

## **BOMBAY FERRIES AND INLAND VESSELS ACT, 1868**

**2 of 1868**

**[17 December, 1868]**

### CONTENTS

1. Definitions

2. [State Government] may constitute public ferries establish new and discontinue existing ferries

2A. Vesting of Public ferries In local bodies; Power of local bodies in respect thereto

3. Rates of toll

4. Appointment and salaries, of toll-keepers, etc.

5. [State Government] may lease public ferries by public auction or private contract.

5A. Power to cancel lease

5B. Surrender of lease

5C. Power to take possession of boats, etc. on surrender of lease

6. Acts of servant of contractor

7. Table of tolls to be hung up

8. Penalty in respect of table of tolls

9. Penalty for taking unlawful tolls

10. Penalty for willful delay

11. Penalty for refusal or evasion of toll and for obstruction or damage.

11A. Penalty for rash navigation and stacking of timber

11B. Power to arrest without warrant

11C. Magistrate may assess damage

12. Officers who may make rules for regulation of public ferries

13. .

14. .

14A. .

14B. Penalty for conveying passenger etc. In a ferry boat with a sub-merged load-line or without prescribed free-board

14C. Licence required to ply any vessel on any river etc.

14D. Inspection of vessels and suspension of the licence if vessels are not seaworthy etc.

14E. Power to prohibit plying of vessel to avert any accident and to requisition vessels etc.

14F. Penalty for breach of the provisions of the Act, rules, regulations and orders made thereupon and the conditions of the licence granted under section 140

14G. Both the owner and the person in-charge to be liable for any

breach

15. Trial of offences

16. .

17. .

17A. Rules and Regulations

17B. Definition of "vessels"

17C. Provisions of section 14A to 14G and 17A and 17B not applicable in certain cases

18. Short title

19. Repeal and savings

## **SCHEDULE 1 :- SCHEDULE**

### **BOMBAY FERRIES AND INLAND VESSELS ACT, 1868**

**2 of 1868**

**[17 December, 1868]**

An Act to amend law relating to public ferries 1[and inland vessels] in the 2[State of Bombay]. Preamble.-WHEREAS It is expedient to amend the law relating to public ferries 3[and land vessels] In the 4[State of Bombay]; It is enacted as follows:-

#### **1. Definitions :-**

<sup>1</sup> In this Act unless the context requires otherwise-

(b) "ferry" includes a temporary bridge used as a ferry and the approaches to, and the landing places of, a ferry.]

1. Inserted by Bombay 60 of 1959.

#### **2. [State Government] may constitute public ferries establish new and discontinue existing ferries :-**

<sup>1</sup>It shall be lawful for the <sup>2</sup>[State Government] to declare by notification what ferries within the <sup>3</sup> [State of Gujarat] shall be deemed public ferries, and also by notification from time to time, to establish any new public ferry or discontinue any existing public ferry.

1. Substituted by Gujarat 15 of 1964 for the word "Commissioner".

2. Substituted by Gujarat 15 of 1964 for the word "Commissioner".

3. Substituted Gujarat A.O. 1960.

#### **2A. Vesting of Public ferries In local bodies; Power of local bodies in respect thereto :-**

<sup>1</sup>It shall be lawful for the <sup>2</sup> [State Government] to declare by notification in the Official Gazette that any public ferry notified under Section 2 shall vest in the local body or jointly in the local

bodies, exercising authority over the area or areas, as the case may be, in which such ferry is situate and thereafter such local body or bodies shall exercise in respect of such ferry all the powers specified in the Schedule to this Act:

1. Inserted by Bombay 8 of 1923.
2. Substituted by Gujarat 15 of 1964.

### **3. Rates of toll :-**

Tolls according to such rates as shall from time to time be approved by the State Government shall be levied upon all passengers, carts, carriages, cattle and other animals, and on all goods and merchandise, carried over any public ferry.

### **4. Appointment and salaries, of toll-keepers, etc. :-**

It shall be lawful for the <sup>1</sup>[State Government] to provide for the appointment of toll-keepers, ferrymen and other servants for the management and conduct of any public ferry; and the salaries of such persons shall be defrayed from funds raised under this Act, or from other sources of local revenue, but not from the general<sup>2</sup>[x x x] revenues <sup>3</sup> [x x x].

1. Substituted by Gujarat 15 of 1964 for the word "Commissioner",
2. Omitted by Devolution Act, 1920 (38 of 1920).
3. Omitted by Devolution Act. 1920 (38 of 1920).

### **5. [State Government] may lease public ferries by public auction or private contract. :-**

<sup>1</sup>It shall be lawful for the <sup>2</sup>[State Government] to lease any public ferry by public auction or private contract, from year to year, or for any longer period not exceeding seven years, on such conditions as the <sup>3</sup> [State Government] deems advisable in which case a contract setting forth conditions on which the ferry is to be held shall be executed by the contractor or former, and security shall be given by him for its due fulfillment, and any pecuniary forfeiture for breach of contract. Inserted in the deed of contract or conditions of sale by public auction, as the case may be, may be enforced in the same manner as a demand for the land revenue under the law for the time being in force, so far as applicable.

1. Substituted by Gujarat 15 of 1964 for the word "Commissioner".
2. Substituted by Gujarat 15 of 1964 for the word "Commissioner".
3. Substituted by Gujarat 15 of 1964 for the word "Commissioner",

### **5A. Power to cancel lease :-**

1. Secs. 5A. 5B and 5C were Inserted by Bombay 60 of 1959.

**5B. Surrender of lease :-**

The lessee of the tolls of a public ferry may surrender his lease on the expiration of one month's notice In writing to the <sup>1</sup>[State Government] of his intention to surrender such lease, and on payment to the Executive Engineer of the division, or, as the case may be, the Collector of the district, within whose jurisdiction such ferry is situate of such compensation as the said Executive Engineer or Collector, subject to the approval of the <sup>2</sup> [State Government], may in each case direct.

1. Substituted by Gujarat 15 of 1964 for the word "Commissioner".

2. Substituted by Gujarat 15 of 1964 for the word "Commissioner".

**5C. Power to take possession of boats, etc. on surrender of lease :-**

When the lease of the tolls of any ferry is surrendered under Section 5B , the Executive Engineer of the division, or, as the case may be, the Collector of the district, within whose jurisdiction such ferry is situate may take possession of all boats and their equipment, and all other material and appliance, used by the lessee for the purposes of such ferry, and use the same (paying such compensation for the use thereof as the <sup>1</sup> [State Government] may in such case direct until the said Executive Engineer or Collector can conveniently procure proper substitutes therefore.]

1. Substituted by Gujarat 15 of 1964 for the word "Commissioner".

**6. Acts of servant of contractor :-**

When a public ferry has been duly leased or farmed out, every servant of the lessee, contractor or farmer shall be deemed to be legally bound to do everything necessary for or conducive to the safety of the public which he shall be required to do by any regulation made by the lessee, contractor or farmer, and approved by the <sup>1</sup> [State Government] and of which regulation such servant shall have had notice, and every such servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such regulation he shall be prohibited from doing, and every person employed by or on behalf of such lessee, contractor or farmer to do any act upon the ferries shall be deemed to be a servant of the lessee, contractor farmer.

1. Substituted by Gujarat 15 of 1964 for the word "Commissioner".

## **7. Table of tolls to be hung up :-**

It shall be the duty of every toll-keeper, toll-contractor or farmer to hung up In some conspicuous place at his ferry station a table of tolls, written or printed in English and In the language of the district <sup>1</sup> [and he shall be bound to produce, on demand, a list of tolls signed by the Executive Engineer of the division or as the case may be, the Collector of the district or such other officer he appoints In the behalf.]

1. Inserted by Bombay 60 of 1959.

## **8. Penalty in respect of table of tolls :-**

Any toll-keeper or tolls contractor or farmer, who shall neglect to hang up and keep in good order and repair a table of tolls as aforesaid, or who shall willfully remove, alter or deface the same, or allow it to become illegible, <sup>1</sup> [or who falls to produce on demand, the list of tolls mentioned in Section 7 , shall be liable on each conviction to a penalty not exceeding fifty rupees.]

1. Substituted by Bombay 60 of 1959.

## **9. Penalty for taking unlawful tolls :-**

Any toll-keeper or other person appointed as In Section 4 , who shall neglect to take the due toll or shall ask or take any toll other than is allowed by the table of tolls, and any toll-contractor or farmer, or any person in the service of a toll-contractor or farmer, who shall ask to take any toll in excess of that allowed by the table of tolls, shall be liable to a penalty not exceeding <sup>1</sup> [one hundred rupees].

1. Substituted by Bombay 60 of 1959 for the words "fifty rupees".

## **10. Penalty for willful delay :-**

Any toll-keeper or other person appointed as in Section 4 or toll-contractor or fanner or person in the service of a toll contractor or farmer, who without good reason shall delay any passenger, cart-carriage, animal or goods, shall be liable to a penalty not exceeding <sup>1</sup> [one hundred rupees].

1. Sub. by Bombay 60 of 1959 for the words "fifty rupees".

## **11. Penalty for refusal or evasion of toll and for obstruction or damage. :-**

Any person- who shall refuse to pay the lawful toll, or who, with intent of avoiding payment thereof, shall pass through any ferry-station without paying the toll, or who shall obstruct in the

execution of his duty any toll-keeper or other person lawfully engaged In the management or conduct of a public ferry, and also any person who shall maliciously damage any toll-bar, boat or other thing belonging to a public ferry, or who shall maliciously remove, alter, destroy or damage any table of tolls hang-up as hereinbefore directed. <sup>1</sup> [or who, at a public ferry, after being warned by any such toll-keeper or other person lawfully engaged In the management or conduct of a public ferry not to do so, goes, or takes any animals, vehicles or other things on to any ferry boat or upon any bridge appertaining to the ferry, and thereby causes it to be in such a state or so loaded as to endanger human life or property, or who at a public ferry, on being requested by such toll-keeper or other person lawfully engaged in the management or conduct of a public ferry to do so, refuses or neglects to leave, or remove any animals, vehicles or goods from, any such ferry boat or bridge.] shall be liable to a penalty not exceeding fifty rupees, over and above the value of the damage done.

1. Inserted by Bombay 60 of 1959.

**11A. Penalty for rash navigation and stacking of timber :-**

<sup>1</sup> Whoever navigates, anchors, moors or fastens any vessel or raft, or stacks any timber, in a manner so rash or negligent as to damage a public ferry, shall be punished with Imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and the toll-keeper or other person lawfully engaged In the management or conduct of such ferry may seize and detain such vessel, raft or timber pending the inquiry and assessment hereinafter mentioned.

1. Sections 11A. 11B and 11C were Inserted by Bombay 60 of 1959.

**11B. Power to arrest without warrant :-**

A Police Officer may arrest without warrant any person committing an offence against Section 11 or Section 11A .

**11C. Magistrate may assess damage :-**

Any Magistrate trying any offence under this Act may Inquire into and assess the value of the damage, if any, done or caused by the offender to the ferry concerned and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act; and the amount so ordered to be paid shall be leviable as If It were a fine, or when the offence is one under

Section 11A , by the sale of the vessel, raft or timber causing the damage.)

**12. Officers who may make rules for regulation of public ferries :-**

**<sup>1</sup>** Except in the case provided in sub-section (2) of Section 14B , and elsewhere-

(a) In the case of public ferries on roads under the control of the Executive Engineer of a Division of the Public Works Department, such Executive Engineer, and

(b) in all other cases, the Collector of the district], may, subject to such general directions as the State Government from time to time may issue, make rules to determine the number of passengers, carts, carriages and animals and the quantity of goods, that may be carried in any public ferry boat at one trip, and for the safe, speedy and convenient carriage and landing of passengers and property, and for keeping the ferry-boats in good order and otherwise for the due discharge of their duty by toll contractors or farmers, toll keepers, ferrymen and other persons employed at a public ferry; and any toll-contractor or farmer, toll-keeper, ferry man or other person infringing or disobeying any such rule shall be liable to make good any loss or damage caused thereby, which loss or damage may be summarily ascertained by any Magistrate within whose jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

1. Substituted by Bom. 4 of 1933.

**13. . :-**

**<sup>1</sup>** [x x x].

1. Omitted by Gujarat A.O. 1960.

**14. . :-**

**<sup>1</sup>** [x x x]

1. Repealed by Bombay 12 of 1942 and was re-enacted by Bombay 55 of 1947.

**14A. . :-**

**<sup>1</sup>** [x x x].

1. Deleted by Bombay 60 of 1959.

**14B. Penalty for conveying passenger etc. In a ferry boat with a sub-merged load-line or without prescribed free-board :-**

<sup>1</sup>(1) Any person who shall convey <sup>2</sup>[whether for hire or not, on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel any passenger, animal, goods or other thing in any vessel,] of which the prescribed load-line is submerged or of which the free-board is less than the prescribed free-board, shall be liable to a penalty not exceeding five hundred rupees. (2) The State Government may make rules prescribing the manner in which the load-line or free-board shall be marked upon any <sup>3</sup> [vessel] to which the provisions of sub-section (1) apply. The rules so made shall be published In the Official Gazette.

1. Inserted by Bombay 4 of 1933.

2. Substituted by Bombay 21 of 1942 read with Bombay 55 of 1947.

3. Substituted by Bombay 21 of 1942 for the word "boat".

**14C. Licence required to ply any vessel on any river etc. :-**

<sup>1</sup> No person shall ply any vessel on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, whether for hire or not, except under a licence granted by an officer empowered by the State Government in this behalf and except In accordance with the provisions of this Act, the rules, regulations and orders made there under and the conditions of such licence:

Provided that the State Government may, by notification in the Official Gazette, exempt from the operation of this section such vessels or class of vessels as may be specified in such notification.

1. Sections 14C, 14D, 14E. 14F and 14G were inserted by Bombay 21 of 1942 read with Bombay 55 of 1947.

**14D. Inspection of vessels and suspension of the licence if vessels arc not seaworthy etc. :-**

Any Magistrate or Police Officer, not below the rank of a Sub-Inspector, or any officer specially empowered by the State Government in this behalf may board and Inspect any vessel for the purpose of satisfying himself that the provisions of this Act, the rules, regulations and orders made there under and the conditions of the licence issued in respect of such, vessel are duly observed. If such officer is of the opinion that the vessel is not seaworthy or is insufficiently equipped or is in such a condition that Its, plying may

cause danger to human life or safety, he may suspend the licence Issued In respect of such vessel and such vessel shall not thereafter be piled until the order suspending the licence has been cancelled or a fresh licence has been issued In respect of such vessel.

**14E. Power to prohibit plying of vessel to avert any accident and to requisition vessels etc. :-**

(1) If any Magistrate, or any Police Officer, not below the rank of a Sub-Inspector, or any officer of the Public Works Department, not below the rank of an Assistant or Deputy Engineer or any officer specially empowered by the State Government in this behalf. Is at any time of the opinion that in order to avert any accident or danger to human life or safety it Is necessary to take action under this sub- section, such Magistrate or officer may by order prohibit the plying of any vessel, or of any class of vessels or of vessels generally on any river, stream, creek tank, lake or other other collection of water affording passage for a vessel, within the limits of his Jurisdiction, during such period as may be specified in the order.

**14F. Penalty for breach of the provisions of the Act, rules, regulations and orders made thereupon and the conditions of the licence granted under section 140 :-**

Any person who contravenes any of the provisions of this Act or of the rules, regulations and orders made thereunder or of the conditions of any licence granted under Section 14C , shall, on conviction. If no other penalty Is provided In the Act for such contravention, be punishable with Imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

**14G. Both the owner and the person in-charge to be liable for any breach :-**

If any of the provisions of this Act, or of the rules, regulations or orders made thereunder or of the conditions of the licence granted under Section 14C are contravened In respect of any vessel, both the owner and the person in charge of such vessel shall be deemed to have contravened such provisions and shall be personal- livable for the same.]

**15. Trial of offences :-**

<sup>1</sup> [x x x] Offences against this Act shall be Inquired into and

determined by any Magistrate exercising jurisdiction In the district in which the offence has been committed, and all fines Imposed may be levied in the manner provided In [S.386 of the Inland Steam vessels Act, 1917, S.387 of the Code of CriminalProcedure, 1973. and S.389 of the Code of CriminalProcedure, 1973 (V of 1898)].

1. Sections 14C, 14D, 14E. 14F and 14G wereinserted by Bombay 21 of 1942 read with Bombay 55 of 1947.

**16. . :-**

XXX]

**17. . :-**

State] Government may delegate powers.-[The [State] Government] may delegate, under such restrictions as may deem fit, any of the powers conferred on it by this Act, ex-Office, to any [x x x], [x x x] Collector, Magistrate or other person.

**17A. Rules and Regulations :-**

**1**

1. Sections 14C, 14D, 14E. 14F and 14G wereinserted by Bombay 21 of 1942 read with Bombay 55 of 1947.

**17B. Definition of "vessels" :-**

In this Act, "vessels" shall include anything made for the conveyance by water of human beings, animals or property.

**17C. Provisions of section 14A to 14G and 17A and 17B not applicable in certain cases :-**

Nothing in Section 14A to Section 14G and Section 17A and Section 17B shall apply in respect of any vessels plying on sea or on tidal waters or in any major port, or in respect of any Inland stream-vessels as defined in sub-section (1) of S.2 of the Inland Steam vessels Act, 1917 (I of 1917), or In respect of any vessel plying under a licence Issued in exercise of the powers conferred by Section 6 of the Ports Act, 1908 (XV of 1908).]

**18. Short title :-**

This Act may be cited as the Bombay Ferries <sup>1</sup> [and Inland Vessels] Act, 1868.

1. Sections 14C, 14D, 14E. 14F and 14G wereinserted by Bombay 21 of 1942 read with Bombay 55 of 1947.

**19. Repeal and savings :-**

The Hyderabad Ferries Act (Hyd. II of 1314F) in its application to the Hyderabad area of the State of Bombay, the Northern India Ferries Act, 1878 (XVII of 1878) In Its application to the Vidarbha region of the State of Bombay, Ferries and Indian Vessels Act, 1868 (Bom. II of 1868), as applied to the Kutch area of the State of Bombay are hereby repealed:

SCHEDULE 1

SCHEDULE

[( Section 2A )] Under section Powers 3. Powers exercisable by the State Government including the power to exempt from payment of toll under clause (d). 4. Powers exercisable by the State Government. 5. Powers exercisable by the State Government. 12. Powers exercisable by the Collector of district. 3[x x x]
--