THE TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976

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THE TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976

ACT NO. 80 OF 1976

[25*th August*, 1976.]

An Act to provide for certain matters relating to the territorial waters continental shelf, exclusive economic zone and other maritime zones of India.

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

1. Short title and commencement.—(*1*) This Act may be called the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976.

(*2*) Sections 5 and 7 shall come into force on such date[1] or on such different dates as the Central Government may, by notification in the Official Gazette, appoint; and the remaining provisions of this Act shall come into force at once.

2. Definition.—In this Act, "limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or any other maritime zone of India, means the limit of such waters, shelf or zone with reference to the mainland of India as well as the individual or composite group or groups of islands constituting part of the territory of India.

3. Sovereignty over, and limits of, territorial waters.—(*1*) The sovereignty of India extends and has always extended to the territorial waters of India (hereinafter referred to as the territorial waters) and to the seabed and subsoil underlying, and the air space over, such waters.

(*2*) The limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point of the appropriate baseline.

(*3*) Notwithstanding anything contained in sub-section (*2*), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the Official Gazette, the limit of the territorial waters.

(*4*) No notification shall be issued under sub-section (*3*) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

4. Use of territorial waters by foreign ships.—(*1*) Without prejudice to the provisions of any other law for the time being in force, all foreign ships (other than warships including sub-marines and other underwater vehicles) shall enjoy the right of innocent passage through the territorial waters.

Explanation.—For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of India.

(*2*) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial waters after giving prior notice to the Central Government:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such waters.

(*3*) The Central Government may, if satisfied that it is necessary so to do in the interests of the peace, good order or security of India or any part thereof, suspend, by notification in the Official Gazette, whether absolutely or subject to such exceptions and qualifications as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

1. 15th January, 1977, *vide* notification No. G.S.R. 16(E), dated 15th January, 1977, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).

5. Contiguous zone of India.—(*1*) The contiguous zone of India (hereinafter referred to as the contiguous zone) is an area beyond and adjacent to the territorial waters and the limit of the contiguous zone is the line every point of which is at a distance of twenty-four nautical miles from the nearest point of the baseline referred to in sub-section (*2*) of section 3.

(*2*) Notwithstanding anything contained in sub-section (*1*), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the Official Gazette, the limit of the contiguous zone.

(*3*) No notification shall be issued under sub-section (*2*) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(*4*) The Central Government may exercise such powers and take such measures in or in relation to the contiguous zone as it may consider necessary with respect to,—

(*a*) the security of India, and

(*b*) immigration, sanitation, customs and other fiscal matters.

(*5*) The Central Government may, by notification in the Official Gazette,—

(*a*) extend with such restrictions and modifications as it thinks fit, any enactment, relating to any matter referred to in clause (*a*) or clause (*b*) of sub-section (*4*), for the time being in force in India or any part thereof, to the contiguous zone, and

(*b*) make such provisions as it may consider necessary in such notification for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the contiguous zone is a part of the territory of India.

6. Continental shelf.—(*1*) The continental shelf of India (hereinafter referred to as the continental shelf) comprises the seabed and subsoil of the submarine areas that extend beyond the limit of its territorial waters throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baseline referred to in sub-section (*2*) of section 3 where the outer edge of the continental margin does not extend up to that distance.

(*2*) India has, and always had, full and exclusive sovereign rights in respect of its continental shelf.

(*3*) Without prejudice to the generality of the provisions of sub-section (*2*), the Union has in the continental shelf,—

(*a*) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(*b*) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other purpose;

(*c*) exclusive jurisdiction to authorise, regulate and control scientific research; and

(*d*) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(*4*) No person (including a foreign Government) shall, except under, and in accordance with, the terms of a licence or a letter of authority granted by the Central Government, explore the continental shelf or exploit its resources or carry out any search or excavation or conduct any research within the continental shelf or drill therein or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device therein for any purpose whatsoever.

(*5*) The Central Government may, by notification in the Official Gazette,—

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(*a*) declare any area of the continental shelf and its superjacent waters to be a designated area; and

(*b*) make such provisions as it may deem necessary with respect to,—

(*i*) the exploration, exploitation and protection of the resources of the continental shelf within such designated area; or

(*ii*) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area; or

(*iii*) the protection of marine environment of such designated area; or

(*iv*) customs and other fiscal matters in relation to such designated area.

Explanation.—A notification issued under this sub-section may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

(*6*) The Central Government may, by notification in the Official Gazette,—

(*a*) extend with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the continental shelf or any part [including any designated area under sub-section (*5*)] thereof; and

(*b*) make such provisions as it may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the continental shelf or the part [including, as the case may be, any designated area under sub-section (*5*)] thereof to which it has been extended is a part of the territory of India.

(*7*) Without prejudice to the provisions of sub-section (*2*) and subject to any measures that may be necessary for protecting the interests of India, the Central Government may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf by foreign States:

Provided that the consent of the Central Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

7. Exclusive economic zone.—(*1*) The exclusive economic zone of India (hereinafter referred to as the exclusive economic zone) is an area beyond and adjacent to the territorial waters, and the limit of such zone is two hundred nautical miles from the baseline referred to in sub-section (*2*) of section 3.

(*2*) Notwithstanding anything contained in sub-section (*1*), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the Official Gazette, the Limit of the exclusive economic zone.

(*3*) No notification shall be issued under sub-section (*2*) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(*4*) In the exclusive economic zone, the Union has,—

(*a*) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, winds and currents;

(*b*) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;

(*c*) exclusive jurisdiction to authorise, regulate and control scientific research;

(*d*) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

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(*e*) such other rights as are recognised by International Law.

(*5*) No person (including a foreign Government) shall, except under, and in accordance with, the terms of any agreement with the Central Government or of a licence or a letter of authority granted by the Central Government, explore or exploit any resources of the exclusive economic zone or carry out any search or excavation or conduct any research within the exclusive economic zone or drill therein or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device therein for any purpose whatsoever:

Provided that nothing in this sub-section shall apply in relation to fishing by a citizen of India.

(*6*) The Central Government may, by notification in the Official Gazette,—

(*a*) declare any area of the exclusive economic zone to be a designated area; and

(*b*) make such provisions as it may deem necessary with respect to,—

(*i*) the exploration, exploitation and protection of the resources of such designated area; or

(*ii*) other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds and currents; or

(*iii*) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area; or

(*iv*) the protection of marine environment of such designated area; or

(*v*) customs and other fiscal matters in relation to such designated area.

Explanation.—A notification issued under this sub-section may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

(*7*) The Central Government may, by notification in the official Gazette,—

(*a*) extend, with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the exclusive economic zone or any part thereof; and

(*b*) make such provisions as it may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof to which it has been extended is a part of the territory of India.

(*8*) The provisions of sub-section (*7*) of section 6 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the exclusive economic zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the continental shelf.

(*9*) In the exclusive economic zone and the air space over the zone, ships and aircraft of all States shall, subject to the exercise by India of its rights within the zone, enjoy freedom of navigation and over flight.

8. Historic waters.—(*1*) The Central Government may, by notification in the Official Gazette, specify the limits of such waters adjacent to its land territory as are the historic waters of India.

(*2*) The sovereignty of India extends, and has always extended, to the historic waters of India and to the seabed and subsoil underlying, and the air space over, such waters.

9. Maritime boundaries between India and States having coasts opposite or adjacent to those of India.—(*1*) The maritime boundaries between India and any State whose coast is opposite or adjacent to that of India in regard to their respective territorial waters, contiguous zones, continental shelves,

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exclusive economic zones and other maritime zones shall be as determined by agreement (whether entered into before or after the commencement of this section) between India and such State and pending such agreement between India and any such State, and unless any other provisional arrangements are agreed to between them, the maritime boundaries between India and such State shall not extend beyond the line every point of which is equidistant from the nearest point from which the breadth of the territorial waters of India and of such State are measured.

(*2*) Every agreement referred to in sub-section (*1*) shall, as soon as may be after it is entered into, be published in the Official Gazette.

(*3*) The provisions of sub-section (*1*) shall have effect notwithstanding anything contained in any other provision of this Act.

10. **Publication of charts.—**The Central Government may cause the baseline referred to in sub-section (*2*) of section 3, the limits of the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone and the historic waters of India and the maritime boundaries as settled by agreements referred to in section 9 to be published in charts.

11. Offences.—Whoever contravenes any provision of this Act or of any notification thereunder shall (without prejudice to any other action which may be taken against such person under any other provision of this or of any other enactment) be punishable with imprisonment which may extend to three years, or with fine, or with both.

12. Offences by companies.—(*1*) Where an offence under this Act or the rules made thereunder 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 or 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 or the rules made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or the 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 purposes of this section,**—**

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

13. Place of trial.—Any person committing an offence under this Act or any rules made thereunder or under any of the enactments extended under this Act or under the rules made thereunder may be tried for the offence in any place in which he may be found or in such other place as the Central Government may, by general or special order, published in the Official Gazette, direct in this behalf.

14. Previous sanction of the Central Government for prosecution.—No prosecution shall be instituted against any person in respect of any offence under this Act or the rules made thereunder without the previous sanction of the Central Government or such officer or authority as may be authorised by that Government by order in writing in this behalf.

15. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) regulation of the conduct of any person in the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone or any other maritime zone of India;

(*b*) regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf;

(*c*) regulation of the exploration, exploitation, conservation and management of the resources of the exclusive economic zone;

(*d*) regulation of the construction, maintenance and operation of artificial islands, off-shore terminals, installations and other structures and devices referred to in sections 6 and 7;

(*e*) preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;

(*f*) authorisation, regulation and control of the conduct of scientific research for the purposes of this Act;

(*g*) fees in relation to licences and letters of authority referred to in sub-section (*4*) of section 6 and sub-section (*5*) of section 7 or for any other purpose; or

(*h*) any matter incidental to any of the matters specified in clauses (*a*) to (*g*).

(*3*) In making any rule under this section, the Central Government may provide that a contravention thereof shall be punishable with imprisonment which may extend to three years, or with fine which may extend to any amount, or with both.

(*4*) Every rule made under this Act and every notification issued under sub-section (*5*) of section 6 or sub-section (*6*) of section 7 shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or notification should not be issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

16. Removal of difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or, as the case may be, of such enactment, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section—

(*a*) in the case of any difficulty arising in giving effect to any provision of this Act, after the expiry of three years from the commencement of such provision;

(*b*) in the case of any difficulty arising in giving effect to the provisions of any enactment extended under this Act, after the expiry of three years from the extension of such enactment.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

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