

The Ganges Tolls Act, 1867

UTTAR PRADESH

India

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Act 1 of 1867

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The Ganges Tolls Act, 1867 Act No. 1 of 1867 [Dated 18th January, 1867] Received the assent of the Governor-General on the 18th January, 1867. For S. O. R. see Gazette of India, 1866, at 1129. An Act to authorise the levy of Tolls for the improvement of the navigation of the Ganges Preamble. - Whereas it is expedient to authorize the levy of tolls on certain steamers, flats and boats plying on the river Ganges; It is hereby enacted as follows :

1. Interpretation clause.

- In construing this Act-[* * *] [The definition of 'Lieutenant-Governor' omitted by A.O. 1937.] "Master" shall include every person (except a pilot having command or charge of any steamer, flat or boat; and "Magistrate" shall include any person exercising any of the powers of a Magistrate.

1A. [[Inserted by the A. O. 1937.]

The said Act shall extend only to so much of [Uttar Pradesh] as on the 18th January, 1867, formed part of the North Western Provinces of the Presidency of Fort William.]

2. Toll not exceeding twelve annas per one hundred maunds chargeable on vessels ascending or descending Ganges.

- A toll not exceeding twelve annas per hundred maunds shall be payable, at such place or at one of such places as the State Government shall from time to time direct, in respect of every steamer, flat and boat of the burden of two hundred maunds and upwards which shall pass up or down the Ganges by such place or any one of such places: Provided that toll shall be levied in the case of steamers only on sixty-five per cent, of the burden, and in the case of flats only on ninety per cent, of the burden.

3. Rules for measurement of burden.

- The burden of steamers and flats liable to pay tolls under this Act shall be determined according to the method which may from time to time be practised by the Master Attendant at Calcutta in order to ascertain the amount of port-dues which such steamers and flats would be liable to pay on arriving within the limits of the port of Calcutta. The following method shall be used for determining in maunds, according to actual floatage or displacement, the burden of boats, liable to pay tolls under this Act; (that is to say) half the length in feet at the water-level of the boat shall be multiplied by the greatest width in feet at the water-level, and the product shall further be multiplied by the draft of water in feet, and the number so found shall be taken to be the burden in maunds. Thereupon the toll shall be calculated according to the even hundreds of maunds, fractions of a hundred being neglected.

4.

[* * *] [[Provisions re-application of funds raised under Act, repealed by the A. O. 1937 see, however, para 4 of the India and Burma (Transitory Provisions) Order, 1937, Section 4 reads as follows : "The funds raised by the tolls payable under this Act shall be applicable at the discretion of Lieutenant Governor, to defray the expenses of improving and facilitating the navigation of the Ganges between Allahabad and Dinapur."]]

5. Appointment of Collector of tolls.

- The State Government may appoint any person [it] [Substituted by the A. O. 1937.] may think fit to collect the tolls payable under this Act at any place or places under [its] [Substituted by the A. O. 1937.] Government, and may from time to time remove any such person and appoint another person in his stead.

6. List of tolls.

- Sections 2 and 3 of this Act, and a list of the rates of tolls and of the place or places of collecting the toll leviable under this Act, shall be at all times exhibited at such place or places in the English and Urdu languages, and shall also be published thrice in the official Gazette.

7. Person to collect tolls and receiver to give voucher for same.

- Every person so appointed shall collect the tolls leviable under this Act by himself, or by an officer in his establishment (if any) whom he shall appoint in this behalf. The officer to whom any such toll shall be paid shall grant to the person paying the same a voucher in writing under his hand, describing the name of his office and the place at which such payment shall be made, the name (if any), burden and other proper description of the steamer, flat or boat, and the voyage in respect of which such toll shall be paid.

8. Payment of tolls how enforced.

- If any toll liable under this Act in respect of any steamer, flat or boat shall not be paid on demand to the person authorized to collect the same, it shall be lawful for such person to seize such steamer, flat or boat, and any furniture thereof, and to detain the same; and such person shall, within twenty-four hours of such seizure and detention, report the same to the nearest Collector or Deputy Collector of the district in which the seizure has been made, or other public officer duly authorised by the [State Government] [Substituted by A. O. 1950.] in this behalf. On receipt of such report the Collector, Deputy Collector or other officer as aforesaid shall publish a notice appointing a day for the sale of the said steamer, flat or boat, and any furniture thereof. The sale shall be held at some period not less than fifteen days from the date of the publication of notice of sale. If the toll and also any expenses occasioned by non-payment be not paid or sufficient cause for non-payment be not shown at or before the time of sale, to the Collector, Deputy Collector or other officer as aforesaid, such officer shall sell the steamer, flat or boat, and furniture seized, or so much thereof as may be necessary to pay the toll, and also any expenses occasioned by non-payment. So much of the property seized as may not have been sold, and so much of the sale proceeds as may be in excess of the sum necessary for satisfying the toll and for defraying the expenses occasioned by non-payment, shall be returned to the master of the steamer, flat or boat.

9. Power to sue for recovery of tolls.

- Notwithstanding anything in this Act contained, the person authorised to collect the tolls payable under this Act at any such place as last aforesaid may, in his own name, sue for and recover, on behalf of the [the State Government] [Substituted by A. O. 1950.], the amount of any tolls payable to him under this Act, by suit in any of the Civil Courts against the owner or master of any steamer, flat or boat liable thereto.

10. Ascertainment by toll-collector of burden of steamer, flat or boat.

- Upon the refusal or neglect of any owner or master of any steamer, flat or boat liable to pay toll under this Act to satisfy the person authorised to collect such toll as to what is the true burden, ascertained under Section 3 of this Act, of the steamer, flat or boat, it shall be lawful for such person to cause such steamer, flat or boat to be measured at the expense of the master thereof, and such expenses shall be recoverable in the same manner as tolls payable under this Act; or it shall be lawful for such person to deliver to the master or owner of such steamer, flat or boat, or to leave for him on board such steamer, flat or boat, a notice in writing specifying what, in his judgement, is the burden of the steamer, flat or boat; and the burden specified in such notice shall be deemed to be the real burden of the steamer, flat or boat, and be treated as such for all the purposes of this Act, until the owner or master of the steamer, flat or boat shall give sufficient proof of the true burden thereof, as ascertained under Section 3 of this Act.

11. Evading payment of tolls.

- The master of any steamer, flat or boat which shall depart from, or arrive at, any place as last aforesaid, upon, or in the course of, or at the termination of any voyage, shall, upon demand by any person authorised to collect or receive the tolls under this Act, specify whence he is come and whither he is bound. If any master of any such steamer, flat or boat shall refuse or neglect so to do, or shall make a false statement as to the place from which he is come or to which he is bound, or shall endeavour to evade the payment of any toll payable under this Act, he shall be punishable by a Magistrate by a fine not exceeding two hundred rupees.

12. Magistrate to decide disputes respecting tolls.

- If any dispute shall arise respecting the liability of any steamer, flat or boat to the payment of toll under this Act, or in respect of the burden of any steamer, flat or boat, or the amount of toll payable, or the amount of any charges on account of any sale under this Act such dispute shall be heard and determined by a Magistrate, and the decision of such Magistrate shall be final.

13. State Government may alter tolls.

- The State Government may, from time to time as it may think fit, reduce all or any of the tolls payable under this Act, in respect of all vessels or of any particular class or classes of vessels, and again raise such tolls to any amount not exceeding the amount hereinbefore specified. It may also prescribe a mode or modes of measurement for burden different from those prescribed in Section 3 of this Act: Provided that the tolls payable under such new mode or modes for measurement shall not exceed the amount specified as aforesaid.

14. Power to prohibit construction of bandhels.

- Whenever, in the opinion of such officer as the State Government shall appoint in this behalf, the construction of any bandhel or other contrivance for fishing or for any other purpose, in any part of the Ganges below Allahabad, is likely to cause obstruction to the free and safe navigation of such part, he may by notice in writing, to be served on the owner or person-in-charge of such bandhel or other contrivance, or, if such owner or other person cannot be found, to be affixed at some conspicuous place in the nearest village, prohibit the construction of such bandhel or other contrivance.

15. Penalty for causing obstruction to navigation.

- Any person who shall wilfully disobey any prohibition under the last preceding section, or shall wilfully cause or aid in causing any obstruction to the navigation of the Ganges below Allahabad, or who shall wilfully omit to remove such obstruction after being lawfully required so to do, shall be punished on conviction before a Magistrate with simple imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both, and shall also be liable to pay

such fine as may be sufficient to meet all reasonable expenses incurred in abating or removing such obstruction or in repairing such damage.

16. Rules relating to navigation.

- It shall be lawful for the State Government from time to time to make [rules] [For Rules see Notification No. 479/XII-6-3, dated May 9, 1887, No. 2338/XII-900-D, dated December 19, 1899, No. 136-C/33-C - 1933, dated April 7, 1934 and No. 1254/1A-215, dated June 6, 1934, in Gazette, 1887 Part I, at 210, Ibid, 1899, Part I, at 962, and Ibid, 1934, Part I, at 414 and 612, No. 215 - R/1 - 40, dated July 9, Part 1-A, at 401 respectively.] not repugnant to any law in force, and to repeal, alter and amend such rules, for the management of the navigation of any part of the Ganges below Allahabad, and for regulating the conduct of persons employed for any of the purposes of this Act; and the State Government may affix fines as penalties for the infringement of such rules, not exceeding fifty rupees for any one infringement of such rules, not exceeding fifty rupees, for any one infringement, or five rupees a day for any continuing infringement. Such rules may contain direction for any of the following amongst other matter : (a) for fixing the number and the width of steamers, flats and boats to be allowed to pass into or out of or through any part of the Ganges [below Allahabad] [Substituted by A.O. 1937.] at one time or abreast; (b) for determining the length of time during which steamers, flats or boats may remain stationary on such part, and the amount of demurrage to be paid by steamers, flats or boats remaining stationary beyond such time; (c) for regulating the mode in which, and the place or places at which, tolls are to be levied under this Act; (d) for the removal of sunken vessels and obstruction; and (e) for the storing and disposal of the cargo of steamers, flats and boats seized under this Act.

17. Recovery of fines.

- All fines imposed under this Act may be recovered in the manner prescribed by the Code of Criminal Procedure.