

# THE LIGHTHOUSE ACT, 1927

## ARRANGEMENT OF SECTIONS

### PRELIMINARY

#### SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of officers.
4. Advisory Committees.

#### GENERAL LIGHTHOUSES

5. Management of general lighthouses by the Central Government and delegation of management.

#### LOCAL LIGHTHOUSES

6. Power to inspect local lighthouses.
7. Control of local lighthouses by the Central Government.
8. Management of local lighthouses by the Central Government.
- 8A. Power of Central Government to prohibit lights and regulate heights of buildings, structures and trees.

#### LIGHT-DUES

9. Levy and collection of light-dues.
10. Rates of light-dues leviable.
11. Receipts for light-dues.
12. Ascertainment of tonnage.
13. Recovery of light-dues, expenses and costs.
14. Refusal of port-clearance.
15. Determination of disputes as to liability for payment.
16. Light-dues payable at one port recoverable at another.
17. Penalty for evading payment of light-dues.
18. Exemption from payment of light-dues.
19. Refund of excess payments.
- 19A. Fees.

#### ACCOUNTS

20. Accounts, etc.

[DELEGATION OF POWERS] [OMITTED].

- 20A. [Omitted].

#### RULES

21. Power to make rules.

#### REPEALS

22. [Repealed].

THE SCHEDULE [Repealed].

# THE LIGHTHOUSE ACT, 1927

ACT NO. 17 OF 1927<sup>1</sup>

[21st September, 1927.]

An Act to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in <sup>2</sup>[<sup>3</sup>\*\*\* India].

WHEREAS it is expedient to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in <sup>2</sup>[<sup>3</sup>\*\*\* India]; It is hereby enacted as follows:—

## PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the <sup>4</sup>\*\*\* Lighthouse Act, 1927.

(2) It extends to the whole of India <sup>5</sup>\*\*\*.

(3) It shall come into force on such date<sup>6</sup> as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

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

(b) “district” means an area defined as a district for the purposes of this Act under section 3;

(c) “general lighthouse” means any lighthouse which the Central Government may, by notification in the Official Gazette, declare to be a general lighthouse for the purposes of this Act;

(d) “lighthouse” includes any light-vessel, fog-signal, buoy, beacon, or any mark, sign or apparatus exhibited or used for the guidance of ships;

(e) “local lighthouse” means any lighthouse which is not a general lighthouse;

(f) “local lighthouse authority” means a State Government, local authority or other person having the superintendence and management of a local lighthouse;

(g) “owner” includes any part-owner, charterer, or mortgagee in possession and any agent to whom a ship is consigned;

(h) “port” means any port, as defined in the Indian Ports Act, 1908 (15 of 1908), to which that Act extends; <sup>8</sup>\*\*\*

<sup>9</sup>[(*hh*) “proper officer”, in relation to any functions to be performed under this Act, means the officer of Customs who is assigned those functions by the Central Board of

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1. This Act has been extended to Goa, Daman and Diu with modifications by Reg. 12 of 1962, s. 3 and Sch. (w.e.f. 15-2-1965). This Act has been extended to Lakshadweep by Reg. 8 of 1965, s. 3 and Sch. This Act comes into force in Pondicherry on 1.10.1963 *vide* Reg. 7 of 1963, s. 3 and Sch. I.

2. Subs. by the A.O. 1948, for “British India”.

3. The words “the provinces of” omitted by the A.O. 1950.

4. The word “Indian” omitted by Act 37 of 1976, s. 2 (w.e.f. 15-4-1976).

5. The words “except Part B States” omitted by Act 18 of 1953, s. 2.

6. 1st. April, 1929, *see* Gazette of India, 1929, Pt. I, p. 96.

7. Clause (a) omitted by Act 37 of 1976, s. 4 (w.e.f. 15-4-1976).

8. The word “and” omitted by s. 4, *ibid.* (w.e.f. 15-4-1976).

9. Ins. by s. 4, *ibid.* (w.e.f. 15-4-1976).

Excise and Customs constituted under the Central Boards of Revenue Act, 1963 (54 of 1963), and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;]

<sup>1</sup>[(*hha*)“Ship” includes a sailing vessel;]

(i) words and expressions used in this Act and not otherwise defined have the same meanings respectively as in the <sup>2</sup>[Merchant Shipping Act, 1958 (44 of 1958)].

**3. Appointment of officers.**—The Central Government may, by notification in the Official Gazette,—

(a) define areas to be districts for the purposes of this Act;

<sup>3</sup>[(b) appoint a person to be the Director of Lighthouses and Lightships in each district;

(c) appoint persons to be Deputy Directors-General of Lighthouses and Lightships; and

(d) appoint a person to be the Director-General of Lighthouses and Lightships.]

**4. Advisory Committees.**—(1) The Central Government shall appoint a Central Advisory Committee and shall consult it in regard to—

(a) the erection or position of lighthouses or of any works appertaining thereto;

(b) additions to, or the alteration or removal of, lighthouses;

(c) the variation of the character of any lighthouse or of the mode of use thereof;

(d) the cost of any proposals relating to lighthouses; or

(e) the making or alteration of any rules or rates of dues under this Act.

(2) The Central Government may, if it thinks fit, appoint an Advisory Committee for any district for the purpose of advising in regard to any of the matters specified in sub-section (1) in so far as the interests of the district are affected thereby.

(3) Advisory Committees shall consist of persons representing interests affected by this Act or having special knowledge of the subject-matter thereof.

<sup>4</sup>[(4) No act or proceeding of the Advisory Committee shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in constitution of, the Advisory Committee;

(b) any defect in appointment of a person acting as a member of the Advisory Committee; or

(c) any irregularity in the procedure of the Advisory Committee not affecting the merits of the case.]

#### GENERAL LIGHTHOUSES

**5. Management of general lighthouses by the Central Government and delegation of management.**—(1) The superintendence and management of all general lighthouses are vested in the Central Government.

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1. Ins. by Act 66 of 1985, s. 2 (w.e.f. 1-2-1986).

2. Subs. by Act 37 of 1976, s. 4, for “Indian Merchant Shipping Act, 1923” (w.e.f. 15-4-1976).

3. Subs. by Act 66 of 1985, s. 3, for clauses (b), (c) and (d) (w.e.f. 1-2-1986).

4. Ins. by s. 4, *ibid.* (w.e.f. 1-2-1986).

(2)The Central Government may require any local lighthouse authority to undertake the superintendence and management of any general lighthouse situated in or adjacent to the local limits within which the authority exercises its powers, and shall pay to the authority such sums to defray the cost of superintendence and management as the Central Government may determine.

#### LOCAL LIGHTHOUSES

**6. Power to inspect local lighthouses.**—(1)The <sup>1</sup>[Director-General of Lighthouses and Lightships]may, at any time, and any <sup>2</sup>[Director or Deputy Director-General of Lighthouses and lightships] may if authorised in this behalf by a general or special order in writing of the Central Government, enter upon and inspect any local lighthouse and make such inquiries in respect thereof or of the management thereof as he thinks fit.

(2) Every person having the charge of, or concerned in the management of, any lighthouse shall be bound to furnish to any officer authorised by or under sub-section (1) to inspect the lighthouse all such information regarding the same as the officer may require.

(3)Every local lighthouse authority shall furnish to the Central Government all such returns and other information in respect of the lighthouses under its supervision and management, or of any of them, as the Central Government may require.

**7. Control of local lighthouses by the Central Government.**—(1) If, after an inspection under section 6 or such other inquiry as thinks fit, the Central Government is satisfied that a direction under this sub-section is necessary or expedient for the safety, or otherwise in the interests, of shipping, it may direct any local lighthouse authority—

(a)to remove or discontinue or to refrain from moving or discontinuing any lighthouse under its superintendence and management or to make or refrain from making any variation in the character or mode of use of any such lighthouse, or

(b)to erect, place or maintain , or to refrain from erecting, placing or maintaining any lighthouse within the local limits within which the local lighthouse authority exercises its powers.

(2)A local lighthouse authority shall not erect, place, remove or discontinue any lighthouse or vary the character or mode of use of any lighthouse, unless it has given to the Central Government at least one month's notice in writing of its intention so to do:

Provided that, in cases of emergency, a local lighthouse authority may take such action as it deems necessary and shall give immediate notice of the same to the Central Government and, so far as is possible, to all shipping approaching or in the vicinity of the lighthouse.

(3)If a local lighthouse authority—

(a)fails to comply with any direction made under sub-section(1), or

(b)fails to exercise or perform, or exercises or performs in an improper, inefficient or unsuitable manner, any power or duty relating to the superintendence or management of lighthouses conferred or imposed upon it by or under any law for the time being in force, or

(c)fails to make adequate financial provision for the performance of any such duty,

the Central Government may, by order in writing, require the local lighthouse authority to comply with the direction, or to make arrangements to the satisfaction of the Central Government for the proper exercise of the power or performance of the duty or to make financial provision to the satisfaction of the Central Government for the performance of the duty as the case may be within such period as the Central Government may specify.

(4)If the local lighthouse authority fails to comply with an order made under sub-section(3) within the specified period or within such further time as the Central Government may allow, the Central

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1. Subs. by Act 66 of 1985, s. 5, for "Chief Inspector of Lighthouses" (w.e.f. 1-2-1986).

2. Subs. by s. 5, *ibid.*, for "Superintendent or Inspector of Lighthouses" (w.e.f. 1-2-1986).

Government may exercise the power or perform the duty or make the requisite financial provision, as the case may be, and the local lighthouse authority shall be liable to repay to the Central Government any expenditure incurred by it in so doing.

**8. Management of local lighthouses by the Central Government.**—The Central Government may, at the request of a local lighthouse authority, undertake the superintendence and management of any local lighthouse on its behalf, and the local lighthouse authority shall pay to the Central Government such sums to defray the cost of superintendence and management as may be agreed.

**1[8A. Power of Central Government to prohibit lights and regulate heights of buildings, structures and trees.**—(1) If the Central Government is of opinion that it is necessary or expedient so to do for unobstructed functioning of any lighthouse, it may, by notification in the Official Gazette, direct that,—

(i) no light shall be established without the prior permission of the Central Government in case of general lighthouse and without the prior permission of the local lighthouse authority in case of local lighthouse on any land within such radius, not exceeding one kilometre from the lighthouse, as may be specified in the notification; and

(ii) no building or structure higher than such height as may be specified in the notification shall be constructed or erected, or no tree, which is likely to grow or ordinarily grows higher than such height as may be specified in the notification, shall be planted, on any land within such radius, not exceeding one kilometre from the lighthouse, as may be specified in the notification.

(2) Where any light has been established without or contrary to the permission referred to in clause (i) of sub-section (1), the Central Government or the local lighthouse authority, as the case may be, may, in addition to any other action that may be taken under this Act, make an order directing that such light shall be removed by the owner or the person having control of the light, within such period as may be specified in such order.

(3) Where any building or structure has been constructed or erected or any tree has been planted in contravention of the directions contained in clause (ii) of sub-section (1), the Central Government or the local lighthouse authority, as the case may be, may, in addition to any other action that may be taken under this Act make an order directing that the height of such building, structure or tree shall be reduced to the extent specified in such notification, by the owner or the person having control of the building or structure or the tree, as the case may be, within such period as may be specified in such order.

(4) No order under sub-section (2) or sub-section (3) shall be made unless the owner or the person has been given, by means of a notice, a reasonable opportunity of showing cause why such order shall not be made.

(5) If any person fails to remove the light in pursuance of direction contained in the order issued under sub-section (2) or reduce the height of the building, structure or tree in pursuance of any direction contained in the order issued under sub-section (3), within the period specified in such order, then, subject to such rules as the Central Government may make in this behalf, it shall be competent for any officer authorised by the Central Government or the local lighthouse authority, as the case may be, in this behalf to remove such light or to reduce the height of such building, structure or tree and the expenses of such removal or reduction shall be recoverable from such person as a land revenue.

(6) The orders referred to in sub-sections (2) and (3) and the notice referred to in sub-section (4) shall be served on the owner or the person having the control of the light, building, structure or tree, as the case may be,—

(i) by delivering or tendering it to such owner or person; or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any officer of such owner or person or any adult male member of the family of such owner or person or by

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1.Ins. by Act 66 of 1985, s. 6 (w.e.f. 1-2-1986).

affixing a copy thereof on some conspicuous part of the premises in which such owner or person is known to have last resided or carried on business or personally worked for gain, or failing service by these means;

(iii) by post.

(7) If any person wilfully fails to comply with any direction contained in any notification issued under sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

(8) Every notification issued by the Central Government under sub-section (1) shall be laid, as soon as may be after it is published in the Official Gazette, before each House of Parliament, 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 notification or both Houses agree that the notification should not be made, the notification 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 the notification.]

#### LIGHT-DUES

**9. Levy and collection of light-dues.**—For the purpose of providing or maintaining or of providing and maintaining lighthouses for the benefit of ships voyaging to or from <sup>1</sup>[India] or between ports in <sup>1</sup>[India], the Central Government shall, subject to the provisions of this Act, cause light-dues to be levied and collected in respect of every ship arriving at or departing from any port in <sup>1</sup>[India].

**10. Rates of light-dues leviable.**—<sup>2</sup>[(1) The Central Government may, by notification in the Official Gazette, prescribe such rates, as it may deem necessary to provide for the purpose mentioned in section 9, at which light-dues shall be payable, and may prescribe different rates for different classes of ships or sailing vessels, or for ships or sailing vessels of the same class when in use for different purposes or in different circumstances.]

(2) Light-dues payable in respect of a ship shall be paid by the owner or master of the ship on its arrival at, and on its departure from, any port in <sup>1</sup>[India]:

Provided that, if light-dues have been paid in accordance with the provisions of this Act in respect of any ship, no further dues shall become payable in respect of that ship for a period of thirty days from the date on which the dues so paid became payable.

(3) An order under sub-section (1) imposing, abolishing or varying light-dues shall not take effect till the expiration of thirty days from the day on which the order was notified in the Official Gazette.

<sup>3</sup>[(4) Every notification issued by the Central Government under sub-section (1) shall be laid, as soon as may be after it is published in the Official Gazette, before each House of Parliament, 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 notification or both Houses agree that the notification should not be made, the notification 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 the notification.]

**11. Receipts for light-dues.**—Light-dues shall be paid to the <sup>4</sup>[proper officer] who shall grant to person paying the same a receipt in writing specifying—

(a) the port at which the dues have been paid;

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1. Subs. by the A.O. 1950, for “the Provinces”.

2. Subs. by Act 66 of 1985, s. 7, for sub-section (1) (w.e.f. 1-2-1986).

3. Ins. by s. 7, *ibid.* (w.e.f. 1-2-1986).

4. Subs. by Act 37 of 1976, s. 3, for “Customs -collector” (w.e.f. 15-4-1976),

(b) the amount of the payment;

(c) the date on which the dues became payable; and

(d) the name, tonnage and other proper description of the ship in respect of which the payment is made.

**12. Ascertainment of tonnage.**—<sup>1</sup>[(1) For the purposes of levy of light-dues, the tonnage of a ship or sailing vessel shall be reckoned as under the Merchant Shipping Act, 1958 (44 of 1958) for dues payable on a ship' stonage including the tonnage of any space added under the said Act to the tonnage of ships by reason of such space being utilised for carrying cargo.]

(2) In order to ascertain the tonnage of any ship for the purpose of levying light-dues, the <sup>2</sup>[proper officer] may—

<sup>3</sup>[(a) if the ship is registered under any law for the time being in force in India or under the law of any country, other than India, being a country the ships of which are recognised or accepted by the Central Government to be of the tonnage denoted in their certificates of registry or other national papers under any order made under any enactment repealed by sub-section (1) of section 461 of the Merchant Shipping Act, 1958(44 of 1958), and continued in force under clause (a) of sub-section (3) of that section or under any rule made under clause (b) of sub-section (2) of section 74 of the said Act (any such ship being hereafter in this section referred to as registered ship), require the owner or master or other person having possession of the ship's register or other papers denoting her tonnage to produce the same for inspection and, if such owner, master or other person refuses or neglects to produce the register or papers, as the case may be, or otherwise to satisfy the proper officer as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or]

(b) If the ship is not a registered ship and the owner or master fails to satisfy the<sup>2</sup>[proper officer] as to the true tonnage thereof according to the mode of measurement prescribed by the law for the time being in force for regulating the measurement of registered ships, cause the ship to be measured and the tonnage thereof to be ascertained according to such mode.

(3) If any person refuses or neglects to produce any register or other papers or otherwise to satisfy the<sup>2</sup>[proper officer] as to the true tonnage of any ship when required to do so under this section, such person shall be liable to pay the expenses of the measurement of the ship and of the ship and of the ascertainment of the tonnage, and if the ship is registered ship, shall further, on conviction by a Presidency Magistrate or Magistrate of the first class having jurisdiction in the port where the ship lies or in any port to which she may proceed, be punishable with fine which may extend to one thousand rupees.

**13. Recovery of light-dues expenses and costs.**—(1) If the owner or master of any ship refuses or neglects to pay to the <sup>2</sup>[proper officer] on demand the amount of any light-dues or expenses payable under this Act in respect of the Ship, the <sup>2</sup>[proper officer] may seize the ship and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of the dues or expenses, together with the costs of the seizure and detention in paid.

(2) If any part of such dues, expenses or costs remains unpaid after the expiry of five days following the date of the seizure, the <sup>2</sup>[proper officer] may cause the ship or other thing seized to be sold, and with the proceeds of the sale may satisfy the dues, expenses or costs remaining unpaid, together with the costs of the sale and shall repay the surplus, if any, to the person by whom the same were payable.

**14. Refusal of port-clearance.**—The officer whose duty it is to grant a port-clearance for any ship shall not grant the port-clearance until the amount of all light-dues expenses

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1. Subs. by Act 66 of 1985, s. 8, for sub-section (1) (w.e.f. 1-2-1986).

2. Subs. by Act 37 of 1976, s. 3, for "Customs-collector" (w.e.f. 15-4-1976).

3. Subs. by s. 6, *ibid.*, for clause (a) (w.e.f. 15-4-1976).

and costs payable in respect of the ship under this Act and of any fines imposed thereunder has been paid, or until security for the payment thereof has been given to his satisfaction.

**15. Determination of disputes as to liability for payment.**—If any dispute arises as to whether light-dues, expenses or costs are payable in respect of any ship under this Act or as to the amount of such dues, expenses or costs, the dispute shall, on application made in this behalf by either of the disputing parties, be heard and determined by a Presidency Magistrate or Magistrate of the first class having jurisdiction at the place where the dispute arises, and the decision of such Magistrate shall be final.

**16. Light-dues payable at one port recoverable at another.**—(1) If the master of any ship in respect of which any light-dues are payable at any causes the ship to leave such port without having paid the same the <sup>1</sup>[proper officer] at that port may by writing require the <sup>1</sup>[proper officer] at any other port in <sup>2</sup>[India] to which the ship may proceed or in which she may be recover the dues remaining unpaid.

(2) Any <sup>1</sup>[proper officer] to whom such a requisition is directed shall proceed to levy such sum as if it were payable under this Act at the port at which he is the <sup>1</sup>[proper officer], and a certificate by the <sup>1</sup>[proper officer] at the port at which the light-dues first became payable, stating the amount payable, shall be sufficient proof in any proceeding under section 13 or section 15 that such amount is payable.

**17. Penalty for evading payment of light-dues.**—(1) If the owner or master of a ship evades or attempts to evade the payment of any light-dues, expenses or costs payable in respect of the ship under this Act, he shall, on conviction by a Presidency Magistrate or Magistrate of the first class having jurisdiction in any port to which the vessel may proceed or in which she may be, found, be punishable with fine which may extend to five times the amount of the sum payable.

(2) In an proceeding before a Magistrate in a prosecution under sub-section (1), any such certificate as is mentioned in sub-section (2) of section 16, stating that the owner or master has evaded such payment shall be sufficient proof of the evasion unless the owner or master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable grounds for such departure.

**18. Exemption from payment of light-dues.**—The following ships shall be exempted from the payment of light-dues under this Act, namely:—

(a) any ship belonging to Government <sup>3\*\*\*</sup> or to a foreign Prince or State and not carrying cargo or passenger for freight or fares ; and

(b) any ship of a tonnage of less than fifty tons ;

and the Central Government may, by notification in the Official Gazette, exempt any other ships, or classes of ships or ships performing specified voyages from such payment either wholly or to such extent only as may be specified in the notification.

**19. Refund of excess payments.**—Where light-dues have been paid in respect of any ship in excess of the amount payable under this Act, no claim to refund of such excess payment shall be admissible, unless it is made within six months from the date of each payment.

**4[19A.Fees.**—Fees may be charged for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels, at such rates as the Central Government may specify in the rules made under this Act.]

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1. Subs. by Act 37 of 1976, s. 3, for “Customs-collector” (w.e.f. 15-4-1976).

2. Subs. by the A.O. 1950, for “the Provinces”.

3. The word “or the Government.” left out by the A.O. 1937.

4. Ins. by act 37 of 1976, s. 7 (w.e.f. 15-4-1976).





REPEALS

**22.** [*Repeals.*] *Rep. by the Repealing Act, 1938 (1 of 1938), s.2 and the Schedule.*

*THE SCHEDULE. [Enactments repealed.] Rep. by s. 2 and the Schedule, ibid.*

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