government, as the case may be, may, by order, remove from the Authority the Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson who in his/its opinion –</p> <p>(a) refuses to act; or</p> <p>(b) has become incapable to act; or</p> <p>(c) has so abused his office as to render his continuance in office detrimental to the public interest; or</p> <p>(d) is otherwise unsuitable to continue as a member.</p> <p>(3) The State Government may suspend the Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson, pending an inquiry against him.</p> <p>(4) In case of removal, the Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson shall be given an opportunity of being heard in the matter and when such an order of removal has been passed, the seat of the the Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson shall be declared vacant.</p> <p>(5) A Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson who has been removed under this section shall not be eligible for re-appointment in any capacity under the Authority.</p>

<p>8. (1) The Chairperson 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.</p>	<p>Powers of Chairperson and Vice-Chairperson</p>
<p>(2) The Vice-Chairperson of the Authority shall exercise and discharge such of the powers and duties of the Chairperson as may be prescribed or as may be delegated to him by the Authority.</p>	
<p>9. (1) The Authority shall have the following administrative branches for the discharge of its functions under this Act:-</p>	<p>Administrative Branches, Officers and other employees of the Authority</p>
<p>(a) Technical Branch (includes marine and nautical, civil, mechanical, hydrographic survey, cartography, Information Technology, et-cetera);</p>	
<p>(b) Inland Water Transport and Traffic and Logistics as well as Training and Research & Development (R&D) Branch;</p>	
<p>(c) General Administration and Finance Branch;</p>	
<p>(d) any other branch which may be created by the Authority with the prior approval of the State Government.</p>	
<p>(2) The head of every branch mentioned in the sub-section (1) will be designated as Director, who will be either appointed by the State Government from amongst persons, including serving/retired Government servants, having academic qualifications, experience and expertise in the related subjects, or may be taken from other Departments or Public Sector Undertakings of the Government of Uttar Pradesh on deputation basis.</p>	
<p>(3) The State Government shall appoint the Secretary of the Authority from amongst the officers of Transport Department of the Government of Uttar Pradesh holding the rank of Additional Transport Commissioner. The terms and conditions of service of the Secretary shall be determined by the State Government.</p>	
<p>(4) The Authority may appoint other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.</p>	
<p>(5) Salary and allowances payable to and the other conditions of the service of the officers and employees of the Authority appointed under this Act, shall be such as may be prescribed.</p>	
<p>(6) The salaries and allowances of Secretary, Director(s) and all other officers and employees of the Authority shall be drawn from the funds of the Authority.</p>	
<p>10. (1) The Authority shall have its meetings at such time as the Chairperson may direct, but the meetings of the Authority shall be held at least once every quarter of a calendar year.</p>	<p>Meetings</p>
<p>(2) The Authority shall meet at such places and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be provided by regulations.</p>	
<p>(3) The Chairperson or in his absence, the Vice Chairperson, or in the absence of both, the senior most member of the Authority shall preside over the meeting.</p>	
<p>11. In the discharge of its functions under this Act, the Authority shall act, so far as may be, on business principles.</p>	<p>Authority to act on business principles</p>
<p>12.(1) Subject to any rules made in this behalf, the Authority may from time to time constitute such Advisory Committees as may be necessary for the efficient discharge of its functions.</p>	<p>Advisory Committee and empanelment of experts</p>
<p>(2) An Advisory Committee may consist of such number of persons having qualifications and experiences related to shipping and navigation and allied aspects, as the Authority may deem fit.</p>	
<p>(3) The Authority may also empanel any subject expert(s) for the efficient discharge of its functions as and when required.</p>	

Vacancy, etc., not to invalidate the proceedings of the Authority

13. No act or proceeding of the Authority shall be invalidated merely by reason of-

- (a) any vacancy in, or any defect in the constitution of, the Authority; or
- (b) any defect in the appointment of a person acting as a member of the Authority; or
- (c) any irregularity in the procedure of the Authority not affecting the merits of the case.

CHAPTER III

POWERS AND FUNCTIONS OF THE AUTHORITY

Powers and functions of the Authority

14. (1) The Authority may,-

- (a) act as a Nodal Authority for the purpose of implementation of the provisions, related to State Government, in the Inland Vessels Act, 2021 (Act no.24 of 2021);
- (b) co-operate and co-ordinate with the Inland Waterways Authority of India in relation to the discharging of powers, functions or duties conferred upon it under the Inland Vessels Act, 2021 (Act no.24 of 2021);
- (c) regulate the activities of inland water transport and tourism, inland water port and terminal operation and services;
- (d) regulate the construction or alteration of structures on, across or under the inland waterways;
- (e) lay down standards for classification of inland waterways (other than national waterways);
- (f) formulate and regulate tourist circuit route for river cruise operations;
- (g) registrations and survey of inland vessels of all mechanised vessels and non-mechanised vessels;
- (h) ensure compliance with prescribed safety and environmental laws/regulations for vessels, ports, terminals, navigation and other inland water transport and tourism activities;
- (i) remove or alter any obstruction or impediment in the inland waterways and the appurtenant land which may impede the safe navigation or endanger the 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;
- (j) control activities such as throwing rubbish, dumping or removal of material, in or from the bed of the waterways and provide required reception facilities and refuelling ;
- (k) determination and classification of catchment area of a river, lake and other water body within the territorial jurisdiction of Uttar Pradesh, and superintendence over and control of activities within the determined and defined catchment area;
- (l) carry out conservancy measures for the safety and convenience of shipping and navigation and improvement of inland waterways;
- (m) carry out hydrographic surveys and investigations for the development, maintenance and better utilization of inland waterways and publish river charts, providing navigation aids for day and night navigation including but not limited to radio communication;
- (n) disseminate navigational meteorological information about inland waterways;
- (o) ensure co-ordination of inland water transport on inland waterways with other modes of transport;
- (p) establish and maintain pilotage on inland waterways that lie within the territory of Uttar Pradesh and in respect of which the Central Government has not specified anything;

- (q) provide or permit any activity having relevance to shipping and navigation in the inland waters including setting up of infrastructural facilities, water tourism, dredging, river training, embankment et-cetera on inland waterways;
 - (r) regulate constructions of inland waterway terminals, loading and unloading to/from terminals and vessel to vessel transshipment on inland waterway routes;
 - (s) power to fix maximum rates for passenger fares and freight of goods for mechanized and non-mechanized inland vessels within the territorial jurisdiction of the state of Uttar Pradesh;
 - (t) regulation of pontoon bridges;
 - (u) carry out analysis of inland water traffic data and prepare annual reports on the overall inland waterways development in the State of Uttar Pradesh, make projections for inland waterways traffic demand in Uttar Pradesh, and assist vessel/cargo/ferry operators to draw up their expansion plans;
 - (v) conduct and engage in scientific and applied research in matters relating to water transport and tourism, and shipping and navigation;
 - (w) cause to establish a training institute as well as arrange program of technical training within and outside India for the purpose of capacity building of inland waterways transport service provider, inland vessels masters and crew, stakeholders, including officers and employees of the Authority;
 - (x) advise the State Government on matters relating to inland waterways, water transport and tourism;
 - (y) perform any other related functions as assigned to it by the State Government;
 - (z) frame regulations and detailed guidelines and issue executive instructions for its proper functioning;
 - (aa) furnish all the reports required under the provisions of this Act.
- (2) Without prejudice to the generality of the provisions contained under sub-section (1), the Authority may also:-
- (a) approve and implement environmental, economic, safety management and emergency plans;
 - (b) recommend to the State Government amendments to this Act;
 - (c) promote multi modal transport system for benefit of consumers and trade;
 - (d) promote public private partnerships, private participation and outsourcing for effective implementation of this Act;
 - (e) take all necessary steps for exercise of any power or discharge of any function which may be incidental to this Act;
 - (f) carry out any other function, duty and responsibility which may be entrusted to it by the State Government;
 - (g) lay down minimum standards of quality of service to be provided by the inland water transport operators, ferry service providers, inland water traffic service providers; and
 - (h) monitor and enforce the set performance standards relating to continuity, reliability and quality of service.
- (3) Any dispute arising out of or concerning the compensation referred to in clause (i) of sub-section (1) shall be determined according to the law relating to like disputes in the case of land required for public purposes.

Authority to have same powers as vested in a civil Court

15. The Authority shall, while discharging its functions under this Act, have the same powers as are vested in a civil Court while trying a suit under the Code of Civil Procedure, 1908 (Act no. 5 of 1908), in respect of the following matters, namely:-

- (i) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
- (ii) requiring the discovery and inspection of documents;
- (iii) receiving evidence on affidavit; and
- (iv) requisitioning any public record or copies thereof from any Court or office:

Transparency and good governance

16. The Authority shall ensure good governance, transparency and fairness while exercising its powers, functions and duties as enshrined under this Act by engaging in due consultations with all stakeholders and making all its decisions fully documented and available for public information.

CHAPTER IV

PROPERTY AND CONTRACTS

Transfer of assets and liabilities of the State Government to the Authority

17. (1) As from such day as the State Government may, appoint by notification in the Official *Gazette*, —

(a) all properties and other assets related or connected to inland waterways and water transport, water tourism and shipping vested in various departments of the State Government, immediately before such day, shall vest in the Authority;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with, or for the State Government immediately before such day for or in connection with the purposes of inland waterways and water transport, water tourism and shipping shall be deemed to have been incurred; entered into and engaged to be done by, with, or for the Authority;

(c) all non-recurring expenditure incurred by the State Government for or in connection with the purposes of inland waterways and water transport, water tourism and shipping up to such day and declared to be capital expenditure by the State Government shall, subject to such terms and conditions as may be determined by the State Government, be treated as capital provided by the State Government to the Authority;

(d) all sums of money due to the State Government in relation to inland waterways and water transport, water tourism and shipping immediately before such day shall be deemed to be due to the Authority;

(e) all suits and other legal proceedings with respect to any matter in relation to inland waterways and water transport, water tourism and shipping which having been instituted by or against the State Government and are pending, or which could have been so instituted, immediately before such date shall on and after such date be continued or instituted by or against the Authority.

(2) The Authority shall have the power to take employees from other Departments of Government of Uttar Pradesh / State Public Sector Undertakings / autonomous bodies on deputation basis or appoint regular employees or contract employees on its own as per procedure followed by the Government:

Provided that during the period of deputation of any such employee with the Authority, the Authority shall pay to the State Government or concerned Department in respect of every such employee, such contribution towards his leave salary, pension and gratuity as may be prescribed by the State Government:

Provided further that any such employee who has, in respect of the proposal of the Authority to absorb him in its regular service, intimated, within such time as may be specified in this behalf by the Authority, his intention of becoming a regular employee of the Authority, shall be absorbed by the Authority in its regular service.

(3) If any dispute or doubt arises as to which of the properties, rights or liabilities of the State Government have been transferred to the Authority or as to which of the employees serving under the State Government are to be treated to be on

deputation with the Authority under this section, such dispute or doubt shall be decided by the State Government in consultation with the Authority and the decision of the State Government thereon shall be final.

(4) Notwithstanding anything contained in any State law for the time being in force, the absorption of any employee by the Authority in its regular service under this section shall not entitle such employee to any compensation under that Act or other law and no such claim shall be entertained by any Court, Tribunal or other Authority.

18. Subject to the provisions of this Act, the Authority shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

Contracts by the Authority

19. (1) Every contract shall, on behalf of the Authority, be made by the Chairperson 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:

Mode of executing contracts on behalf of the Authority

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

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

CHAPTER V

FINANCE, ACCOUNTS, AUDIT AND ANNUAL REPORT

20. (1) The Authority may, with the previous approval of the State Government, levy fees and charges at such rates for services or benefits rendered in relation to the use of the inland 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.

Levy and collection of fees and charges

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

21. The State Government may, after due appropriation made by State Legislature by law in this behalf, make to the Authority grants and loans of such sums of money as it may consider necessary.

Grants and loans by the State Government

22. The Authority may, in such manner and subject to approval of the State Government, obtain loans from any scheduled commercial bank or 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 this Act.

Borrowing powers of the Authority

23. (1) There shall be constituted a Fund to be called "the Uttar Pradesh Inland Waterways Authority Fund" and there shall be credited thereto,—

Constitution of the Fund

(a) any grants and loans made to the Authority by the Central and State Government;

(b) all fees and charges received by the Authority under this Act and under Inland Vessels Act, 2021(Act no.24 of 2021) ;

(c) any sum received by the Authority under any scheme of Central and State Government related to inland waterways;

(d) any sum received by the Authority under any specific project of Central and State Government related to inland waterways;

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

(2) The Fund shall be applied for meeting,—

(a) salary, allowances and other remuneration of the Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson, Secretary and all other officers and employees of the Authority;

(b) expenses of the Authority in the discharge of its functions under this Act; and

(c) expenses of the Authority in establishing its head office and other sub-offices, either through new construction or hiring on rent.

Budget

24. The Authority shall prepare, in such form and at such time in 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 State Government.

Investment of funds

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

Bankers of the Authority

26. The Bankers of the Authority shall be any Scheduled Commercial Bank within the meaning of Reserve Bank of India Act, 1934 (Act no.2 of 1934), as may be determined by the Authority.

Accounts and audit

27. The accounts of the Authority shall be maintained and audited in such manner as may, in consultation with the Accountants General of Uttar Pradesh, be prescribed and the Authority shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with the auditors' report thereon.

Annual Report

28. 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 State Government.

Annual report and auditors' report to be laid before State Legislature

29. The State 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 the State Legislature.

CHAPTER VI

MISCELLANEOUS

Power of State Government to issue directions

30. (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 State 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 State Government as to whether a question is one of policy or not shall be final.

Compulsory acquisition of land for the Authority

31. 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 may be acquired for the Authority under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act no. 30 of 2013) or of any other corresponding law for the time being in force.

Application, etc., of certain laws

32. (1) The provisions of this Act shall be in addition to the provisions of the Indian Ports Act, 1908 (Act no.15 of 1908) and the Major Port Authorities Act, 2021 (Act no. 1 of 2021) and in particular nothing in this Act shall affect any jurisdiction, functions, powers or duties required to be exercised, performed or discharged by the conservator of any port or by any officer or authority under the Indian Ports Act, 1908 (Act no.15 of 1908), or the Board of Trustees for any major port or by any officer or

authority under the Major Port Authorities Act, 2021 (Act no. 1 of 2021), 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, 2021 (Act no. 24 of 2021) or any other Central Act (other than the Indian Ports Act, 1908 (Act no. 15 of 1908) and the Major Port Authorities Act, 2021 (Act no. 1 of 2021) or any State Act in force immediately before the commencement of this Act with respect to shipping and navigation on any national waterway.

33. Subject to any rules made in this behalf, any person, generally or specially authorized 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.

34. The Authority may, by general or special order in writing, delegate to the Chairperson or Vice Chairperson 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 to make regulations under this Act), as it may deem necessary.

35. All orders and decisions of the Authority shall be authenticated by the signature of the Chairperson or Vice-Chairperson or any other member authorized 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 authorized by the Authority in this behalf.

36. 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, 1860 (Act no. 45 of 1860).

37. (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 the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

(2) No suit or other legal proceedings shall lie against the Authority for any damage caused or likely to be caused by anything in good faith done or purported to be done under this Act or the rules or regulations made thereunder, and in particular, it shall not be the responsibility of the Authority to provide for relief measures necessitated by floods or by breaches and failures of works.

38. (1) If, at any time, the State Government is of opinion, -

- (a) that on account of a grave emergency, the Authority is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or
- (b) that the Authority has persistently made default in complying with any direction issued by the State Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of which default the financial position of the Authority or the administration of any inland waterway has deteriorated; or

Power to enter

Delegation

Authentication of orders and other instruments of the Authority

Members, officers and employees of the Authority to be public servants

Protection of action taken in good faith

Power of State Government to supersede the authority

- (c) that circumstances exist which render it necessary in the public interest so to do;

then the State Government may, by notification in the Official *Gazette*, supersede the Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this Act for the reasons mentioned in this Act, the State Government shall give a reasonable opportunity to the Authority to show cause why it should not be superseded and shall consider the explanations and objection, if any, of the Authority.

(2) Upon the publication of a notification under this Act superseding the Authority, -

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority, shall, until the Authority is reconstituted under this Act, be exercised and discharged by such person or persons as the State Government may direct;

(c) all property owned or controlled by the Authority shall, until the Authority is reconstituted under this Act, vest in the State Government.

(3) On the expiration of the period of supersession specified in the notification issued under this Act, the State Government may,—

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or

(b) reconstitute the Authority by fresh appointment and in such case any persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment:

Provided that the State Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

(4) The State Government shall cause the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before State Legislature at the earliest opportunity.

Power to make
rules

39. (1) For the purposes of effective implementation of the provisions of this Act, the State Government shall, by notification in the Official *Gazette*, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) powers and duties of the Chairperson and Vice-Chairperson;

(b) the terms and conditions of the Chairperson (if an expert person is appointed by the Chief Minister of Uttar Pradesh) and Vice-Chairperson and Secretary of the Authority under this Act;

(c) the matters with respect to the Advisory Committee and empanelment of subject experts referred to in this Act;

(d) the form in which, and the time at which, the Authority shall prepare its budget under this Act and its annual report under this Act;

(e) the manner in which the Authority may invest its funds under this Act;

(f) the manner in which the accounts of the Authority shall be maintained and audited under this Act;

(g) the conditions and restrictions with respect to exercise of the power to enter under this Act; and

(h) any other matter which is required to be, or may be, prescribed under the provisions of this Act for the purpose of implementation and administration of such provisions.

40. (1) The Authority may, with the previous approval of the State Government, by notification in the Official *Gazette*, make regulations, consistent with this Act and the rules made thereunder, generally to carry out the purposes of this Act.

Power to make regulations

(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 this Act;

(b) the terms and conditions of service of the other officers and employees of the Authority under this Act;

(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 this Act may be performed;

(e) the rule of the road on inland waterways;

(f) the safe, efficient and convenient use, management and control of the infrastructures and infrastructural facilities;

(g) the reception, portage, storage and removal of goods brought on a inland 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 inland waterway shall be carried out;

(j) the exclusion from a inland waterway of disorderly or other undesirable persons and of trespassers;

(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 this Act.

(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 thousand rupees and in the case of a continuing contravention with an additional fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

41. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and regulations to be laid before State Legislature

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official *Gazette*, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the said difficulty:

Power to remove difficulties

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

At present, most of the countries on the global stage are facing the challenges of de-carbonization with a relatively more cautious approach. Due to serious environmental pollution resulting from rapid depletion of fossil fuels, gradual increase in the price of fuel and continuous increase in the number of vehicles, it has become necessary to adopt waterways, which is a relatively cheap and pollution free transport option, as a means of tourism.

Uttar Pradesh is a State enriched with different holy rivers and natural beautiful places. Continuous flow of water is maintained in main rivers of the State like Ganga, Yamuna, Sarayu, *etc.* throughout the year. It is noteworthy that the Government of India has declared 111 national waterways under the National Waterways Act, 2016 (Act no. 17 of 2016), in which apart from National Waterway No. 1 (from Prayagraj to Haldia) on the river Ganga, ten other national waterways are there in the State of Uttar Pradesh. In order to develop water transport and water tourism in the State of Uttar Pradesh, it has become necessary to form an Inland Waterways Authority at the State Level. With the formation of this Authority, a separate administrative unit will be established in the State ensuring development, regulation and environmental protection in water transport, water tourism and shipping and navigation in the State which will make it possible to take prompt and timely action for the development of inland waterways transport. Constitution of the said Authority will also ensure growth and conservation of rivers by the development of waterways. Religious and historical places situated at the banks of rivers will also be developed in view of water tourism by the development of waterways. Employment at larger scale will also be created by development and expansion in water transport and water tourism.

In the view of the above, it has been decided to constitute the Uttar Pradesh Inland Waterways Authority.

The Uttar Pradesh Inland Waterways Authority Bill, 2023 is introduced accordingly.

By order,
ATUL SRIVASTAVA,
Pramukh Sachiv.