

The Bengal Ferries Act, 1885

BIHAR

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Act 1 of 1885

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The Bengal Ferries Act, 1885(Act No. 1 of 1885)The Act came into force on the 1st August, 1885-See the Calcutta Gazette of the 24th June 1885, Part I. Pg. 610.An Act to regulate ferries in Bengal.Preamble. - Whereas it is expedient to regulate ferries, within the territories subject to the Lieutenant-Governor of Bengal. It is enacted as follows;-

1. Short title.

- This Act may be called "The Bengal Ferries Act, 1885".

2. Extent and commencement of the Act.

- It shall extend to all the territories subject to the Lieutenant-Governor of Bengal.And it shall come into force on such date as the Lieutenant-Governor may, by notification in the Calcutta Gazette appoint in this behalf.(By the Bengal Government Notification dated the 11th June 1885, the Act came into force on the 1st August 1885)

3. Regulation VI of 1819 and Bengal Act I of 1886 repealed.

- Regulation VI of 1819 and Bengal Act I of 1886 are hereby repealed; but all determinations, declarations orders and rules made, engagements entered into and securities taken under such Regulation and Act, shall be deemed to be respectively made, entered into, and taken under this Act.

4. An Act not to apply to municipal ferries.

- [Repealed by the Second Schedule to the Bihar and Orissa Municipal Act, 1922]

5. Interpretation.

- In this Act, unless there be something repugnant in the subject or context-'Commissioner' means the Commissioner of a Division.'Ferry' includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying-bridge, a temporary bridge and a landing stage.'Notification' means a notification published in the Calcutta Gazette.'Private ferries' includes all ferries other than those declared to be public ferries or established as such, under Section 6 of this Act.

Part I – Public Ferries

6. Power to declare, establish, define and discontinue public ferries.

- It shall be lawful for the Lieutenant-Governor from time to time to-(a)declare what ferries shall be deemed public ferries, and the respective districts in which, for the purposes of this Act, they shall be deemed to be situate;(b)take possession of a private ferry, and declare it to be a public ferry;(c)establish new public ferries where, in his opinion, they are needed;(d)define the limits of any public ferry;(e)change the course of any public ferry; and(f)discontinue any public ferry which he deems unnecessary.Every such declaration, establishment, definition, change or discontinuance, shall be made by notification:Provided that, when any alteration in the course or in the limits of a public ferry is rendered necessary by changes in the river on which such ferry is established, such alteration may be made by an order in writing by the Magistrate of the district.[In Bengal Government Notification dated the 9th May 1889, the power under clauses (d) and (e) of Section 6 of the Act, to define the limits and to change the course of such public ferries as are under their control have been, delegated to District Magistrates in Bengal.In Bengal Government [Notification No. 3403-L.S.G., dated the 1st December 1904, the powers conferred upon the Lieutenant-Governor by clauses (a), (b), (c) and (f) of Section 6 have been delegated to the Commissioners of Divisions. Under Section 35, the power mentioned in the last clause of Section 6 will be exercised by the District Board in respect of any ferry placed under its management.] [The Notification will be found in Part II.]

7. Control of public ferries vested in the Magistrate of the district.

(1)The control of all public ferries shall be vested in the Magistrate of the district, subject to the direction of the Commissioner.

8. Superintendence of public ferries.

- The immediate superintendence of every public ferry shall be vested in the Magistrate of the district, in which such ferry is situated, or in such other officer as the [State] [Substituted by A.L.O.] Government may, from time to time, either by name or by official designation, appoint.And such Magistrate or officer shall, except when the tolls at such ferry are leased, make all necessary arrangements for the supply of boats for such ferry, and for collection of the authorised tolls leviable thereat.

9. Ferry tolls may be leased by auction.

- The tolls of any public ferry may, from time to time, be leased by public auction for such term as the Magistrate of the District in which such ferry is situated may, with the approval of the Commissioner, direct. The Magistrate of the District or the officer authorised by him to conduct such auction may, for sufficient reason to be recorded in writing refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction. Execution of contract by lessee. - The lessee of the tolls of every ferry which have been leased under this section shall execute a contract, setting forth the conditions on which the tolls of such ferry are to be held and shall give security for its due fulfilment. In their letter No. 40-44-L.S.G., dated the 29th April 1926, to the address of Commissioners of Divisions, the Government of Bihar and Orissa, in the Ministry of Local Self-Government, issued the following orders-"I am directed to refer to Mr. Hallett's Circular No. 3336-40, L.S.G.R., dated the 28th September 1923, which contained the statement that "such" (ferry) settlements are subject to the approval of the Commissioner" and proceeded to prescribe that if in any case highest bid was not accepted the reasons for so doing should be recorded in writing. It further laid down that if the Commissioner is not satisfied that the reason for non-acceptance is adequate, he should withhold his approval of the settlement, while in any case a report should be submitted to Government showing all instances (with reasons) for the refusal of the highest bid. That circular was based upon a misreading of Section 9 of Bengal Act I of 1885 (which is not infrequently misprinted) since it is merely the term (not terms) of the lease which is subject to the approval of the Commissioner. That circular, as also the circular of the Government of Bengal in the Municipal Department No. 32-M., dated the 29th August 1892, is accordingly now withdrawn but incidentally the whole question of ferry settlements has been reviewed, and I am to inform you that in supersession of the previous orders it has been decided by His Excellency the Governor as advised by the Hon'ble Ministers that in all future settlements of public ferries whether transferred to local bodies or still retained in the hands of District Magistrates, the procedure detailed in the ensuing paragraphs shall be strictly observed.

2. Section 9 of the Bengal Ferries Act prescribes lease by auction as the normal method of setting public ferries, and I am directed by Government to emphasize this fact and to state definitely that lease by public auction is to be regarded as the ordinary method of settlement in future. If in any case recourse is had to private settlement the special circumstances justifying that course must be reported through the local officers for the information of Government at the earliest possible opportunity.

3. In conducting such auctions particular attention should be given to the following points:-

(1) As provided in the existing rules all settlements and the term thereof shall be duly advertised. (2) The maximum term shall not exceed three years. (3) New settlements shall be made at least three months before the existing ones expire. (4) The District Magistrate or the Chairman of the

Board must personally hold each auction.(5)All intending bidders shall be required to deposit one/fourth of the previous jama before they are allowed to bid at any auction.

4. I am also to refer to Section 36 of the Act and to Notification No. 217-L.S.G. dated the 12th January, 1905, by which the authority to transfer public ferries to local bodies (and by implication to resume them) was vested in Commissioners of Divisions. So far as transfer is concerned all public ferries with the exception of a very few which it is not now proposed to disturb have already been transferred and the power is in abeyance. As regards resumption it is considered necessary that there should be uniformity of practice throughout the province, and it has, therefor, been decided that the power to resume public ferries transferred to local bodies shall be withdrawn. The notification of 1905 quoted above will, therefore, be cancelled in due course. I am now to request that if in future, it seems to you or any District Magistrate under you that any public ferry transferred to local body is being so mismanaged by that body as to render resumption desirable you will report the case for orders of Government.

5. I am to request you to communicate these instructions to District Magistrates and the first three paragraphs there of to the District Board of your Division. The review of the model rules on these lines will now be undertaken. (B. & O. Government letter No. 40-44 L.S.G.R., dated the 29th April 1926, to Commissioners of Divisions)

Subsequently the following orders were issued:-Instances have since come to the notice of Government which go to show that there are still misunderstandings regarding the powers vested in the Commissioner under Section 9 of the Bengal Ferries Act, 1885. Government are advised that when a particular term, say three years, has been advertised as the period for which a public ferry will be leased by public auction any alteration of that term subsequent to the auction, whether by way of extension or reduction, is contrary to the provisions of Section 9 of the Act and cannot, therefore, be made by the Board or approved of, by the Commissioner. As the Commissioner has the power of approving or disapproving of the term it is the Board's duty to obtain his approval to the term proposed before advertising it. If the Board omits to do so it will be open to the Commissioner to approve of the term advertised and thus to regularise the settlement but if he disapproves of the term the settlement is invalid and it will be incumbent on the Board to hold a fresh auction after advertising the new term as approved by the Commissioner. (Government letter No. 9388-91-L.S.G., dated the 19th November 1931.[ijUrq Hkkjr ljdkj ;k jkT; ljdkj ij fdllh ljdkjh midze ;k fudk; [Inserted by (Amendment) Act, 13 of 1978.] [;k fcgkj vkSj mM+hlk lgdkjh lfefr vf/kfu;e] 1935 (fcgkj vkSj mM+hlk vf/kfu;e 6] 1935)] ds v/khu lE;d #i ls jftLV~hd`r ukfod lgdkjh lfefr] ftl {ks= esa ifjpkYu dk {ks=kf/kdkj gks] tgka ukS?kkV vofLFkr gks] ds lkFk ukS?kkVksa ds cUnkscLr ds lEcU/k esa ;g

vkko';d u gksxk fd cUnkseLr yksd uhye }kjk fd;k tk; rFkk ukS?kkV pykus dh vuqKk] uhye dh vkSipkfjdrkvksa ds fcuk gh(mu fucU/kksa vkSj 'kRrksZa ij nh tk ldsxh tks jkT; ljdkj fofuf'pr djsa-]

10. Lessee of the tolls of a public ferry and his servants bound to conform to Rules.

- When the tolls of a public ferry have been duly leased the lessees and every servant of the lessee shall be deemed to be legally bound to conform to the rules made under this Act for the management and control of such ferry.

11. Provisions for the establishment of subsidiary ferry.

- On the requisition of the Magistrate of the district the person in charge of a public ferry situate in such district shall maintain at one or more places, in addition to the place at which the said public ferry is established, and within two miles therefrom such numbers of subsidiary ferries as may seem to the Magistrate to be necessary for the public convenience and all the provisions contained in this Act in regard to the management and control of public ferries shall be deemed applicable to any subsidiary ferry maintained under the requisition of the Magistrate.

12. Recovery of arrears from lessees.

- All arrears due by the lessee of the tolls of a public ferry on account of his lease; any pecuniary forfeiture for breach of contract inserted in the deed of contract or conditions of sale by public auction; and all sums due from the lessee on the surrender of his lease under Section 14, may be recovered from the lessee for his surety (if any) as a demand under [Bengal Act VII of 1880, or any other Act] [See now the Bihar and Orissa Public Demands Recovery Act, 1914.] at the time being in force for the recovery of public demands.[The local bodies will be well advised to insert in leases of all kinds of municipal property, i.e. of ponds, ferries, fruits of trees on road sides, etc. a condition that any sum due under the terms thereof shall be recovered as a public demand. It will then be possible to realise such dues by certificate procedure instead of by Civil Suits. (Vide Government letter no. 10863-67-L.S.G., dated the 21st November 1928)].

13. Power to cancel lease.

- The lease of the tolls of any public ferry shall be liable to be cancelled at once by the Magistrate of the District in which such ferry is situated, if it shall appear to such Magistrate that the lessee has failed to make due provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from such Magistrate.

14. 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 Magistrate of the District in which such ferry is situated of his intention to

surrender such lease, and on payment of such reasonable compensation as the Magistrate may, with the approval of the Commissioner, in each case direct.

15. Power to make Rules in regard to public ferries.

- The Magistrate of the District with the approval of the Commissioner may, from time to time, make Rules consistent with this Act-(a)for the management of all public ferries within such district and for regulating the traffic at such ferries;(b)for regulating the time and manner at and in which the terms on which, and the person by whom, the tolls of such ferries may be leased by auction;(c)for compensating persons who have compounded for tolls payable for the use of any such ferry when such ferry has been discontinued before the expiration of the period compounded for; and(d)generally, to carry out the purposes of this Act; and when the tolls of a ferry have been leased under Section 9 such Magistrate may, from time to time, with such approval as aforesaid make additional Rules consistent with this Act;(e)for collecting the rents payable for the tolls of such ferries;(f)for regulating the returns of traffic to be, from time to time, submitted by the lessee of such ferries;(g)in cases in which the communication is to be established by means of a bridge of boats, pontoons or rafts, or a swing bridge, flying bridge or temporary bridge, for regulating the time and manner at and in which such bridge shall be constructed and maintained and opened for the passage of vessels and rafts through the same; and(h)in cases in which the traffic is conveyed in boats for regulating the number and kinds of such boats and their dimensions and equipment;the number of the crew to be kept by the lessee for each boat; the maintenance of such boats in good conditions.The hours during which, and the intervals within which, the lessee shall be bound to ply; and the number of passengers, animals and vehicles, and the bulk and weight of other things that may be carried in each kind of boat at one trip.And may, from time to time, with such approval as aforesaid, repeal or alter such rules.Rules made under this section shall be subject to the control of the [State] [Substituted by A.L.O.] Government, and shall be published in the [Official] [Substituted by A.O. for 'Calcutta Gazette'.] Gazette in such manner as the [State] [Substituted by A.O. for 'he'.] Government directs, and shall thereupon have the force of law.

16. Private ferry not to ply within two miles of public ferry without sanction.

- No person shall, except with the sanction of the Magistrate of the District, maintain a ferry to or from any point within a distance of two miles from the limits of a public ferry:Provided that, in the case of any specified public ferry, the [State] [Substituted by A.O.] Government may, by notification reduce or increase the said distance of two miles to such extent as [it] [Substituted by A.O. for 'he'.] thinks fit:Provided also that nothing hereinbefore contained shall prevent persons keeping boats to ply between two places, one of which is without and one within, the said limits when the distance between such two places is not less than three miles, or shall apply to boats which the Magistrate of the District expressly exempts from the operation of this section.

17. Claims for compensation and what amount to be awarded.

- Claims for compensation for any loss sustained by any person in consequence of a private ferry being taken possession of, or a new public ferry, or subsidiary ferry being established under Section

6 or Section 11, shall be enquired into by the Magistrate of the District in which such ferry is situated, who shall, with the approval of the Commissioner, award compensation to any person who may appear justly entitled thereto. Such compensation shall be calculated upon an estimate of the annual net profit actually realised by such person from such ferry on an average of the five years next preceding such declaration and shall in no case exceed the amount of fifteen times such net annual profit.[The Government of Bengal in their Municipal Department letter no. 495-T.M. and Circular No. 10-T.M., dated 23rd September 1898, to Commissioners, issued the following orders:-"It has been brought to the notice of Government that proposals for the acquisition of private ferries are occasionally submitted for orders without first ascertaining the amount of compensation likely to be claimed or eventually paid therefore, I am accordingly directed to say that in future whenever it is proposed to acquire a private ferry, the proposal should always be accompanied by an estimate of the probable financial results, showing the amount of compensation payable, the annual income, and the estimated cost of maintenance."In reply to a reference in a case in which compensation was paid for the closing of a private ferry in consequence of the construction of a bidge by a District Board, the Government of Bengal in their Municipal Department No. 2285-L.S.G., dated the 18th July 1900 to the Board issued the following orders:-"I am directed to acknowledge the receipt of your letter no. 606-A., dated the 12th May 1900, with which you submit, for the consideration and orders of Government, a report on a case in which payment was made of compensation for the closing of a private ferry in consequence of the construction of a bridge by the District Board of Dinajpur. The Board enquire whether, on a similar case occurring, it should be taken up to the High Court, and, if necessary, to Privy Council, or if this is not to be done what course Government prescribed for adoption. Reference is made to suggestion previously put forward by the Board, that the best course might be to resume the ferry likely to be affected under Bengal Act I of 1885, and subsequently resort to proceedings under the Land Acquisition Act.In reply, I am to forward for the information of the Board, a copy of the opinion of the Hon'ble the Advocate-General on the question raised in your letter and to say that the Lieutenant-Governor agrees with the Advocate-General in considering that an appeal would be useless.As regards the Board's suggestion referred to above, I am to say that the Lieutenant-Governor agrees with the view expressed in the concluding portion of the Advocate-General's opinion. If Government resumed a private ferry before making a bridge, it would under Section 17 of Act I (B.C.) of 1885, have to pay fifteen times the net profits of the ferry, while under the Land Acquisition Act it would have to pay the market value, which might be more. If it were so, the higher payment would clearly be equitable. Every claim to private ferry right should be closely and jealously examined; but if the claimant has rights at all, His Honour is of opinion that the provisions of the Land Acquisition Act cannot justly be departed from."Extract from the Advocate-General's opinion:'Act I (B.C.) of 1885 enables the Lieutenant-Governor of Bengal to take possession of a private ferry and declare it to be a public ferry. It would be fraud upon that Act to take possession of a private ferry not for the purpose of making it a public ferry, but for the purpose of enabling the Government to acquire it at a lower scale of compensation than that to which the owner would be entitled under the Land Acquisition Act. The course proposed in paragraph 8 of the Board's letter should therefore not be taken. To do so would be to use the Act for a purpose for which it was not intended."]

18. Tolls.

- Tolls, according to such rates as may, from time to time, be fixed by the Magistrate of the District with the approval of the Commissioner, shall be levied on all persons, animals, vehicles and other things crossing any river by a public ferry, and not employed or transmitted on the public service: Provided that the [State] [Substituted by A.L.O.] Government may, from time to time, declare that any persons, animals, vehicles or other things shall be [exempted] [So much of Section 18 as provides for the exemption from payment of tolls of any persons, animals, vehicles or other rights which are exempted by Section 3 of the Indian Tolls (Army) Act, 1901 (2 of 1901) is repealed by Section 8 of that Act. For further exemption from tolls, See Sections 3 and 4 of the said Act.] from payment of such tolls. Where the tolls of a ferry have been leased under Section 9, any such declaration, if made after the date of the auction shall entitle the lessee to such abatement of the rent payable in respect of the tolls, as may be fixed by the Magistrate of the District under this section.

19. Table of tolls.

- The lessee or other person authorised to collect the tolls of any public ferry shall affix a table of such tolls legibly written, or printed in the vernacular language and also, if the Commissioner so directs, in English in some conspicuous place near the ferry: List of tolls - and shall be bound to produce on demand, a list of tolls signed by the Magistrate of the District or such other Officer as he appoints in this behalf.

20. [Tolls, rents, compensation and fines how to be appropriated. [Section 20 Repealed by A.O. The repealed Section read as given above.]

- Except as provided by Section 3, all tolls, rents and compensation received by or on behalf of the Government, and all fines levied under this Act, shall be appropriated in the first instance, towards the payment of all charges incurred in carrying out the provisions of this Act, and the surplus, if any, shall be credited to such funds as the Lieutenant Governor may, from time to time, direct. [Repealed by A.O.]

21. Compounding for tolls.

- It shall be lawful for the Magistrate of the District in which a public ferry is situated, with the approval of the Commissioner, from time to time, to fix rates at which any person may compound for the tolls payable for the use of such ferry.

Part II – Private Ferries

22. Power to make rules in regard to private ferries.

- The Commissioner may, from time to time, make rules consistent with this Act, for the maintenance of order and for the safety of passengers and property at private ferries situated in his

division. Rules made under this section shall be subject to the control of the [State] [Substituted by A.L.O.] Government and shall be published in the [Official] [Substituted by A.O. for 'Calcutta Gazette'.] Gazette in such manner as the [State] [Substituted by A.L.O.] Government directs and shall thereupon have the force of law.

Part III – Penalties and Criminal Procedure

23. Penalty for breach of provisions as to table of tolls, list of tolls, and return of traffic.

- Every lessee or other person authorised to collect the tolls of a public ferry who neglects to affix and keep in good order and repair the table of tolls mentioned in Section 19. or who wilfully removes, alters or defaces such table or allows it to become illegible, or who fails to produce on demand the list of the tolls mentioned in Section 19, and every lessee who neglects to furnish any return required under Section 15, shall be punished with fine which may extend to fifty rupees.

24. Penalty for taking unauthorised toll, and for causing delay.

- Every such lessee or other person as aforesaid asking, or taking more than the lawful toll or without due cause delaying any person, animal, vehicle or other things shall be punished with fine which may extend to one hundred rupees. Notes. - Section 24 to 26 of the Act provides for punishment for breach, for breaking, disobeying and contravention of Acts as well as rules. For authoritative precedent on the matter See AIR Pat. 31.

25. Penalty for breach of rules made under Sections 15 and 22.

- Every person breaking any rule made under Section 15 or Section 22 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.

26. Cancellation of lease of default or breach of rules.

- When any lessee of the tolls of a public ferry makes default in the payment of the rent payable in respect of such tolls or has been convicted of an offence under Section 25 or having been convicted of an offence under Section 23 or Section 24, is again convicted of an offence under either of those sections, the Magistrate of the District may [xxx] [The word 'with the approval of the Commissioner' in Section 26 were omitted by B. & O. Act, 2 of 1914, vide Section 2.] cancel the lease of the tolls of such ferry and make other arrangements for its management during the whole or any part of the term for which the tolls were leased.

27. Penalties on passengers offending.

- Every person crossing by any public ferry who refuses to pay the proper tolls; and every person-who, with intent to avoid payment of such toll fraudulently or forcibly crosses by any such ferry without paying the toll; or who obstructs any toll-collector or lessee of the tolls of a public ferry, or any of his assistants, in any way in the execution of their duty under this Act; or who, after being warned by any such toll-collector lessee or assistant not to do so, goes, or takes any animals, vehicles or other things, into any ferry-boat, or upon any bridge at such a ferry which is in such a state or so loaded as to endanger human life or property; or who refuses or neglects to leave, or remove any animals, vehicles or goods from any such ferry-boat or bridge on being requested by such toll-collector, lessee or assistant to do so, or who moors any boat, raft, or other substance to, or in any way obstructs, any part of a public ferry; shall be punished with fine which may extend to fifty rupees.

28. Penalty for plying within public ferry course without licence.

- Whoever conveys for hire any passenger, animal, vehicle or other thing in contravention of the provisions of Section 16 shall be punished with fine which may extend to fifty rupees.

29. Fines payable to lessee.

- Where the tolls of any public ferry have been leased under the provisions hereinbefore contained, the whole or any portion of any fine realised under Section 27 or Section 28 may, notwithstanding anything contained in Section 20, be, at the discretion of the convicting Magistrate or Bench of Magistrates, paid to the lessee.

30. Penalty for rash navigation and stacking of timber.

- 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 which may extend to five hundred rupees, or with both; and the toll-collector or lessee of the tolls of such ferry or any of his assistants, may seize and detain such vessel, raft or timber pending the inquiry and assessment hereinafter mentioned.

31. Power to arrest without warrant.

- The police may arrest without warrant any person committing an offence against Section 27 or Section 30.

32. Magistrate may assess damage done by offender.

- Every Magistrate or Bench of Magistrates 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 30 by the sale of the vessel, raft or timber causing the damage, and of anything found in or upon such vessel or raft. The Commissioner may, on the appeal of any person deeming himself aggrieved by any order under this section, reduce or remit the amount payable under such order.

Part IV – Miscellaneous

33. Power to take possession of boats and other appliances on surrender or cancellation of lease.

- On the cancelment or surrender of a lease, the Magistrate of the District may take possession of all boats and other appliances which have been used by lessee in the working of the ferry; and may, either retain the same permanently on payment of a fair price to the proprietor, or may, retain them for such time as may be necessary, not exceeding three months, until he can make arrangements for such other boats and appliances as may be necessary, in which case the Magistrate of the District shall pay a fair sum to the owners for the use of the said boats and appliances: Provided that within a week of taking such possession the Magistrate of the District shall be bound to give notice to the said lessee of his intention to retain the said boats and appliances permanently, or for a period to be specified in the notice.

34. Similar power in cases of emergency.

- When any boats or their equipments or any materials or appliances suitable for setting up a ferry, are emergently required for facilitating the transport of officers or tropps of [Government] [Substituted by A.L.O. for 'Her Majesty'.] on duty, or of any other persons on the business of [Government] [Substituted by A.L.O. for 'Her Majesty'.], or of any animals, vehicles or baggage to such officers, tropps or persons, or of any property of [Government] [Substituted by A.L.O. for 'Her Majesty'.], the Magistrate of the District may take possession of and use the same (paying such compensation for the use thereof as the [Central Government] [Substituted by A.L.O. for 'Lieutenant Governor'.] [State] [Substituted by A.L.O.] Government may in each case direct) until such transport is completed.

35. Management may be vested in District Board or Municipality.

- It shall be lawful for the [State] [Substituted by A.L.O.] Government to order that any public ferry situated in any district in which a District Board has been established under the provisions of the Bengal Local Self-Government Act of 1885, [or situated, within or adjacent to the limits of any Municipality, shall be managed by such District Board or by the Commissioners of such Municipality as the case may be] [Substituted for: 'shall be managed by such District Board' by B.O. Act, 7 of 1922, Section 2(2) and Schedule III.]; and such District Board shall have all the powers vested in the Magistrate of the District under this Act, except the powers specified in Sections 7, 17

and 32 [and thereupon the ferries shall be managed accordingly] [Substituted for Original words by A.O.].The [State] [Substituted by A.L.O.] Government may, from time to time, vary or annul any order made under this section. (As amended by the third Schedule to the Bihar and Orissa Municipal Act, 1922 and the Adaptation of Laws Orders, 1937)[Section 35 is in force in the following form in areas in which Part IV of the Bihar and Orissa Village Administration Act, 1922 (Bihar and Orissa Act III of 1922) is in force. Vide section 2(1) of the Schedule I to that Act:-"35. Power of [State] [Substituted by A.L.O.] Government to vest management of public ferries in a local authority.-It shall be lawful for the [State] [Substituted by A.L.O.] Government to order that any public ferry shall be managed by a local authority having jurisdiction over the area or any part of the area in which such ferry is situated, and such local authority shall have the powers vested in the Magistrate of the District under this Act except the powers specified in Sections 7, 17 and 32 [and thereupon such ferry shall be managed accordingly.] [Substituted for Original words by A.O.] (As amended by the Adaptation of Laws order, 1937)Note. - The management of ferriers is not a matter placed under the control of the District Boards under the Local Self-Government Act, and therefore, District Boards cannot transfer the management of ferries to Local Boards under them (vide Government letter no. 284-L.S.-G., dated the 9th January 1926)]

36. Delegation of powers.

- The [State] [Substituted by A.L.O.] Government may, from time to time delegate under such restrictions as thinks [it] [Substituted by A.O. for 'he'] fit any of the powers conferred on [it] [Substituted by A.O. for 'him'] by this Act to any Commissioners or Magistrate of a District, or to such other officer or authority as [it] [Substituted by A.O. for 'he'] thinks fit, by name or by official designation.[The powers delegated to Commissioners of Division under Bengal Government Notification No. 217-L.S.G., dated the 12th January, 1905, viz., (a) to order that any public ferry situated in any district in which a District Board has been established under the provisions of the Bengal Local Self-Government Act, 1885 (Bengal Act III of 1885) shall be managed by such District Board; (b) to order that all or any of the proceeds of such ferry and all or any part of the fines levied and compensation received under the Bengal Ferries Act 1885, in respect thereof be paid into the District Fund; and (c) from time to time vary or annul any order made under head (a) or head (b), have been withdrawn by the Government of Bihar and Orissa in their letter No. 40-44-L. S.G.R., dated the 29th April 1926, reproduced below Section 9.]