

Telangana Ferries Act, 1314 F

TELENGANA

India

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Act 2 of 1314

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Telangana Ferries Act, 1314 F (Act No. 2 of 1314 F) Last Updated 20th January, 2020 The Andhra Pradesh (Telangana Area) Ferries Act, 1314 F. in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

1. Short title and commencement.

- This Act may be called [the Telangana Ferries Act, 1314 F.] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.], and it shall come into force from the 1st day of Azar, 1315 Fasli.

2. Definitions.

- For the purposes of this Act, the word "ferries" includes boats and quays and the word "boat" includes vessels, tokras, pontoons, rafts and sangars.

3. Powers of Government regarding Government ferries.

- The [Government] [Substituted for the words 'Sarkari-i-Aali' by the Andhra Pradesh Adaptation of Laws Order, 1957 (A.P.A.O. 1957).] may by notification, - (a) declare the ferries which shall be deemed Government ferries and the district in which, for the purposes of this Act, they shall be deemed to be situate; (b) take possession of any private ferry and declare it to be Government ferry; (c) establish new Government ferries wherever needed; (d) determine the limits of any Government ferry; (e) alter the course of any Government ferry; (f) discontinue any Government ferry which is not needed: Provided that when an alteration is necessary in the course or in the limits of a Government ferry by reason of the diversion of a river or brook, the [collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] of the district in which the ferry is situate or other officer whom the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may appoint may, by

an order in writing, make such alteration.

4. Inquires as to compensation in case of private ferry being taken over by Government.

- When a private ferry is declared to be a Government ferry under clause (b) of section 3, and any person claims compensation in respect thereof, the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] of the district in which such ferry is situate shall inquire into the claim and submit his report through the [Secretary, Local Administration Department] [Substituted for the words 'Subedar-e-Simt' (Subedar of the division) by A.P.A.O. 1957.] for order of the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.].

5. Management of Government ferry shall be entrusted to [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.].

- The superintendence of every Government ferry shall be entrusted to the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] or to such officer as the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may appoint in this behalf; and the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] or the said officer shall supply all the material necessary for the management of the ferry and shall be responsible for the collection of the authorised tolls thereat, except that the management in respect of the tolls at such ferry has been made under section 6 or section 7.

6. [Assignment of management of public ferry to local authority. [Substituted for section 6 by A.P.A.O. 1957.]

- The Government may assign the management of any public ferry to the local authority within the limits of whose jurisdiction such ferry is wholly or partly situated, and may further direct that the whole or part of the proceeds accruing therefrom be paid into the fund of the concerned local authority; and thereupon such ferry shall be managed and such proceeds or part thereof shall be paid accordingly.]

7. Leasing out tolls.

- The lease to collect any toll at a Government ferry may be auctioned by such officer as may be appointed by the Government for this purpose. The lessee shall follow the rules made under this Act for the management of such ferry. The lessee shall also have to furnish, within the time fixed, such security for the payment of amount as the officer appointed by the Government to auction the lease may deem fit.

8. Amount may be recovered from lessee and his surety under Government Demands Act.

- The amount recoverable from a lessee or his surety may be recovered under the [Government Demands Act No.IV of 1308 F] [Repealed by A.P. Act VI of 1959.].

9. Cancellation of lease.

(1)The [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may cancel the lease after giving three months previous notice to the lessee. When any lease is cancelled under sub-section (1), the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] shall, after inquiry, submit a report as to the amount of compensation to be paid to the lessee; and the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may pass proper orders thereon.

10. Surrender of lease by lessee.

- The lessee may surrender the lease after giving at least one month's previous notice in writing and on payment of such compensation as the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] may propose with the approval of the [Secretary, Local Administration Department] [Substituted for the words 'Subedar-e-Simt' (Subedar of the division) by A.P.A.O. 1957.] (in case the auction be for one year) or with that of the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] (in case the auction be for a period of more than one year).

11. Power of Government to make rules.

- The [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may make rules for the following matters:-(a)the management of Government ferries and the traffic thereat;(b)the manner for the auction of a lease to collect toll at a Government ferry, the time for the auction of lease, the period of a lease and the terms thereof and the persons by whom the officer appointed for auctioning the lease shall cause the proceeding of the auction completed;(c)when a ferry is discontinued, for awarding compensation to persons who have already paid the amount for the use of such ferry for a fixed period and the period has not expired;(d)generally to carry out the purposes of this Act; and when a lease has been given under section 7, rules may also be made for the following matters;(e)for the payment of instalments recoverable from the lessee;(f)in cases in which the traffic is by boats,-(1)for regulating the number, kind, dimensions and equipments of the boats;(2)for the number of sailors to be kept by the lessee on each boat;(3)for the maintenance of the boats continually in a good condition;(4)for the hours during which the lessee shall ply the boats;(5)for the number of passengers, animals and vehicles, and the bulk, and weight of other things which may be sent in the boat in view of its kind.

12. No private boat shall be plied within two miles of Government ferry without sanction.

(1) No person shall establish a private ferry within two miles from the limits of any Government ferry, without the sanction of the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] or the officer appointed by the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] for this purpose under sections 5.(2) The [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may, by notification, reduce or increase the distance of two miles mentioned in sub-section (1), for any specific ferry.(3) Sub-section (1) shall apply to the following cases: (a) boats which are not plied on hire, (b) boats which the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may exempt from the provisions of this section, (c) the traffic between two places, the distance between which is not less than three miles and one of which is situated within and the other beyond two miles of the limits of a Government ferry.

13. Tolls.

- Toll, according to the rate as is fixed by the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] shall be levied on every man, animal, vehicle or any other thing crossing any Government ferry: Provided that - (1) when any man, animal, vehicle or other thing crosses for the Government purposes, no toll shall be collected thereon; (2) the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may declare any man, animal, vehicle or other thing to be exempt from toll; (3) where after leasing out tolls under section 7, the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] declare any man, animal, vehicle or other thing to be exempt from the toll, the lessee shall be entitled to rebate of such compensation, as may be awarded by the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] or any other officer whom the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may appoint for this work.

14. Table of tolls.

- The lessee or the person authorized to collect toll at any Government ferry shall, - (1) keep affixed at some conspicuous place near the ferry, a table of the prescribed tolls printed or legibly written [XXX] [The words 'in Urdu and' were omitted by the A.P.A.O. 1957.] in the language spoken in the district; (2) produce on demand the table of the prescribed tolls bearing the signature of the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] or any other authorised officer.

15. Duty of lessee regarding submission of returns required.

- The lessee shall prepare and submit the statements regarding the transit and tolls as required by the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] or other authorised person.

16. Application of amounts realised.

- [(a) Subject to the provision of section 6 the amounts realised in accordance with this Act in respect of toll, lease, compensation or fine shall be applied in carrying out the purposes of this Act;]
[As amended in accordance with clause (b) of section 159 of the Hyderabad District Boards Act No.III of 1352 F.](b)The surplus, if any, may be applied to such works as the [Government]
[Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may direct and are suited for the amenity and welfare of the people.

17. Rate for use of Government ferry for define period.

- The [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may prescribe a special rate of toll which when once paid shall entitle any person to use a Government ferry for fixed period.Private Ferries

18. Power to make rules.

- The [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may make rules for the maintenance of order and for the safety of passengers and property at ferries which are not Government ferries.

19. Tolls.

- The tolls collected at such ferries shall not exceed the rate fixed for Government ferries under section 13.Penalties and Procedure

20. Penalty for breach of provisions as to table of toll and preparation of returns.

(1)If a lessee or other person authorised to collect the tolls of a Government ferry,-(a)neglects to affix the table of the prescribed tolls mentioned in section 14; or(b)will fully removes such table or makes any alteration therein or defaces it or allows it to become illegible; or(c)does not produce, on demand, the table bearing signature as mentioned in section 14 he shall be liable to fine which may extend to fifty rupees.(2)If a lessee neglects to furnish any return required under section 15, he shall be liable to fine which may extend to fifty rupees.

21. Penalty for collecting in excess of prescribed toll or detaining passengers, etc.

- If a lessee or any person authorised to collect toll or a person in possession of a private ferry demands or collects a toll in excess of the prescribed toll or without any sufficient cause detains any man, animal, vehicle or other thing, he shall be liable to a fine which may extend to one hundred rupees.

22. Penalty for breach of rules made under section 11 or 18.

- If any person breaks any rule made under section 11 or section 18, he shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees, or with both.

23. Lease may be cancelled in case of breach of rules.

- When any lessee makes default in the payment of the amount of the lease, or has been convicted under section 22, or having been sentenced under section 20 or section 21, is again convicted of any offence mentioned in the said sections, the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] may, with the sanction of the [Secretary, Local Administration Department] [Substituted for the words 'Subedar-e-Simt' (Subedar of the division) by A.P.A.O. 1957.] (in case the auction be for one year), or with that of the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.], (in case the auction be for a period of more than one year), cancel the lease and make any other suitable arrangement for the remaining period of the lease.

24. Penalty to passengers offending.

- Any person, - (1) who refuses to pay toll after making use of a Government ferry shall be liable to a fine which may extend to twenty-five rupees; (2) who, with intent to evade payment of toll fraudulently or forcibly uses any Government ferry without paying the toll; or who obstructs any toll collector, lessee of a Government ferry or any of his clerks, while he is discharging his duties under this Act shall be liable to a fine which may extend to fifty rupees; (3) who on being prohibited by a toll-collector, lessee or any of the clerks of a Government ferry takes any animal, vehicle, or other thing or himself goes by any boat, which is in such a state or specially loaded as to endanger human life and property; or who on being requested by a toll-collector, lessee or any of his clerks refuses or neglects to remove any animal, vehicle or other thing from such boat or to alight therefrom shall be liable to a fine which may extend to one hundred rupees.

25. Penalty for maintaining private ferry within prohibited limits.

- Any person who establishes a ferry in contravention of the provisions of section 12, shall be liable to a fine which may extend to three hundred rupees, and if he maintains it on being sentenced shall be liable to a further fine which may extend to one hundred rupees for every day.

26. Amount of fine may be paid to lessee.

- When any Government ferry has been leased out in accordance with the provision contained in the above sections, any portion not exceeding two thirds of the amount of fine realised under section 24 or 25 may, notwithstanding the provisions of section 16, be at the discretion of the Magistrate paid to the lessee.

27. Penalty for negligent plying of boat.

- Any person when plies, draws to a siding or fastens boat so negligently or carelessly as to damage any Government ferry, shall be punishable with imprisonment for a term which may extend to three months, or with a fine which may extend to three hundred rupees, or with both; and the toll-collector, lessee or his clerk may detain such boat pending the enquiry and determination of damage mentioned hereinafter.

28. Power to arrest without warrant.

- The police may arrest without warrant any person committing any offence mentioned in section 24 or section 27.

29. Power of summary trial.

- Any Magistrate having power for summary trial may try and determine summarily any offence mentioned in this Act.

30. Magistrate to assess damage caused by offender.

(1)A Magistrate trying any offence mentioned in this Act may also determine the compensation for damage caused by an offender to the Government ferry and may in addition to the fine imposed on him under this Act, also order for the payment of the amount of compensation, which shall be recovered as fine and which, in case of an offence mentioned in section 27, shall be realised by the sale of the boat causing the damage or of anything belonging to the offender and found on the boat.(2)Any appeal against compensation ordered under sub-section (1) shall lie in the same court in which the appeal against sentence lies.Miscellaneous Provisions

31. Collector may take possession of boats etc., on surrender of lease by lessee or on cancellation of lease.

- When a lessee surrenders the lease under section 10, or his lease is cancelled under section 23, the [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] may keep in use his boats and equipment of ferry, until all necessary materials of ferry have been collected; in such a case, such compensation as the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may direct shall be paid to the lessee.

32. Power to possession of boats etc., in case of emergency.

- When a boat or the equipments thereof or any other material of a ferry are emergently required for transport of any man, animal, vehicle or other thing on service of [XXX] [The words 'Aala Hazrat Bandagan-i-Aali Ya' (H.E.H. the Nizam or) were omitted by the A.P.A.O. 1957.] the Government, [Collector] [Substituted for the word 'Taluqdar' by the A.P.A.O. 1957.] may take possession and use

the same: Provided that such compensation shall be paid for the use thereof as the [Government] [Substituted for the words 'Sarkari-i-Aali' by the A.P.A.O. 1957.] may in each case direct.

33. Suit shall not be cognizable by Civil Court.

- A suit instituted for the determination of the amount of compensation or abatement of the lease-money when such amount is payable under this Act shall not be cognizable by any Civil Court.