



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 489 Dispur, Friday, 5th October, 2018, 13th Asvina, 1940 (S. E.)

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

**NOTIFICATION**

The 28th September, 2018

**No. LLE.48/2018/632.-** The following Bills introduced before the House **on 28<sup>th</sup> September, 2018** together with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

## THE ASSAM SRI SRI ANIRUDDHADEVA SPORTS UNIVERSITY BILL, 2018

### A

### BILL

to establish and incorporate a State Sports University to be known as Sri Sri Aniruddhadeva Sports University situated at Chabua in Dibrugarh, in the State of Assam.

#### Preamble

Whereas it is expedient to establish and incorporate a State Sports University to be known as Sri Sri Aniruddhadeva Sports University situated at Chabua in Dibrugarh, in the State of Assam, for imparting sports education in the areas of sports science, sports technology, sports medicine, sports management and sports coaching and research related to Sports and to provide for matters connected therewith or incidental thereto;

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

#### Short title, extent and commencement

1. (1) This Act may be called the Assam Sri Sri Aniruddhadeva Sports University Act, 2018.

(2) It extends to the whole of Assam.

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

#### Definitions

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

(a) "Academic and Activity Council" means the Academic and Activity Council of the University referred to in section 20;

(b) "Academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(c) "Board of Sports Studies" means the Board of Sports Studies of a Department of the University referred to in section 21;

(d) "Chancellor" means the Chancellor of the University referred to in section 8;

(e) "College" means a college or other academic Institution established or maintained by, or admitted to the privileges of the University;

(f) "Court" means the Court of the University referred to in section 18;

(g) "Department" means a Department of Studies and includes a Centre of Studies;

(h) "employee" means any person appointed by the University and includes teachers and other staff of the University;

- (i) "Executive Council" means the Executive Council of the University referred to in section 19;
- (j) "Finance Committee" means the Finance Committee of the University referred to in section 22;
- (k) "Fund" means the University Fund referred to in section 30;
- (l) "Hall" means a unit of residence or of corporate life for the students of the University, or of a College or an Institution, maintained by the University;
- (m) "Head of the Department" means the head of any teaching department of the University;
- (n) "Institution" means an academic Institution, not being a college, maintained by or admitted to the privileges of the University;
- (o) "outlying campus" means the campus of the University as may be established by it at any place outside the main campus of the University;
- (p) "Principal" means the Head of a College or an Institution maintained by the University and includes, where there is no Principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal, or the acting Principal, a Vice-Principal duly appointed as such;
- (q) "Regional Centre" means a Centre established or maintained by the University for the purpose of co-ordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Executive Council;
- (r) "Regulations" means the regulations made by any authority of the University under this Act for the time being in force;
- (s) "School" means a School of Studies of the University;
- (t) "section" means the section of this Act;
- (u) "State" means the state of Assam;
- (v) "Statutes" and "Ordinances" mean, respectively, the Statutes and the Ordinances of the University referred to in section 24 and 26 respectively, for the time being in force;
- (w) "Study Centre" means a centre established, maintained or recognised by the University for the purpose of advising, counselling, training or for rendering any other assistance required by the students;
- (x) "teachers of the University" means Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instructions, training or conducting research in the University or College or Institution or Regional Centres

- and Study Centres maintained by the University and are designated as teachers by the Ordinances;
- (y) "University" means the Sri Sri Aniruddhadeva Sports University established and incorporated as a University under this Act;
- (z) "Vice-Chancellor" means the Vice-Chancellor of the University referred to in section 10.
- Establishment of University 3. (1) There shall be established an University by the name "Sri Sri Aniruddhadeva Sports University".
- (2) The headquarters of the University shall be at Chabua in the district of Dibrugarh and it may establish or maintain Colleges, Regional Centres and Study Centres at such other places in the state of Assam as it may deem fit.
- (3) The Vice-Chancellor and the members of the Court, the Executive Council and the Academic and Activity Council, and all such persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "Sri Sri Aniruddhadeva Sports University".
- (4) The University shall have perpetual succession and a common seal, and sue or be sued by the name of the University.
- Objects of the University 4. The objective of the University shall be,-
- (i) to evolve as an institute of advanced studies in the field of physical education and sports sciences;
- (ii) to provide for research and development and dissemination of knowledge in physical education and sports sciences by providing specially designed academic and training programmes in various areas of physical education and sports sciences and training in advanced technologies of sports;
- (iii) to strengthen physical education and sports training programmes to promote sports including traditional sports and games;
- (iv) to establish centres and institutions of excellence for imparting state of the art educational training and research in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;
- (v) to provide professional and academic leadership to other institutions in the field of physical education and sports sciences;
- (vi) to provide vocational guidance and placement services in physical education, sports sciences,



- sports medicine, sports technology and other related fields;
- (vii) to generate capabilities for the development of knowledge, skills and competences at various levels in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;
  - (viii) to generate capabilities to provide infrastructure of international standard for education, training and research in the areas related to physical education and sports sciences, sports technology and high performance training for all sports and games;
  - (ix) to prepare highly qualified professionals in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;
  - (x) to serve as a Centre of Excellence for the elite and other talented sportspersons of all sports and games and innovation in physical education and sports sciences and to carry out, encourage and propagate research;
  - (xi) to function as a leading resource centre for knowledge and development in the areas of physical education and sports sciences, sports technology and high performance training for all sports and games;
  - (xii) to provide international and national collaboration in the fields of physical education and sports sciences, sports technology and high performance training for all sports and games;
  - (xiii) to establish close linkage with sports academies, schools, colleges, sports and recreation clubs, sports associations and international and national federations for the purpose of teaching, training and research in physical education and sports sciences, sports technology and high performance training for all sports and games;
  - (xiv) to train talented athletes so as to help them to evolve into elite athletes of international level;
  - (xv) to make Assam become a sporting power;
  - (xvi) such other objects, not inconsistent with the provisions of this Act, which the State Government may, by notification in the Official Gazette, specify in this behalf.

Powers and  
functions of the  
University

5. (1) The University shall have the following powers and functions, namely:-

- (i) to plan, design, develop and prescribe courses of study and conduct appropriate academic and training programmes in physical education and sports sciences including sports technology and to provide for instruction and training in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;
- (ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on persons, on the basis of examinations, evaluation or any method of testing, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;
- (iii) to provide opportunities to the students of the University and the students drawn from other Universities of the State to participate in the sports tournaments and competitions in co-ordination with National Sports University, Sports Authority of India, National Institutes of Physical Education, recognised State Sports Organisations, National Sports Federations, Indian Olympic Association and Association of Indian Universities and other established Sports Organisations of the country;
- (iv) to have liaison or membership with various state, national and international professional organisations or bodies;
- (v) to establish and maintain, Regional Centres, specialised laboratories or other units for research, instruction and training as are, in the opinion of the University, necessary for the furtherance of its objects;
- (vi) to recognise and maintain Study Centres in the manner laid down by the Statutes;
- (vii) to establish and maintain Colleges, Institutions and Halls, play grounds, courts, gyms, tracks, swimming pools, night sports facilities etc.;
- (viii) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;
- (ix) to institute Principalship, Professorship, Associate Professorship, Assistant Professorship and other teaching or academic positions, required by the University and to appoint persons to such teaching or academic positions;

- (x) to appoint persons working in any University or academic institution, including those located outside the country, as teachers of the University for a specified period;
- (xi) to create, with the prior approval of the State Government, administrative, ministerial and other posts and to make appointments thereto;
- (xii) to co-operate or collaborate or associate with any other University or authority or institution of higher learning, including those located outside the country, in such manner and for such purposes as the University, may determine;
- (xiii) to provide facilities through the distance education system to such persons and in such manner as may be prescribed by the Statutes;
- (xiv) to institute and award fellowships, scholarships, studentships, medals and prizes for raising academic standards and research;
- (xv) to organise and to undertake extramural studies, training and extension services;
- (xvi) to make provision for research and advisory services and for that purpose, to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;
- (xvii) to organise and conduct refresher courses, workshops, seminars, training of trainers and other programmes for teachers, evaluators, other academic staff and students;
- (xviii) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the University;
- (xix) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;
- (xx) to demand and receive payment of fees and other charges;
- (xxi) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;
- (xxii) to lay down conditions of service of all categories of employees, including their code of conduct;
- (xxiii) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

- (xxiv) to make arrangements for promoting the health and general welfare of the employees;
- (xxv) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the previous approval of the State Government, any property, movable or immovable, including trust and endowment properties vested on the University for the furtherance of its objectives;
- (xxvi) to borrow, with the previous approval of the State Government and as guarantor, money for the purposes of the University;
- (xxvii) to conduct innovative experiments and promote new methods and technologies in the fields of physical education, sports sciences, sports medicine, sports technology, sports management and other related fields;
- (xxviii) to purchase or to take on lease any land or building or sports complex or sports infrastructure and scientific sports research equipment or indoor stadium or works which may be necessary or convenient for the purposes of the University, on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such building or work;
- (xxix) to start any new allied course or research programme or diploma or training programme and discontinue any course or training programme;
- (xxx) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;
- (xxxi) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyances in respect of the property, movable or immovable, including Government securities, belonging to the University or to be acquired for the purposes of the University, after taking prior permission of the State Government;
- (xxxii) to act as a technical advisory body to Government of Assam and other State Organisations and State Sports Federations on all matters related to sports;
- (xxxiii) to provide training, coaching and other back up to high level sports persons for achieving success in different national and international sports competitions;

- (xxxiv) to give effect to the procedures and standards provided under the Khelo India Scheme or the National Sports Talent Search and Identification Scheme;
  - (xxxv) to confer autonomous status on a College or an Institution in the manner laid down by the Statutes;
  - (xxxvi) to admit to its privileges any College or Institution in Assam subject to such conditions as may be laid down by the Statutes:  
Provided that no College or Institution shall be so admitted except with the prior approval of the State Government;
  - (xxxvii) to provide for the preparation of instructional and training materials, both online and offline and both in printed and audio/audio-visual format;
  - (xxxviii) to recognise persons for imparting instructions in any College or Institution admitted to the privileges of the University;
  - (xxxix) to recruit well qualified trainers;
  - (xl) to identify talents from the state (rural or urban), train them and bring in to fold of the university for furtherance; and
  - (xli) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.
- (2) The University shall in the exercise of its powers have jurisdiction over whole of Assam and no college, established or to be established, of physical education and sports within the University area shall be affiliated to any university other than this University.
- (3) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching, training and research and the University shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:-

- (i) admissions of students and recruitment of faculty shall be made on all-India basis through appropriate procedures approved by the Executive Council of the University;
- (ii) foreign students shall be admitted to various courses and programmes by the University as per the policy and schemes of the Government of Assam and the procedure approved by the Executive Council of the Sri Sri Aniruddhadeva Sports University;
- (iii) inter-University mobility of faculty with portable pension scheme benefits, if any, and protection of seniority shall be encouraged;
- (iv) semester system, continuous evaluation and choice-based credit system shall be introduced and the University shall enter into agreement with other Universities and academic Institutions for credit transfer and joint degree programmes;
- (v) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;
- (vi) active participation of students shall be ensured in all academic activities of the University, including evaluation of teachers;
- (vii) accreditation shall be obtained from the National Assessment and Accreditation Council or any other accrediting agency at the national level; and
- (viii) e-governance shall be introduced with an effective management information.

University to be open for all castes, creed, race or class

6. The University shall be open to persons of any sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle such person to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens:

Provided further that special provisions shall be made on the ground of domicile in the state of Assam.

State  
Government to  
review work and  
progress of the  
University

7. (1) The State Government may, with prior intimation to the Chancellor, appoint one or more persons to review the work and progress of the University in the first three years after its establishment, including Colleges, Institutions, Regional Centres and Study Centres maintained by it, and to submit a report thereon; and upon receipt of that report, the State Government may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions, as it considers necessary, in respect of any of the matters dealt with in the report and the University shall abide by such action and be bound to comply with such directions.
- (2) The State Government shall also have, for reasons to be recorded in writing and with the concurrence of the Chancellor, the right to cause an inspection to be made by such person or persons, as it may direct, of the University, its buildings, sports complexes, libraries, laboratories and equipment, and of College or Institution or Regional Centres or Study Centres maintained by the University; and of all activities other than purely academic activities and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions or Regional Centres or Study Centres.
- (3) The State Government shall, in every matter referred to in sub-section (2), give notice of its intention to cause an inspection or inquiry to be made, to the University.
- (4) The State Government shall communicate to the Executive Council its views with reference to the result of such inspection or enquiry and may, after ascertaining the opinion of the Court and the Executive Council thereon, advise the University upon the action to be taken.
- (5) The Executive Council shall report to the State Government, the action, if any, which is proposed to be taken or has been taken to give effect to the advice of the State Government. Such report shall be submitted with the opinion of the Court thereon within such time as the State Government may direct.



- (6) The State Government may, after considering the report referred to in sub-section (5) advise the University to take such further action, if any, as in the opinion of the State Government is necessary, and the Executive Council and the Court shall take or cause such action within the time so specified in such advice in that behalf.
- Chancellor 8. (1) The Chancellor shall be the Hon'ble Governor of the State of Assam.
- (2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and other ceremonial functions and also the meetings of the Court.
- (3) Every proposal to confer an honorary degree or other distinction shall be subject to the confirmation of the Chancellor.
- (4) The Chancellor shall have the power to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipments and of every institution maintained by the University and also of the examinations, teaching and other work conducted or done by the University and to cause an enquiry to be made in like manner in respect of any matter connected with the University.
- (5) The Chancellor shall in every case, give notice to the Executive Council of his intention to cause an inspection or enquiry to be made and the Executive Council shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or enquiry.
- (6) When the Executive Council does not within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Executive Council issue such directions as he may think fit and the Executive Council is bound to comply with such directions.
- (7) Expenses that may be incurred in connection with such inspection or enquiry and certified as such by the Chancellor shall be charged on the University.



- (8) The Chancellor shall have such other power as may be conferred on him by or under the provisions of the Act.
- (9) The Chancellor as head of the University shall have the power to suspend the activities of various authorities of the University as and when circumstances so demand and vest all powers and functions of these authorities in the Chancellor to control the affairs of the authority or authorities so suspended in such manner and for such a period as deemed fit and reasonable by him.
- (10) The Chancellor on his own motion or on application call for or examine the record of any authority or officer of the University in respect of any proceedings to satisfy himself as to the legality, propriety and correctness of any decision and order passed thereon, and if it appears to the Chancellor that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass order accordingly:

Provided that before making any such order, the Chancellor shall call upon the Vice Chancellor to show cause as to why an order should not be made, and, if any cause is shown within a reasonable time, the same shall be considered:

Provided further that every application to the Chancellor for exercise of this power shall be preferred within three months from the date on which the proceedings, decision or order to which the applicant relates was communicated to the applicant. No order prejudicial to any person shall be passed unless such person has been given an opportunity of making his representation.

Officers of the  
University

- 9. The following shall be the officers of the University, namely:-
  - (a) the Vice-Chancellor;
  - (b) the Deans of Schools ;
  - (c) the Registrar;
  - (d) the Finance Officer;
  - (e) the Controller of Examinations ;
  - (f) the Librarian; and
  - (g) such other officers as may be declared by the Statutes to be the officers of the University.

- Vice-Chancellor 10. (1) The Vice-Chancellor shall be appointed by the State Government in such manner as may be prescribed by the Statutes.
- (2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.
- (3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall appraise such authority at its next meeting the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the State Government whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this subsection shall have the right to represent against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

- (4) Where the Vice-Chancellor is of the opinion that any decision taken by any authority of the University is beyond the powers of the authority conferred under the provisions of this Act or the Statutes or the Ordinances, or that any decision taken by the authority is not in the interest of the University, he may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the State Government whose decision thereon shall be final.
- (5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

- (6) Notwithstanding the provisions of above sub-sections of this section, the first Vice-Chancellor shall be nominated by the Chancellor and appointed by the State Government for three years.
- Dean of Schools 11. Every Dean of School shall be appointed in such manner, and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.
- Registrar 12. (1) The Registrar shall be appointed in such manner, and on such terms and conditions of service, as may be prescribed by the Statutes.
- (2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.
- (3) The First Registrar shall be drawn from the Government of Assam from an officer not lower in rank than that of a Joint Secretary of the Government, for a period of three years on deputation from Government.
- Finance Officer 13. (1) The Finance Officer shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.
- (2) The First Finance Officer shall be deputed by the Government of Assam, drawing from the Assam Financial Service for a period of three years.
- Executive Council
- Controller of Examinations 14. The Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.
- Librarian 15. The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.
- Other Officers 16. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.
- Authorities of the University 17. The following shall be the authorities of the University, namely:-
- (a) the Court;
  - (b) the Executive Council;
  - (c) the Academic and Activity Council;

- (d) the Finance Committee;
  - (e) the Board of Sports Studies;
  - (f) such other authorities as may be declared by the Statutes to be the authorities of the University.
- Court
18. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.
- (2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:-
- (a) to review, from time to time, the broad policies and programmes of the University, and suggest measures for the improvement and development of the University;
  - (b) to consider the annual report, the annual accounts, the audit report and the statement of financial estimates for the succeeding year and approve the same, with such comments, if any, and suggest such measures as it may deem proper on the matters covered by them;
  - (c) to advise the State Government in respect of any matter which may be referred to it for advice; and
  - (d) to perform such other functions as may be prescribed by the Statutes.
- Executive Council
19. (1) The Executive Council shall be the principal executive body of the University.
- (2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.
- Academic and Activity Council
20. (1) The Academic and Activity Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.
- (2) The constitution of the Academic and Activity Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that the Academic and Activity Council shall have sports persons, who have achieved distinction in Olympics, in World or Multinational or National or Regional Sports championships.

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|-------------------------|-----|--|
| Board of Sports Studies | 21. | The constitution, powers and functions of the Board of Sports Studies shall be prescribed by the Statutes.   |
| Finance Committee       | 22. | The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.   |
| Other Authorities       | 23. | The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.  |
| Statutes                | 24. | Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:- <ul style="list-style-type: none"> <li>(a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;</li> <li>(b) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;</li> <li>(c) the appointment, powers and duties of the officers of the University and their emoluments;</li> <li>(d) the appointment of teachers, academic staff and other employees of the University, the emoluments and conditions of service;</li> <li>(e) the appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project;</li> <li>(f) the conditions of service of employees including provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary action;</li> <li>(g) the principles governing the seniority of service of the employees of the University;</li> <li>(h) the procedure for arbitration in cases of dispute between employees or students and the University;</li> <li>(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;</li> </ul> |

- (j) the conferment of autonomous status on a College or an Institution or a Department;
- (k) the establishment and abolition of Schools, Departments, Centres, Halls, Colleges, Institutions, Regional Centres and Study Centres;
- (l) the conferment of honorary degrees;
- (m) the conferment and withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (n) the management of Colleges, Institutions, Regional Centres and Study Centres established and maintained by the University;
- (o) the delegation of powers vested in the authorities or officers of the University;
- (p) the maintenance of discipline among the employees and students; and
- (q) all other matters which by this Act are to be, or may be, provided for by the Statutes.

Statutes how to  
be made

25. (1) The First Statutes shall be framed by the State Government by notification in the Official Gazette
- (2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal any Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on proposed changes, and any opinion so expressed shall be considered by the Executive Council.

- (3) Every draft Statute amending or repealing existing Statutes shall be submitted to the Court for consideration. The Court after considering it in the next meeting may pass the Statute or may amend it or may return to the Executive Council for reconsideration.
- (4) Any draft of a Statute proposed by the Executive Council and rejected by the Court shall be submitted to the Chancellor who may refer it back to the Court for reconsideration.

- (5) Every Statute passed by the Court shall be submitted to the Chancellor, who may give or withhold his consent or refer it back to the Court for reconsideration.
- (6) A Statute passed by the Court shall have no validity until it is assented to by the Chancellor.
- (7) Notwithstanding anything contained in the foregoing sub-sections, the State Government may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act:

Provided that the First Statutes and every new Statute made under this provision shall be laid before the Assam Legislative Assembly while it is in session, or immediately in the following session, and if, the Assam Legislative Assembly do not agree, the Statutes thereafter have effect only in such modified form or be of no effect, as the case may be, provided, the Chancellor gives his assent, and shall be published in the Official Gazette.

- (8) The power to make Statutes shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes but no retrospective effect shall be given to any Statues, so as to prejudicially affect the interests of any person to whom such Statutes may be applicable.
- (9) Notwithstanding anything contained in this section, the Chancellor may direct the University to make provisions in the Statutes in respect of any matter specified by it and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Executive Council, with the view of the Court thereon, for its inability to comply with such direction, make or amend the Statutes suitably.

Ordinances

- 26. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:-

- (a) the admission of students to the University and their enrolment as such;
- (b) the courses of study and their duration to be laid down for all degrees, diplomas and certificates of the University;
- (c) the medium of instruction and examination;
- (d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
- (e) the fees to be charged for courses of study in the University and for admission to examinations, degrees and diplomas of the University;
- (f) the conditions for award of fellowship, scholarships, studentships, medals and prizes;
- (g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (h) the conditions of residence of the students of the University;
- (i) the special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them;
- (j) the establishment of Centres of Studies, Board of Studies, Specialised Laboratories and other Committees;
- (k) the manner of co-operation and collaboration with other Universities, Institutions and other agencies including learned bodies or associations;
- (l) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (m) the institution of fellowships, scholarships, studentships, medals and prizes;



- (n) the setting-up of a machinery for redressal of grievances of employees and students; and
  - (o) other matters which by this Act, or, the Statutes, are to be, or, may be, provided for by the Ordinances.
- (2) The First Ordinances shall be made by the Vice-Chancellor with previous approval of the Executive Council and the Ordinances so made may also be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.
- (3) Every Ordinance made under this Act, shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly, while it is session, or immediately in the following session, and if, the Assam Legislative Assembly do not agree, the Ordinance thereafter have effect only in such modified form or be of no effect, as the case may be, with the Chancellor's assent and shall be published in the Official Gazette.
- (4) The power to make Ordinances shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Ordinances but no retrospective effect shall be given to any Ordinances so as to prejudicially affect the interests of any person to whom such Ordinances may be applicable.
- Regulations 27. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.
- Annual Report 28. (1) The annual report of the University shall be prepared under the directions of Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and the Court shall pass resolution after considering the report in its annual meeting and communicate the same to the Executive Council with its observations, if any.

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|                            |     | (2) | The Court shall submit the annual report to the Chancellor as well as the State Government along with its observations, if any.  |
|                            |     | (3) | The State Government shall, as soon as may be, cause a copy of the annual report to be laid before the Assam Legislative Assembly.   |
| Annual<br>Accounts         | 29. | (1) | The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Accountant General (Audit), Assam or by such persons as he may authorise in this behalf. |
|                            |     | (2) | A copy of the annual accounts together with the audit report thereon shall be submitted to the Court and the Chancellor along with the clarifications, if any, of the Executive Council.   |
|                            |     | (3) | Any observations made by the Chancellor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any shall be brought to the notice of the Executive Council.  |
|                            |     | (4) | A copy of the annual accounts together with the audit report, as submitted to the Chancellor, shall also be submitted to the State Government. Observations of Chancellor and the Court, if any, on the reports shall also be communicated to the State Government.  |
|                            |     | (5) | The State Government shall, as soon as may be, cause the copy of the annual accounts together with the audit report to be laid before the Assam Legislative Assembly and after that, the same shall be published in the Gazette of Assam.  |
| Funds of the<br>University | 30. | (1) | There shall be a University Fund which shall include,-   |
|                            |     | (a) | any contribution or grant made by the University Grants Commission or the Central Government;  |
|                            |     | (b) | any contribution or grant made by the State Government;  |
|                            |     | (c) | any contribution made by Government, semi-Government or autonomous bodies;   |

- (d) any loans, gifts, bequests, donations, endowments or other grants, if any;
  - (e) income received by the University from fees and charges; and
  - (f) the moneys received by the University from the collaborating industries in terms of the provisions of the Memorandum of Understanding entered between the University and the industry for the establishment of sponsored Chairs, fellowships or infrastructure facilities of the University; and
  - (g) amounts received in any other manner from any other source.
- (2) All funds of the University shall be deposited in such banks or invested in such manner as the Executive Council may decide on the recommendation of the Finance Committee.
- (3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions by or under this Act.
31. (1) Restriction on creation of liability by university and submission of returns and other information to the State Government
- Notwithstanding anything contained in any other provisions of the Act, the University shall not create any new or additional liability which involves contribution or grants from the State Government effecting the State Exchequer or shall not divert and invest any portion of any grant given to it by the State Government in any form for any other purpose other than the purpose for which the grant was given, without the prior approval of the State Government.
- (2) The University shall furnish to the State Government such returns or other information with respect to utilization of government grant or contribution within such period, as the State Government may, from time to time, require.
32. (1) Conditions of service of employees, etc
- Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.
- (2) Any dispute arising out of the contract between the University and any employee shall, at the request

of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Chancellor.

- (3) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

Provided that nothing in this subsection (2) shall preclude the employee from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

- (4) Every request made by the employee under subsection (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

- (5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of  
appeal and  
arbitration in  
disciplinary  
cases against  
students

33. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

- (2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of subsections (2), (3), (4) and (5) of section 32 shall, as far as may be, apply to a reference made under this sub-section.

Right to appeal

34. Every employee or student of the University or of a College or an Institution or a Regional Centre or a Study Centre established or maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University, or of the Principal or the

- management of any College or an Institution or Regional Centre or Study Centre, as the case may be, and thereupon, the Executive Council may confirm, modify or reverse the decision appealed against.
- Provident and pension funds 35. (1) The University shall constitute for benefit of its employees such provident fund or any other similar fund or provide such insurance schemes as it may deem fit, in such manner and subject to such conditions, as may be prescribed by the Statutes.
- (2) Where such provident fund or other similar fund has been so constituted, the State Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund, as if it were a Government provident fund.
- Disputes as to constitutions of authorities and bodies 36. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.
- Filling of casual vacancies 37. All casual vacancies among the members (other than ex officio members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the persons appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.
- Proceeding of authorities or bodies not to be invalidated by reason of vacancies 38. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.
- Protection of action taken in good faith 39. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.
- Mode of proof of University record 40. Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie

evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

Power to remove  
difficulties

41. (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 appears to it to be necessary or expedient for removing the difficulty:

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

- (2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly, 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, the Assembly agree in making any modification in the order or agree that the order should not be made, the order 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 order.

State  
Government's  
power of  
supervision

42. (1) If, at any time, the State Government are of the opinion that special reasons exist that in any respect the affairs of the University are not managed in furtherance of the objects and purpose of the University in accordance with this Act and the Statutes, the Ordinances and the Regulations made there under, or in furtherance of such objects for which any grant or donation is made by Government, Public Bodies or any individual and there is reason to believe that such grants and donations and, for that matter, the University funds are misappropriated or misspent or misplaced, the State government may indicate to the Executive Council such matter in regard to which the State Government desire explanation and call upon that body within reasonable time to offer such explanation as it may desire to offer, with any



- proposal which it may desire to make.
- (2) If the Executive Council fails to offer any explanation or make proposal which in the opinion of the State Government is or are unsatisfactory, the State Government may issue such instructions as appear to them to be necessary and desirable in the circumstances of the case, and the Executive Committee shall give effect to such instructions.
- Emergency powers of the State Government 43. (1) If at any time it appears to be necessary and expedient in the opinion of the State Government, the State government may, in consultation and with the concurrence of the Chancellor, by a notification published in the Official Gazette, suspend all or any of the power and functions of the University as prescribed in Section 5 of the Act and other power as may be ancillary to such power and take over all or any power and functions of such authorities or officers including holding, conduct and superintendence, arrangement and appointment of any person or authority in connection with any or more examinations or any matter incidental thereto for such period as may be specified in the notification and may be exercised by the State Government if and when necessary during such period, in such manner and through such officers or authority as may be considered fit by the State Government.
- (2) The provisions of the Statutes, Ordinances and Regulations framed under the Act relating to any one or more of the matters referred to in the preceding sub-section may be amended for any of the purposes mentioned therein in such manner as may be decided by the State Government in prior consultation with the Chancellor and take effect accordingly for the purposes of exercising the power under the preceding sub-section.
- (3) The State Government may constitute an Advisory Committee consisting of at least 3 persons, who in the opinion of the State Government are eminent in sports and sports education or sports technology or sports administration for advising the State Government in the matter of discharging the duties, responsibilities and functions in respect of which the power has been taken over by the State Government under sub-section (1) of this Section.

- (4) All actions taken under the preceding sub-sections and all examinations held and the results of any such examinations declared and all other actions taken under this Section shall be deemed to have been taken in accordance with the provisions of the Act and shall take effect accordingly.
- (5) If for exercising the power under the preceding sub-section any difficulty arises in giving effect to any or more of the matters of the Act, or the Statutes, Ordinance and the Regulations framed thereunder, the State Government may, in consultation with the Chancellor, by order remove such difficulty as may appear to be necessary for the purpose of the power.

Transitional provisions

44. Notwithstanding anything contained in this Act and the Statutes,-

- (1) the first Vice-Chancellor shall be appointed by the State Government in such manner and on such conditions as specified under section 10 (6) and the said officer shall hold office for such term, not exceeding three years, as may be specified by the State Government;
- (2) the first Registrar and the first Finance Officer shall be appointed by the State Government as specified under sections 12(3) and 13 respectively and each of the said officers shall hold office for a term of three years.

Transitory power of the first Vice Chancellor, Registrar and Finance Officer

45. (1) It shall be the duty of the first Vice Chancellor, in consultation with the State Government, to make arrangement for constituting the first Court and the first Executive Council consisting of not more than thirty-one members and eleven members respectively, who shall hold office for a term of three years, within a period not longer than one year from the date of coming into force of this Act;
- (2) The first Vice Chancellor shall, in consultation with the State Government, make such rules as may be temporarily necessary for the functioning of the University;
  - (3) The authorities constituted under sub-section (1) shall start functioning from such date as the Government may by notification specify in this behalf;
  - (4) It shall be the duty of the first Vice Chancellor to



- assist the State Government in drafting the First Statutes under the provision in sub-section (1) of Section 25;
- (5) Notwithstanding anything contained in this Act and the Statutes until such time an authority is duly constituted, the first Vice chancellor may appoint any officer or constitute any committee temporarily to exercise and perform any of the power and duties of such authority under this Act and the Statutes;
- (6) The first Registrar and the first Finance Officer shall function as per orders or instructions issued by the Vice Chancellor from time to time in accordance with the rules framed under sub-section (2), Statutes and Ordinances.
- Explanation and Removal from Court and Executive Council      46. (1) If a member of the Court or the Executive Council of the University remains absent without sufficient reason from the three successive meetings of the Court or the Executive Council, as the case may be, the Chancellor may call upon the member to offer within reasonable time such explanation he may desire to offer.
- (2) If a member of the Court or the Executive Council when called upon by the Chancellor to offer explanation fails to offer any explanation or, gives an explanation which in the opinion of the Chancellor, is unsatisfactory, the Chancellor may remove such member from office.
- Interpretation      47. If any dispute arises as to the interpretation of any of the provisions of the Act, the interpretation given by the State Government shall be final and binding to all concerned.

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### **STATEMENT OF OBJECTS AND REASONS**

Sri Sri Aniruddhadeva Sports University will be the first full-fledged sports university in Assam of International Standards. To create a sports environment in various areas, such as sports science, sports technology, sports management; high performance training etc. it has been decided to establish a sports university in the state which is expected to fill this void with its exclusive focus on creation of high standard infrastructure for the development of sports sciences and training of athletes apart from providing Bachelor's Degrees, Master's Degrees and research and Training in various areas related to sports.

2. Consistent with international practices followed by best sports universities in the world, the focus of the University will be on multi-disciplinary studies and accordingly, have functionally related Schools with stress on applicability based on latest researches in sports sciences, sports medicine and sports technology. University is also empowered to establish outlying campuses throughout the state Apart from academic programmes and research programmes and research, the University and its Outlying Campuses will also impart training to elite athletes, sports officials, referees and umpires and evolve as centres of excellence in various disciplines of sports.

3. The bill seeks to achieve above objects.

**SARBANANDA SONOWAL,**

Hon'ble Chief Minister  
& Minister-in-Charge.

**M. K. DEKA,**

Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

The Bill proposes to introduce THE ASSAM SRI SRI ANIRUDDHADEVA SPORTS UNIVERSITY BILL, 2018

There is involvement of recurring and non-recurring (Capital & Revenue) expenditure from the consolidated fund of the state on its enactment as an Act of the State Legislature.

**MEMORANDUM OF DELEGATED LEGISLATION**

Sub-section (1) of Section 25 of the Bill provides that the first Statutes will be framed by the State Government by notification in the Official Gazette. Sub-section (7) of Section 25 of the Bill provides that the State Government may make new and or additional Statues during the period of three years immediately after the commencement of this Act. Section 24 of the Bill provides for the matters in respect of which Statutes may be made.

2. Sub-section (1) of Section 26 of the Bill provides for the matters in respect of which the Ordinances may be made which include inter alia admission of students, courses of study, medium of instructions, award of degrees, diplomas, etc., fees charged for the courses, conditions for award of fellowships, scholarships, etc., conduct of examinations, conditions of residence of students, special arrangements, if any, for the residence and teaching of women students, establishment of centres of studies, collaboration with other universities and institutions, creation of any other body considered necessary, institution of fellowships, setting up machinery for redressal of grievances and any other matter that may be provided for by the Ordinances. Sub-section (2) of Section 26 of the Bill provides that the first Ordinances shall be made by the Vice-Chancellor with previous approval of the Executive Council and the Ordinances so made may also be amended, repealed or at any time by the Executive Council in the manner prescribed by the Statutes.

3. Section 27 of the Bill empowers the University to make Regulations consistent with the Bill, the Statutes and the Ordinances for the conduct of its own business and that of the Committees, if any, appointed by them and not provided for by the Bill, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

4. The matters in respect of which the Statutes, Ordinances and Regulations may be made are matters of procedure and administrative detail, and as such, it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

## THE ASSAM INLAND WATER TRANSPORT REGULATORY AUTHORITY BILL, 2018

### A

### BILL

to provide for the constitution of an Inland Water Transport Regulatory Authority to promote the development of safe, efficient, reliable and environmentally sound inland water transport and terminal services for the benefit of ferry users, freight consigners and water tourism in the State of Assam.

#### Preamble

Whereas it is expedient for the constitution of an Inland Water Transport Regulatory Authority to promote the development of safe, efficient, reliable and environmentally sound inland water transport and terminal services for the benefit of ferry users, freight consigners and water tourism, in the State of Assam, and for matters connected therewith or incidental there to ;

It is hereby enacted in the Sixty ninth year of the Republic of India, as follows :-

#### CHAPTER I PRELIMINARY

#### Short title, extent and commencement

1. (1) This Act may be called the Assam Inland Water Transport Regulatory Authority Act, 2018.
- (2) It extends to the whole of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint :

Provided that the Government may notify different dates 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. In this Act, unless the context otherwise requires.-
  - (i) "accident" means an unforeseeable and unexpected turn of events that causes loss in value, injury, loss of life and increased liabilities in relation to inland water transport;
  - (ii) "Bank" means a nationalized or scheduled bank;

- (iii) "Regulatory Authority" means Assam Inland Water Transport Regulatory Authority;
- (iv) "cargo" includes anything carried or to be carried in the vessel ;
- (v) "cargo vessel" means a vessel which is not a passenger vessel;
- (vi) "company" means a company as defined in section 3 of the Companies Act, 2013; Act 1 of 2013
- (vii) "conservancy" means development of water front including dredging, river training and management of fairway;
- (viii) "consumer" means any person who pays a consideration for a service provided to him by any passenger vessel or cargo vessel;
- (ix) "court" means a civil, criminal and revenue court of the competent jurisdiction;
- (x) "dock" means an area of water in a port that can be closed off and that is used for putting goods onto and taking them off vessels or repairing vessels;
- (xi) "facilitation centre" means a one stop service centre for customers and service providers who have to visit the Regulatory Authority or its sub-offices for certificates, permits or any other services incidental thereto;
- (xii) "ferry" means a vessel providing passenger transport services or combined passenger and vehicular (Ro Ro) transport services across or along a inland waterways within the State of Assam irrespective of the operating agency;
- (xiii) "Indigenous design" means such vessel designs which has been designed by the local communities in the State of Assam;
- (xiv) "manufacturing company" means any company which builds or manufactures ferries, vessels or any part or equipment thereof;

- (xv) “master” includes any person (except a pilot or harbour master) having command or charge of a vessel;
- (xvi) “officer” including conservator means officer designated/appointed by the Regulatory Authority to be the proper officer at the port or place and in respect of the matter to which reference is made in the provision of this Act in which the expression occur
- (xvii) “operator” means and includes any person or entity who operates, controls, or supervises any vessel; port; terminal, vessel building yard; freight Vessel; tourist cruise or any other industry support service providers or any independent contractor performing such services or navigation and transportation in inland waters;
- (xviii) “owner” means,-
- (i) in relation to a vessel, the person to whom the Vessel or a share in the Vessel belongs;
  - (ii) “passenger” means any person carried on a vessel except,-
    - (a) person employed or engaged in any capacity on board the vessel on the business of the vessel;
    - (b) person on board the vessel either in pursuance of the obligations laid upon the master to carry wrecked, distressed or other persons or by reason of any circumstances which neither the master nor the charterer, if any, could have prevented or forestalled;
- (xix) “Passenger Vessel” means a Vessel with the registered capacity to carry passengers;
- (xx) “pollutant” means ‘environmental pollutant’ as defined in section 2 (b) of the Environmental Protection Act of 1986; Central Act 29 of 1986

- (xxi) “pollution” means and includes,-
- (a) such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms;
  - (b) any solid, liquid or gaseous substance (including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;
- (xxii) “port” means a place and shall be construed as understood within meaning of the Indian Ports Act, 1908; Central Act 15 of 1908
- (xxiii) “prescribed” means prescribed by rules made by the State Government or the regulations made by the Regulatory Authority, as the case may be, under the relevant provisions under this Act;
- (xxiv) “safety certificate” means, prescribed mandatory certificate issued to a vessel by Regulatory Authority or another competent authority approved by the Regulatory Authority;
- (xxv) “State Government” means the Government of Assam;
- (xxvi) “surveyor” means a person appointed by the Regulatory Authority who inspects, surveys, examines, assesses, monitors and reports the condition of any vessel, and cargo to the Regulatory Authority;

- (xxvii) “tariff” means the schedule of rates for the services provided by the operators and owners which in the case of ferry and passenger services shall be determined by the State Government from time to time;
- (xxviii) “terminal” means an area, land, building/establishment at a port that is used by the passengers or cargoes leaving or arriving by vessel;
- (xxix) “vessel / ship” means an inland mechanically/electric/electronic propelled vessel used for ferrying passengers or goods/cargo or both;
- (xxx) “wreck” includes the following when found in the waterways or on the shores thereof:-
- (a) goods which have been cast into the waterways and then sink and remain under water;
  - (b) goods which have been cast or fallen into the waterway and remain floating on the surface;
  - (c) goods which are sunk in the waterway, but are attached to a floating object in order that they may be found again;
  - (d) goods which are thrown away or abandoned; and
  - (e) a vessel abandoned without hope or intention of recovery.

## CHAPTER II

### THE ASSAM INLAND WATER TRANSPORT REGULATORY AUTHORITY

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|--|------------|---|
| <b>Establishment<br/>of the<br/>Regulatory<br/>Authority</b> | <b>3.</b>  | <b>(1)</b> The State Government shall, by notification in the Official Gazette, constitute a Regulatory Authority under the name and style “THE ASSAM INLAND WATER TRANSPORT REGULATORY AUTHORITY”      |
|  | <b>(2)</b> | The Regulatory Authority constituted under section (1), shall exercise such powers as may be conferred on it, and discharge such functions assigned to it under the Act and the rules made there under. |



**Appointment of  
Chairperson  
and other  
Members**

4. (1)

The Regulatory Authority shall consist of,-

- (a) a Chairperson to be appointed by the State Government from amongst officers, serving or retired, not below the rank of Commissioner & Secretary to the Government of Assam, having experience in the field of public administration, regulation, law enforcement and financial management.
- (b) not less than two members and not more than four members to be appointed by the State Government from amongst persons of ability, integrity and standing, half of which will constitute persons having experience in management and administration of inland waterways, marine engineering, transport, environmental science, environmental law, voluntary organisations, maritime industry, economic development, social welfare, etc and the other half having experience in law and administration:

Provided that at least one Member of the Regulatory shall be a woman having requisite qualification under this clause.

- (c) A Secretary to be nominated by the State Government from amongst the officers of the civil service of the State holding a post not below in rank than that of a Deputy Secretary or equivalent.

(2)

Till the chairperson and members of the Authority are appointed, the senior most Secretary of the Transport Department, Government of Assam shall perform the functions of the Regulatory Authority.

**Resignation and  
removal of  
Chairperson  
and Members**

5. (i)

The Chairperson or any Member may, by notice in writing under their own hand addressed to the Governor of the State of Assam, resign his office.

- (ii) Notwithstanding anything in sub-section (1) of section 4, the State Government may, by order, remove the Chairperson or a Member from his office if such Chairperson or Member,-
- (a) is adjudged an insolvent; or
  - (b) has been convicted of an offence; or
  - (c) engages during his term of office in any paid employment outside the duties of his office; or
  - (d) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body; or
  - (e) has acquired such financial or other interest as is likely to affect prejudicially his functioning; or
  - (f) is in any way, concerned or interested in any contract or agreement made by or on behalf of the Regulatory Authority or participates in any way in the profit thereof or in any benefit or emolument arising there-from otherwise than as a member and in common with the other members of an incorporated company, and is held guilty of misbehavior; or
  - (g) is of unsound mind and stands so declared by a competent court; or
  - (h) is convicted and sentenced to imprisonment for an offence which in the opinion of the Governor of the State of Assam involved moral turpitude.

- (iii) No person shall be removed under this section until that person has been given an opportunity of being heard in the matter.

**Terms of office  
of the  
Chairperson  
and Members  
of the  
Regulatory  
Authority**

6.

The Chairperson and Members shall hold office for such term as the Government may provide, but not exceeding five years:

Provided that no Chairperson or Member shall hold office after he has attained the age of sixty-five years.

**Terms and  
conditions of  
service of the**

7.

The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and Members shall be such as may be prescribed by

**Chairperson  
and Members  
of the  
Regulatory  
Authority**

the State Government under the rules:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson and Members shall be varied to his disadvantage after his appointment.

**Member to act  
as Chairperson  
or to discharge  
his functions in  
certain  
circumstances**

8. (1)

In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the State Government may, by notification, authorize one of the members to act as the Chairperson until the new Chairperson is appointed to fill such vacancy.

(2)

When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, the State Government may, by notification, authorize one of the members to act as the Chairperson until the date on which the Chairperson resumes his duties.

**Vacancies not  
to invalidate the  
proceedings of  
the Regulatory  
Authority**

9. (1)

Any vacancy in the office of the Chairperson or a Member of the Regulatory Authority shall be filled by the State Government as per provisions of rules framed under section 56 by notification in the Official Gazette, as soon as may be, after the occurrence of the vacancy, other than a casual or temporary vacancy.

(2)

The salary, allowances and other terms and conditions of service of the Chairperson and Members of the Regulatory Authority shall be such as may be prescribed by the State Government under the rules :

Provided that their salary, allowances and other terms and conditions of service shall not be varied to their disadvantage after appointment.

**Procedure to be  
regulated**

10. (1)

The Regulatory Authority shall have the powers to make regulations to regulate its own procedure within the framework of this Act.

- (2) All orders and decisions of the Regulatory Authority shall be authenticated by the Secretary or any other officer of the Regulatory Authority as may be duly authorized by the Chairperson.
- Officers and staff of the Regulatory Authority**
11. (1) The Regulatory Authority for the purpose of enabling it to efficiently discharge its functions under this Act may create posts of officers, employees, as it considers necessary with prior approval of the State Government.
- (2) The Regulatory Authority may obtain services of consultants, advisors, lawyers, and agents as may be necessary to carry out the functions of the Regulatory Authority by engaging them on contract basis and provide for their remuneration consistent with industry practices in India.
- (3) The Chairperson, Members and officers of the Regulatory Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. Act No. 45 of 1860
- Offices of the Regulatory Authority**
12. (1) The head office of the Regulatory Authority shall be at such place as the State Government may determine by notification published in the Official Gazette.
- (2) The Regulatory Authority may, by notification in the Official Gazette and with prior approval of the State Government, establish sub-offices and citizen facilitation centers at such other places, as may be considered necessary.
- (3) The Regulatory Authority shall have its sittings at the head office or any other place and at such time as the Chairperson may direct, and shall observe such procedure in regard to the transaction of business in its sittings as may be prescribed by the Regulatory Authority
- Divisions of the Regulatory Authority**
13. (1) The Regulatory Authority shall have such number of Divisions or Departments, to administer and enforce the provisions relating to safety, environment, trade, and dispute resolution and for any other activities or purposes as may be determined by the Regulatory Authority.

- (2) Each Division or Department shall be headed by an officer appointed by the State Government, to be designated as the Head of that Division or Department who shall function under the superintendence, direction and control of the Chairperson of the Regulatory Authority.
- (3) The Regulatory Authority may set up administrative divisions required for its proper functioning, such as information technology, administration, finance and any other, in the manner as may be prescribed by rules made by the State Government.

### CHAPTER III

#### THE FUNCTIONS AND POWERS OF THE REGULATORY AUTHORITY

**The Functions  
of the  
Regulatory  
Authority**

14. (1)

The Regulatory Authority shall perform the following functions as per the provisions of this Act and the Rules framed there-under:-

- (a) To regulate the activities of inland water transport operators;
- (b) To regulate the activities of inland water port and terminal service operators;
- (c) To register vessels, operators, issue licenses, certificates, permits, approvals, and maintain central data base as prescribed.
- (d) To ensure compliance with prescribed safety and environmental regulations for ports, terminals, vessels, navigation and other inland water transport activities;
- (e) To protect the interest of the consumers under this Act;
- (f) Frame regulations and detailed guidelines and issue executive instructions for its proper functioning;
- (g) To furnish the required reports;
- (h) To enforce penalties;
- (i) To perform any other related function as may be assigned to it by the State Government from time to time.

- (2) Without prejudice to the generality of the provisions contained under sub-section (1), the Regulatory Authority may,-
- (a) perform all functions and duties required to be performed under this Act including conservancy;
  - (b) approve and implement environmental, economic, safety management and emergency plans;
  - (c) recommend to the State Government amendments to this Act;
  - (d) cooperate with Inland Waterways Authority of India and work on cooperative work programmes at national and state level in consultation with Central and State Government;
  - (e) render advice to the State Government on matters relating to Inland Water Transport;
  - (f) encourage indigenous design and manufacture of vessels, ferries, and their components by acting as catalytic agent;
  - (g) cause to establish a training institute for the capacity building of inland waterways transport service provider, inland vessels masters and crew, stakeholders, including its own and DIWTA officers and employees;
  - (h) engage in scientific and applied research for efficient implementation of this Act;
  - (i) carry out analysis of inland water traffic data and prepare annual reports on the overall inland waterways development in the State of Assam, make projections for inland waterways traffic demand in Assam, and assist vessel/cargo/ferry operators to draw up their expansion plans;
  - (j) promote multi modal transport system for benefit of consumers and trade;
  - (k) promote public private partnerships, private participation and outsourcing for effective implementation of this Act;
  - (l) take all necessary steps for, or may be incidental

to the exercise of any power or the discharge of any function conferred or imposed on it by this Act;

- (m) carry out any other function, duty and responsibility which may be entrusted to it by the State Government; and
- (n) 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 monitor and enforce the set performance standards relating to continuity, reliability and quality of service.

**The Powers of  
the Regulatory  
Authority**

15. (1) The Regulatory Authority may,-
- (i) if and when considers it expedient so to do, may, by order in writing, call upon any inland waterway service provider at any time to furnish in writing information, including financial data, or explanation relating to its functions as the Regulatory Authority may require;
  - (ii) issue improvement or prohibitory notices to a vessel, port, company, owner, terminal operator as the case may be;
  - (iii) make an inquiry in relation to the affairs of any inland waterways operator or service provider or may appoint any of its officers to inspect the books of account or other document of any inland waterways operator or service provider;
  - (iv) itself investigate or form a committee to independently investigate any inland waterways related accidents;
- (2) The State Government may in appropriate cases, if so wishes, by order in writing, authorize the Ministry of Transport to have general superintendence over the Regulatory Authority especially for the purpose of policing waterways of Assam in the interest of security, safety and prevention of pollution in such waterways.



**The State Government may empower the Regulatory Authority:**

16. The State Government may empower the Regulatory Authority,-
- (i) to realise and regulate any or all of the passenger tariffs, tolls or fees;
  - (ii) to realise and regulate any or all of the cargo tariffs, tolls and fees;
  - (iii) to regulate passenger and vessel route licensing and allocation;
  - (iv) to regulate passenger and vessel landings, terminal landings;
  - (v) to regulate fair competition amongst public and private players;
  - (vi) to oversight complaints through its dispute settlement department; and
  - (vii) to address the disputes in public private partnership arrangements.

**Regulatory Authority to have same powers as vested in a Civil Court**

17. The Regulatory 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, 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;

Central Act 5 of 1908

**Transparency and Good Governance**

18. The Regulatory 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****FINANCE, ACCOUNTS AND AUDIT, AND  
ANNUAL REPORT**

- Finances of the  
Regulatory  
Authority**
19. (1) (a) There shall be a fund to be known as the "Regulatory Authority Fund" vested in the Regulatory Authority which shall be utilised by the Regulatory Authority to meet all expenditure in connection with their functions under this Act. The Regulatory Authority Fund shall be drawn from and comprise of,-
- (i) Consolidated Fund of the State of Assam;
  - (ii) grants made by the Government;
  - (iii) loans obtained from the Government; and
  - (iv) revenues generated by the Regulatory Authority.
- (b) The expenditure of the Regulatory Authority shall be borne out of the Consolidated Fund of the State of Assam, and through the revenues generated by the Regulatory Authority itself.
- (c) The Regulatory Authority shall prepare and submit its annual budget along with utilization plans to the State Government two months before the expiry of the financial year for the following financial year in such a manner as may be prescribed by the State Government and the State Government shall dispose of the same within two months of the receipt thereof.
- (d) The Regulatory Authority shall prescribe and levy reasonable fees and collect the same for the services rendered, documents issued, licenses granted or information provided by it.
- (e) The schedule of fees prescribed from time to time shall be published, placed in the public domain, displayed prominently in the offices of the Regulatory Authority and given wide publicity.
- Bankers of the  
Regulatory  
Authority**
20. The Bankers of the Regulatory Authority shall be any Scheduled Commercial Bank as may be determined by the Regulatory Authority.

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| Audit of<br>Accounts.- | 21. | <p>(1) All accounts of receipts and expenditure of the Regulatory Authority shall be maintained in the manner prescribed by the State Government.</p> <p>(2) The Accounts of the Regulatory Authority shall be audited annually by a Chartered Accountant duly appointed for the said purpose by the Regulatory Authority.</p> <p>(3) The result of Audit shall be subject to the scrutiny of the Accountant General of the State of Assam.</p> <p>(4) The result of Audit shall be communicated by the Auditor to the Regulatory Authority through the Member Secretary of the Regulatory Authority, who shall submit a copy of the Audit Report along with its observations to the State Government through the Finance Department.</p>   |
| Annual Report          | 22. | <p>(1) The Regulatory Authority shall during each financial year prepare an Annual Report of the working of the Regulatory Authority and all work undertaken during the year, together with Balance Sheet and Audited Accounts, in such form and at such time as may be prescribed, giving a true and full account of its activities during the previous financial year and an account of the activities likely to be undertaken by it in current financial year. A draft of the Annual Report along with the Audited Accounts of the Regulatory Authority, and the Auditor's Report thereon, shall be placed before it in its Annual Meeting for approval and copies of such report shall be forwarded to the State Government.</p> <p>(2) The State Government shall cause every such report to be laid before the State Legislature as soon as may be after the receipt of the report under sub-section (1) of this section.</p> |

## CHAPTER V

### SAFETY OF VESSELS

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| Design<br>construction<br>and survey of<br>new vessels | 23. | All new vessels shall be designed and constructed as per the recognized standards of construction and survey rules for certification, prescribed by the Regulatory Authority, from time to time.              |
| Safety of<br>existing vessels                          | 24. | The existing vessels shall ensure compliance with design, safety and retrofitting norms, as prescribed by the Regulatory Authority. The Authority shall determine and enforce a phasing out plan for all such |

- vessels which do not meet the design, safety and retrofitting norms.
- Design, construction and materials of Vessels** 25. The design, construction and materials of the hull structure as well as machineries and equipment of the vessels shall be suitably certified to ensure safe operations of Vessels for the intended services. All reasonable efforts shall be made for making passenger vessels differently-abled friendly.
- Registration of all Vessels** 26. All Vessels shall be registered with the Regulatory Authority and have a unique registration number that shall be provided by the Regulatory Authority. The Registration number shall be prominently marked on Vessels.
- Knowledge and skill of the vessel operators, pilots, ferry service providers** 27. The vessel operators, pilots and the ferry service providers shall have the appropriate ability of professional knowledge and skill for relevant operations to inland water environment, be familiar to the procedures and requirements, pass corresponding professional training and hold valid competency certificates and conformity certificates issued by the competent Authority lawfully authorized in this behalf.
- Carrying capacity of all Vessels** 28. The carrying capacity of the Vessels shall be primarily determined by the Regulatory Authority in terms of passengers and cargo as prescribed.
- Rules and regulations for monitoring and periodical survey** 29. The Regulatory Authority shall prescribe rules and regulations for monitoring and periodical survey of ferries, and vessels from time to time.
- Out of water inspection by operators** 30. (1) The operators shall satisfy themselves about the integrity of the ferry's and vessel's hull by an out of water examination at least every 3 years (2 years in case of wooden vessels) by the Surveyor or appointed under this Act or other technical persons appointed by the Regulatory Authority and the same shall be properly documented on safety certificate prescribed by the Regulatory Authority.
- (2) The external components of steering and propulsion machinery and shell fittings shall also be examined out of the water. The documented report of such examination shall be made available on board for verification by the Regulatory Authority, passengers, passengers associations and non- governmental organizations.

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| <b>Safety briefing to passengers</b>     | <b>31.</b> | A safety briefing audio system shall be installed in all vessels to give statutory safety briefing to passengers. The safety briefing shall consist of restrictions about the movement onboard, emergency procedures, location of emergency exits, stowage and use of personal protective equipment such as life jackets and other life saving or support devices or appliances. |
| <b>Sufficient lifesaving equipment.—</b> | <b>32.</b> | Every vessel shall have approved lifesaving equipment sufficient for the number of persons as per safety certificate prescribed by the Regulatory Authority.   |
| <b>Provision of life jackets</b>         | <b>33.</b> | Every vessel shall have life jackets to be provided to the passengers in case of need. All the lifesaving or life support devices and appliances shall be properly maintained and periodically serviced based on the recommendations by the manufacturing company.   |
| <b>Provision of First Aid Box</b>        | <b>34.</b> | First Aid Box shall be kept essentially in every vessel with all the emergency first aid equipment and medications to be used in case of emergency   |
| <b>Provision of fire extinguisher</b>    | <b>35.</b> | At least one multipurpose portable fire extinguisher of a recognized standard shall be carried on each deck of all the vessels navigating in inland waterways in addition to any other equipment, appliance or device as may be prescribed by the Regulatory Authority.  |
| <b>List of Prohibited items</b>          | <b>36.</b> | All the vessel operators shall prominently display posters on board indicating items prohibited to be carried on the Vessels as may be prescribed by the Regulatory Authority.   |
| <b>Prohibition on smoking</b>            | <b>37.</b> | Smoking shall be strictly prohibited on the vessels, except in identified smoking zones set up for the purpose.  |
| <b>Navigation lights on Vessels</b>      | <b>38.</b> | The ferries, vessels operating at night should be equipped with navigation lights as prescribed by the Regulatory Authority. The sound signaling equipment shall also be provided on all vessels as prescribed by the Regulatory Authority.  |
| <b>Emergency communication equipment</b> | <b>39.</b> | All vessels must carry prescribed emergency communication equipment as prescribed by the Regulatory Authority.   |

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| <b>General Safety measures</b>                           | 40.     | Without prejudice to the generality of the provisions contained in this chapter, the Regulatory Authority may prescribe regulations to enhance safety culture, mitigate dangers, identify risks, danger of moving machinery parts, preventive measures for fire such as fitting flame gauze, emergency power and charging of batteries, approved maritime radio communication, and such other measures that shall ensure structural strength, water tight integrity and stability of vessels. |
| <b>Safety measures for fuel storage tanks</b>            | 41.     | On mechanized Vessels, safety measures for fuel storage tanks shall be such as prescribed by the Regulatory Authority.  |
| <b>Appointment of surveyor</b>                           | 42.     | The Regulatory Authority shall appoint such number of Surveyors in order to carry on regular inspection and checking of ferries and vessels so as to ensure compliance with all safety provisions of this Act.  |
| <b>Independent investigation into pollution accident</b> | 43.     | Independent investigation into Vessels causing pollution and accident shall be ordered as prescribed by the Regulatory Authority.   |
| <b>Accident identification report</b>                    | 44. (1) | The investigators shall prepare an accident identification report within thirty days from the date of completion of the investigation, and serve the same to parties concerned.   |
|  | (2)     | The accident identification report shall specify the basic facts of the accident, the causes of the accident, the responsibility for the accident, lessons learnt and preventive action, if any.  |
|  | (3)     | The Regulatory Authority shall publish findings of such investigation report of safety accident and or pollution incident.  |
|  | (4)     | The Regulatory Authority shall have powers to grant exemption and/or equivalence as prescribed, by the Regulatory Authority.  |

## CHAPTER VI PREVENTION OF POLLUTION

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| <b>Prevention and control of pollution</b> | 45. | The structure, equipment and devices of a ferry or vessel in respect of prevention and control of pollution shall be such as prescribed by the Regulatory Authority. The Regulatory Authority shall simultaneously provide for approved waste disposal, reception facilities in its ports, terminals at reasonable cost to the end user of inland water |
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transport services.

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| <b>Survey for compliance</b>   | 46. | The structure, equipment and devices of a ferry or vessel shall be surveyed by a Surveyor that has been appointed by the Regulatory Authority under this Act. Pollution prevention equipment shall be kept in good order and condition for emergency use.  |
| <b>Entry in surveyor certificate</b>                                   | 47. | An existing ferry or vessel may, upon survey by a Surveyor, may be exempted from being equipped with otherwise prescribed treatment facilities for pollutants and in that event specific remarks shall be made on prescribed safety certificate.   |
| <b>Requirement to carry certificates</b>                               | 48. | A vessel shall, based on the requirements of the relevant laws, administrative regulations, the provisions of the transport department of Government of Assam, possess and carry on board effective corresponding certificates and documents in respect of the prevention and control of pollution caused by vessels and their relevant operations to inland waters environment.   |
| <b>Knowledge and skill for the prevention and control of pollution</b> | 49. | The vessel operator and the ferry service provider shall have the appropriate ability of professional knowledge and skill for the prevention and control of pollution caused by vessels and their relevant operations to inland waters environment, be familiar with the procedures and requirements for preventing the pollution caused by vessels, pass corresponding professional training and hold valid competency certificates and Conformity Certificates, issued by the competent authority lawfully authorised in the behalf. |
| <b>Readiness for rescue plan</b>                                       | 50. | The Regulatory Authority shall, in respect of the dangerous characteristics of dangerous chemicals transported, formulate contingency rescue plan for dangerous chemicals accidents for the carrying vessels, and shall equip the carrying vessels with sufficient and effective devices and equipment for emergency rescue.   |
| <b>Contingency plan for prevention and control of pollution</b>        | 51. | The operator of a port, dock, terminal, or a loading and unloading place and relevant operating units shall have approved contingency plan for preventing and controlling of pollution caused by vessels and their relevant operations to inland waters environment and organize drills at least once a year, and maintain proper records thereof.   |



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| <b>Abiding by relevant provisions and standards for prevention of pollution</b> | <b>52.</b> | Vessels navigating, berthing or operating within waters under special protection shall abide by relevant provisions and standards for prevention of pollution in such waters.                          |
| <b>Requirement for third party liability insurance</b>                          | <b>53.</b> | For a vessel transporting dangerous chemicals by inland waters, her owner or operator shall have prescribed third party liability insurance cover available as prescribed by the Regulatory Authority. |

## CHAPTER VII OFFENCES AND PENALTIES

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| <b>Offences and Penalties</b> | <b>54. (1)</b> | <p>The following shall constitute offences punishable under this Act:-</p> <ul style="list-style-type: none"><li>(a) Failure to comply with any order or direction of the Regulatory Authority under this Act, and / or deliberate disobedience thereof;</li><li>(b) Contravening or attempt to contravene or abetting the contravention of the provisions of this Act or any rules made thereunder;</li><li>(c) Obstructing any person acting under the orders or directions of the Regulatory Authority from performing his functions and exercising his powers under this Act;</li><li>(d) Damaging any works or property belonging to the Regulatory Authority;</li><li>(e) Failing to furnish to any officer or employee of the Regulatory Authority so authorized to receive, information required or demanded from him for the purpose of this Act;</li><li>(f) Deliberately and willfully providing false and incorrect information.</li></ul> |
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- (2) (a) Any person who is found guilty of any offence under sub-section (1) shall be punished with fine which may extend to ten thousand rupees upon the first offence;
- (b) In case of second and subsequent offence the fine may extend to fifty thousand rupees, or imprisonment upto one year or both;
- (c) In case of continuing contravention, an additional fine which may extend to five thousand rupees for every day, shall be imposed, during which the default continues.
- (3) The following are offences of vessels that are punishable under the Act in addition to penalty under any other law, for the time being in force:-
- (a) Discharging domestic sewage or oily water, etc. into inland waters in excess of corresponding standards;
- (b) Discharging waste gas produced from the running of vessel's power unit into the atmosphere in excess of corresponding standards;
- (c) Discharging residues of liquid toxic substances, or ballast water, cleaning water or other mixtures containing such substances, in inland waters;
- (d) Using incinerator in inland waters;
- (e) Using oil dispersant, which violates corresponding provisions.
- (4) (a) Any person who is found guilty of any offence under sub-section (3), shall be punished with fine which may extend to ten thousand rupees upon the first offence.
- (b) In case of second and subsequent offence, the fine may extend to twenty-five thousand rupees, and imprisonment upto six months or with both.
- (c) In case of continuing contravention, an additional fine, which may extend to one thousand rupees for every day, shall be imposed, during which the default continues.

**Offences by 55. (1)**  
**Companies**

Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge for that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :- For the purpose of this section,-

- (i) "Company" means anybody corporate, and includes a firm or other association of individuals; and
- (ii) "Director" in relation to a firm means a partner in the firm

## CHAPTER VIII MISCELLANEOUS

### Power to make 56. Rules

The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

### Power to make 57. (i) Regulations

The Regulatory Authority shall with the previous approval of the State Government and by notification in Official Gazette, make regulations not inconsistent with provisions of this Act and the rules framed thereunder for enabling it to discharge its functions under this Act and the rules.

(ii) In particular and without prejudice to the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (a) the time and the place at which the Regulatory Authority shall meet and rules of procedure the Regulatory Authority shall observe in regard to transaction of its business at its meetings;
- (b) the form in which an annual statement of accounts of the Regulatory Authority shall be prepared under section 21;
- (c) the form in which and the time at which an annual report of the Regulatory Authority shall be prepared under section 22;
- (d) any other matter which is, or may be, necessary to be prescribed for the efficient conduct of the affairs of the Regulatory Authority.

### Powers of 58. Regulatory Authority to delegate and issue executive instructions

The Regulatory Authority may delegate such of its powers to its Members and issue executive instruction not inconsistent with the provisions of this Act, rules or regulations as may consider necessary.

<b>Tariff to be determined by the State Government</b>	<b>59.</b>	The State Government shall determine the tariffs for passenger vessels or cargo vessels keeping in mind the market conditions, operating cost levels, affordability of passengers in differential manner as per the per capita income of the people across Assam	
<b>Power to remove difficulties</b>	<b>60. (a)</b>	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 appear to be necessary or expedient for removing the difficulty.	
	<b>(b)</b>	Every order made under this section shall, as soon as it may be after it is made, be laid before the State Legislature.	
<b>Act to have effect in addition to and not in derogation of other Acts</b>	<b>61. (1)</b>	The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law for the time being in force, relating to inland waterways, forests, wildlife, disaster management or environment protection.	
	<b>(2)</b>	The functions of the Regulatory Authority are to be enabled by the Act in conjunction with Inland Vessels Act, 1917, Indian Ports Act, 1908 and the Inland Waterways Authority of India Act, 1985.	Central Act 1 of 1917. Central Act No. 15 of 1908, Act No. 82 of 1985.

## STATEMENT OF OBJECTS AND REASONS

The State of Assam has large navigable waterways being about 1980 km in length of which the most important are the Brahmaputra and the Barak Rivers. The Brahmaputra River with a length of 891 km between the Bangladesh border at Dhubri and Sadiya was declared National Waterway No.2. While a length of 152 km on the Barak river was declared as National Waterway No.16 under the National Waterways Act, 2016. Also, recently, another thirteen (13) National Waterways were declared by Government of India within the jurisdiction of the State of Assam.

The Brahmaputra, running through the heart of the state, provides a vital link for all ferry services which is one of the single most important modes of transport for a very large section of the population especially the rural population in Assam. The ferry services are provided by many stakeholders including the Directorate of Inland Water Transport Assam (DIWTA), by vessel operators which are typically small independent and informal private businesses. There are approximately 104 ferry routes designated by DIWTA and additionally there are ferry routes licensed by Zilla Parishad/ Anchalik Panchayat/ Gaon Panchayat and Autonomous Councils.

The Inland Waterways Authority of India (IWAI) is responsible for ensuring the navigation 'fairway' but it does not own the water resources or have responsibility for operating water transport services. Landside activities in riparian stretches which include riparian land use development are regulated by the State and the local governments.

The DIWTA was established in Assam in 1959 under the Transport Department and is currently responsible for developing, maintaining and regulating Inland Water Transport services in the state apart from operating and maintaining many of the ferry and commercial (cargo) services, ferry terminals, crew training, and river conservancy works in the ferry routes. These functions are to be enabled by the Act in conjunction with Inland Vessel Act; Indian Ports Act and IWAI Act of Government of India.

Presently the ferry service, as a whole, is characterized by an ageing and poorly equipped fleet. Most of the demand is currently met by the informal sector operating traditional vessels without supporting infrastructure including safety measures. Terminal facilities and navigational aids are insufficient. Most of the ferry terminals consist of improvised moorings on the banks of the river which often require relocation due to changing river depths and often over substantial distances. Presently the cargo sector is small partly because of market

circumstances, connectivity problems, navigation aids in streams do not permit round the year use of waterways by large modern vessels that can deliver competitive advantage over other modes of transport.

In view of the aforesaid the Government of Assam wishes to transform the quality of inland water transport service and integrate high quality passenger, cargo, and vehicle or Ro-Ro (Roll on - Roll off) ferry services into Assam's transport network. To facilitate this new approach the Government of Assam intends to create an independent supportive institutional framework towards the safety, environmental and economic aspects of the Inland Water Transport (IWT) sector of the State by enacting the Assam Inland Water Transport Regulatory Authority Act.

Regulatory Authority shall be a competent authority to nurture and promote healthy market competition; embrace skilled DIWTA personnel; attract investment in inland water transport; improve health, hygiene, safety and environment of IWT operations;

It is in view to achieve the aforesaid that the Assam Inland Water Transport Regulatory Authority Act, 2018 is enacted.

**CHANDRA MOHAN PATOWARY,**

Minister, Transport, Assam  
Dispur.

**M. K. DEKA,**

Principal Secretary,  
Assam Legislative Assembly.



**FINANCIAL MEMORANDUM**

There will be additional financial involvement in the State Exchequer in implementation of the provision of the proposed Bill.

**CHANDRA MOHAN PATOWARY,**  
Minister, Transport, Assam  
Dispur.

**MEMORANDUM OF DELEGATED LEGISLATION**

The Bill proposes for delegation of legislative power to the executive and subordinate authorities.

**CHANDRA MOHAN PATOWARY,**  
Minister, Transport, Assam  
Dispur.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.