

[THE SIND FERRIES ACT, 1868.]

[17th December, 1868.]

An Act to amend the law relating to public ferries in '[Sind].

Preamble.

WHEREAS it is expedient to amend the law relating to public ferries in '[Sind]; It is enacted as follows:—

1. [Repeal.] Rep. Act XII of 1873.

Provincial Government may constitute public ferries, establish new and discontinue existing ferries.

2. It shall be lawful for [the Provincial Government] to declare by notification what ferries within '[Sind] 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.

Vesting of public ferries in local bodies: Powers of local bodies in respect there to.

'[2A. It shall be lawful for [the Provincial 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:

Provided that the power of exemption under clause (d) of section 3 shall also be exercisable by '[the Provincial Government].

Explanation.—For the purpose of this section 'local body' means a district local board or a municipality].

1. For Statement of Objects and Reasons, see B.G.G. 1868. Pt. V, p. 425; for Report of the Select Committee, see *ibid* p. 448, and for Proceedings in Council, see *ibid*, pp. 457, 476 and 582. The net proceeds of public ferries established under Sind 2 of 1868, and all penalties inflicted and levied under the Act are to be credited to the Local Fund constituted by the Sind Local Boards Act, 1923 (Sind 6 of 1923), see s. 75 of that Act. This Act has been declared by notification No. 1254, dated 30th November, 1880 under the Scheduled Districts Act, 1874 (14 of 1874) to be in force in the Province of Sind. See Gazette of India, 1880 Pt. I, p. 672.
2. Subs. by W.P.A.O 1964, Sch., Pt. IV-B (III) for the words "the Province of Sind" which were previously subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3 (ii) (a) (w.e.f. 30th May, 1951) for "Presidency of Bombay".
3. Subs. by the A.O., 1937, for "Govt."
4. S.2A ins. by Sind 8 of 1923, s. 2
5. Subs. by the A.O., 1937, for "B.G.G."

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

Rates of toll.

Provided always that no tolls shall be levied from—

- “(a) * * * * * Exemption from toll.
- (b) any Police-officer in uniform on duty:
- (c) any person in the custody of the Police:

“(d) any person whom the [Provincial Government] shall, by notification in the [Official Gazette], deem fit specially to exempt from payment of such tolls.]

4. It shall be lawful for [the Provincial 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 * * * revenues * * *

Appointment and salaries of toll-keepers, etc.

5. It shall be lawful for [the Provincial 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 Provincial Government] deems advisable, in which case a contract setting forth the conditions on which the ferry is to be held shall be executed by the contractor or farmer, and security shall be given by him for its due fulfilment, 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.

Provincial Government may lease public ferries by public auction or private contract.

6. 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

Acts of servant of contractor.

1. Subs. by the A.O., 1937, for "Govt".

2. Cl. (a) (as to soldiers in uniform on duty) rep. by the Tolls (Army and Air Force) Act, 1901 (2 of 1901), s. 3.

3. Cl. (d) added by the Ferries (Amending Sind Act II of 1868) (Sind II of 1878).

4. Subs. by the A.O., 1937, for "G. in C.".

5. Subs. *ibid.*, for "B. G. G.".

6. The words "or Imperial" and "except with the sanction of the G. G. in C." omitted by the Devolution Act, 1920 (38 of 1920), s. 2, Sch-1.

[the Provincial 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 or farmer.

7. It shall be the duty of every toll-keeper, toll-contractor or farmer to hang 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.

8. Any toll-keeper or toll-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 wilfully remove, alter or deface the same, or allow it to become illegible,

shall be liable on each conviction to a penalty not exceeding ten rupees.

9. 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 or take any toll in excess of that allowed by the table of tolls,

shall be liable to a penalty not exceeding fifty rupees.

10. Any toll-keeper or other person appointed as in section 4, or toll-contractor or farmer 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 fifty rupees.

11. Any person

who shall refuse to pay the lawful toll, or

Table of
tolls to be
hang up.

Penalty in
respect to
table of tolls.

Penalty for
taking un-
lawful toll.

Penalty for
wilful delay.

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

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 and 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 hung up as hereinbefore directed,

shall be liable to a penalty not exceeding fifty rupees, over and above the value of the damage done.

12. [Except in the case provided in sub-section (2) of section 14B, and elsewhere—

Officers who may make rules for regulation of public ferries.

(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 Provincial 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, ferryman 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. Subs. by Sind 4 of 1933, s. 2, for "The Senior Magistrate of Police in the City of Bombay, and the Collector of the district elsewhere".

2. Subs. by the A. O., 1937, for "Govt."

13. [Penalty for conveying passengers or goods without license at Bombay.] Rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), S. 6, Sch., II.

[14. (1) Any person who * * * * shall convey for hire any passenger, animal, cart, carriage or goods across any creek or river within [Sind] to any point on the opposite shore or bank without the license of the Collector of the district shall be liable to a penalty not exceeding five hundred rupees.

(2) Nothing in this section shall apply to vessels plying with passengers under licences issued * * * * in exercise of the powers conferred by section 6 of the * * * Ports Act, 1908.]^{XV of 1908.}

[14-A. Any person who, without the special licence of the Provincial Government, shall convey for hire any passenger, animal, cart, carriage, or goods, or any palankin, duli, or other thing across any river or creek between two points both of which are less than three miles distant from a bridge at which under the provisions of any law for the time being in force a toll is leviable on passengers, animals, carts, carriages or goods or on palankins, dulis, or such other thing, shall be liable to a penalty not exceeding five hundred rupees.]

[14B. (1) Any person who shall convey for hire any passenger, animal, cart, carriage or goods across any creek or river within [Sind] to any point on the opposite shore or bank in any ferry boat, 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 Provincial Government] may make rules prescribing the manner in which the load-line or free-board shall be marked upon any boat to which the provisions of sub-section (1) apply. The rules so made shall be published in the [Official Gazette].

1. Subs. by Sind 4 of 1933, s. 3, for the original s. 14.
2. The words "except as in the section last preceding" rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.
3. Subs. for the words "the Province of Sind" by W.P.A.O. 1964, Sch., Pt. IV B (III) which was previously subs. by the Sind Ordinance 5 of 1955, s. 3 (b) (a) (w.e.f. 30th May, 1951) for "Presidency of Bombay".
4. The words "under rules made by the local Govt." omitted by the A. O., 1937.
5. The word "Indian" omitted by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 4 (w.e.f. 30th May, 1951).
6. Subs. by Sind 23 of 1940, s. 2, for s. 14A which was ins. by Sind 2 of 1878, s. 2.
7. S. 14B ins. by Sind 4 of 1933, s. 4.
8. Subs. by the A. O., 1937, for "Govt."
9. Subs. *ibid.* for "B. G. G."

Penalty for carrying passengers, etc., without licence.

Penalty for conveying animal, etc., across creek or ferry near toll bridge.

for conveying passengers, etc., near such bridge.

Penalty for conveying passengers, etc., in ferry boat with a submerged load line without prescribed free board.

15. * * * * * 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 [sections 386, 387 and 389 of the Code of Criminal Procedure, 1898]. Recovery of fines.

16. [Application of proceeds of tolls, farms and penalties.]
Rep. Bombay Act I of 1884.

17. [The Provincial Government] may delegate, under such restrictions as may seem fit, any of the powers conferred on it by this Act, *ex-officio*, to any * * * [Commissioner], Collector, Magistrate or other person. Provincial Government may delegate powers.

18. This Act may be cited as the [Sind] Ferries Act, 1868. Short title.

[19. This Act shall not apply to the ferries on the national highways and strategic roads declared as such by or under an Act of Parliament]. Exception.

*SCHEDULE

Under section.

Powers.

3. Powers exercisable by [the Provincial Government] including the power to exempt from payment of toll under clause (d).
4. Powers exercisable by [the Provincial Government].
5. Powers exercisable by [the Provincial Government].
12. Powers exercisable by the Collector of the district.
14. Powers exercisable by the Collector of the district.

1. Para. 1 and in para. 2 the words "In places not within the limits of the city of Bombay" rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 4 of 1955), s. 2, Sch. II.
2. Subs. by Sind Act 17 of 1975, s. 3, Sch. II, for "section 61 of the Criminal Procedure Code."
3. Subs. by the A.O., 1937, for "Government".
4. The word "Revenue of Police" rep. by the Sind General Clauses Act, 1886 (Sind 3 of 1886) Sch. B, and the words "Revenue Commissioner" omitted by Sind Ordinance III of 1972 s. 2, Sch.
5. Ins. by Sind Act 27 of 1974, s. 2, Sch.
6. Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955, (Sind 5 of 1955) s. 3(i) (w.e.f. 30th May, 1951) for "Bombay".
7. Section 19 added by the Sind Adaptation of Laws Order, 1975 Art. 2 (i) Sch.
8. This schedule added by Sind 8 of 1923, s. 5.