

Rules Under Section 12 of the Northern India Ferries Act, 1878

ASSAM

India

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Rules Under Section 12 of the Northern India Ferries Act, 1878 Act No. 17 of 1878 Last Updated 12th February, 2020 In these rules there is anything repugnant in the subject or context-(a) "Lessee" shall be deemed to include any agent, boatman or servant employed by the lessee;(b) "Government ferry" shall mean a public ferry at least one of whose limits is on a Government road as defined in the Assam Highways Act (Act 2 of 1928); and(c) "Executive Engineer" shall include a Divisional Officer as defined in paragraph 80 of the Assam Public Works Department Code.(d) "Chief Engineer" shall include "Additional Chief Engineer".

Part I

(A) For the control and management of, and for regulating the traffic at all government ferries other than steam and motor launch ferries

1.

All Government ferries shall be under the control of the Executive Engineer; provided that if he shall see fit, he may make over the control of the ferries within any sub-division of his district to the Public Works Department, Officer-in-charge of the sub-division.

2.

All Government ferries which are let by auction shall be managed by the lessee, subject to these rules and the condition entered in the lease granted for each ferry. Ferries not so let shall be managed by the Executive Engineer, or by the Sub-divisional Officer, Public Works Department, subject to Executive Engineer's approval.

3.

Government ferries in the Assam Valley Districts will be divided into two classes, major and minor. Ferries in all other Districts in whole of Assam shall be classed as minor. A major ferry is a ferry across any of the following rivers :Brahmaputra,Lohit,Subansiri,Manas,Diabholeli.A minor ferry is a ferry across any of the rivers other than those mentioned above.Rates for tolls for minor hand-driven and minor power-driven ferries in all the Brahmaputra Valley Districts and Cachar and Garo Hills Districts are separate. In all the Brahmaputra Valley Districts the rates of tolls for all minor hand-driven ferries are the same and also the rates of the tolls for all minor power- driven ferries are the same. Similarly in Cachar and Garo Hills Districts the rates of tolls for all minor hand-driven ferries are the same and also the rates of tolls for all minor power-driven ferries are the same. For major ferries the toll rates are fixed for each individual ferry. A list showing the ferries in each class shall be mentioned by the Executive Engineer; if any change is made in the list, it shall be reported to the Chief Engineer.

4.

For Government ferries suitable ferry boats, engines or masts are supplied at the expense of the Public Works Department. The lessee shall be responsible as bailee for these boats, engines and masts and shall, on the expiry or earlier termination of his lease, return them to the Executive Engineer in good condition, allowance being made for fair wear and tear.

5.

The Executive Engineer shall see that all masts and boats are marked with a free board line. This line shall be of a breadth of not less than two inches and run round the boards from stem to stem at the following distance below the level of the gunwale-

For masts or boats plying on the Brahmaputra	... 12 inches
For masts or boats plying on the Manas, Diabholeli and Dhansiri in the Assam Valley Districts, Surma, Barak and Kusiara in the Cachar District	... 10 inches
For masts and boats plying on other rivers	... 8 inches

6.

The ferry lessee shall not sub-let, encumber or transfer in any other way the ferry leased to him.

7.

(i)The lessee will be bound to cross over, on tender of payment in cash of the authorised toll or on production of a season ticket or pass, all persons desiring to cross within the hours for which the ferry according to the terms of the lease is open. No lessee shall accept from any employee or labour

an authorisation under Section 195 of Act 6 of 1901 to arrest on his behalf any labourers deserting from the service of such employer.(ii)All such persons, animals, vehicles or other things as may be specified in a declaration made by the Provincial Government, under Section 15 of the Act, as exempt from payment of toll, shall be crossed over free of charge, if application is made within the hours for which the ferry is open.(iii)The lessee shall not cross over persons whom he may know or suspect to be fugitives from justice or to be bent upon an unlawful purpose. But this rule shall not warrant him in arresting labourers or other persons on the ground that he knows or suspects them to be absconding from service.(iv)In crossing vehicles preference will be given to Governor's and Minister's cars to all kinds of vehicles. Mail motors to other passenger buses and cars to goods and 1st class cars to passenger buses and cars.

8.

The lessee shall have in his possession, and shall affix to a board where it may be read by all passengers, a schedule showing the class to which his ferry belongs, the rate which he is allowed to charge, and the number of persons, animals and vehicles, and weight of other things which he is permitted to carry over at one time, and a copy of Part 1 of this rule in English and in the vernacular of the district; provided that nothing contained in this rule construed as preventing the Chief Engineer during the continuance of the lease from including new items not covered by the existing schedule of rolls under Section 15 of the Act at such rates as he may consider reasonable.

9.

The lessee shall not carry over at one time in his ferry boat or mar more than the number of persons, animals, vehicles or other things specified in his lease as permitted to be so ferried; and notwithstanding tender of the fare, he shall not allow any person in excess of such number to enter upon the said boat or mar. Any person forcing his way on board the boat or mar in spite of the ferry man's warning or continuing on board after being required to land, is punishable under Section 25 of the Act with a fine which may extend to fifty rupees.

10.

The lessee shall provide a shed 15 feet long by 15 feet broad, on each side of the ferry for the temporary accommodation of persons wishing to cross.

11.

A register in the form prescribed by the Executive Engineer shall be kept in which all vehicles crossing the ferry shall be noted. The lessee shall furnish monthly to the Sub-divisional Officer, Public Works Department, a return in the prescribed form supplied to him by the Executive Engineer. He (the lessee) shall fill up every column of the said form properly and completely and shall submit the same in the first week of the month succeeding to which it relates to.

12.

Approach roads to all Government ferries and low level bridges are constructed and maintained by the Public Works Department. The lessee is responsible for conveying immediate information of damages to approaches to the nearest Muharrir or subordinate in-charge of the road (and for making temporary arrangement to prevent the interruption of traffic, the cost of which will be paid by the Public Works Department). The Public Works Department provides sufficient means for embarking and disembarking all persons, animals, vehicles and things which he is bound to cross over at his ferry with the exception of ropes and tying posts for securing the mar. Properly constructed handling stages are provided by the Public Works Department on both sides of the ferry.

Part II

(B) For regulating the time at which, the manner in which, the terms on which and the persons by whom the tolls of government ferries major hand driven, major power-driven, minor hand-driven, and minor power-driven may be let by auction; and for collecting the rent payable for the tolls of such ferries

13.

All Government ferries shall generally be let by public auction; provided that, for special reasons to be recorded in writing, the Executive Engineer or Sub-divisional Officer, Public Works Department, may reserve any ferry from lease and may work it direct. Collection of tolls by department agency will only be resorted to when absolutely unavoidable.

14.

The period for which any ferry shall be leased will be fixed by Chief Engineer, Assam and shall be exhibited in the public notice to be issued under the rules following.

15.

Auction under Rule 13 shall be conducted on dates to be fixed by the officer conducting the sale having due regard to the execution the lease and completion of formalities before the date on which the lease takes effect. At least one fortnight's notice shall be given to the public before the date fixed for the auction and notices shall be widely circulated and distributed to the parties interested. The bid list in the result of the sales shall be reported to the Chief Engineer by the Executive Engineers concerned in the form in Appendix 'D' not later than the 15th January.

16.

Bids for all ferries leased for a period not exceeding five years needs the approval of the Chief Engineer, Assam. No bid for any ferry provisionally accepted by the officer conducting the sale shall be considered to be final unless it is approved by the Chief Engineer under Section 8 of the Northern India Ferries Act.

17.

The notice to be issued under Rule 15 shall state-(1)The names of each ferry to be leased, and its class, whether major hand-driven, major power-driven, minor hand-driven, minor power-driven;(2)That mars, mars with engine, engine, engines with boats are supplied by Government;(3)The number of men to be employed on each ferry;(4)The rates, if any, at which any person may compound for tolls of the ferry as fixed by the Provincial Government under Section 18 of the Act;(5)The terms for which the lease will be given;(6)The dates on which the ferry instalments of the purchase money are due;(7)Whether the ferry will ply by day and night or for want period during 24 hours;(8)Whether a temporary bridge will be provided by the Government during part of the year and the rates chargeable for its use;(9)That the lessee will not have to provide a bridge.

18.

The auction sale shall be held by the Deputy Commissioner/Civil Sub-divisional Officer or some other officer deputed by him for the purpose.

19.

The sale generally be to the highest bidder. The Officer conducting the sale for sufficient reasons to be recorded in writing under his own hand may refuse to accept the offer of the highest bidder of any bid. The officer shall, in accepting the bid consider the following factors amongst others : (i)whether the bidder is a native or domicile or an outsider;(ii)whether the bidder has experience of the ferry business;(iii)whether he has landed property in his own name within the district or State, can speak the regional language, is financially sound and of good conduct, etc.

19A.

In accepting the 1st instalment of bid money from the highest bidder or any other bidder whose bid is accepted by the officer conducting the sale, the bidder shall be informed in writing in the form in Appendix 'G' by the officer conducting the sale that the sale is subject to the approval of the Chief Engineer, Assam.

19B.

In approving the sale the Chief Engineer shall consider among others whether the officer conducting the sale has taken into account and considered all the factors mentioned in Rule 19 above. The Chief Engineer may for reasons recorded in writing disapprove of the bid accepted by the officer conducting the sale and direct him to settle it with any other bidder. The direction of the Chief Engineer and his decision in this respect will be final and binding on all concerned and the officer conducting the sale shall be required to act accordingly.

20.

The person whose bid is accepted shall pay the purchase money, if it exceeds Rs. 200 in the following instalments : (i) In the case of ferries leased for the whole year : One-fourth of the total bid money subject to a minimum of Rs. 200 within three days from the date of sale. But the 1st instalment shall be treated as provisional until the bid is finally approved by the Chief Engineer, Assam. Balance or one-fourth of the total bid money whichever is less on or before the 1st June. Balance or one-fourth of the total bid money whichever is less on or before the 1st September. Balance or one-fourth of the total bid money whichever is less on or before the 1st December. (ii) In case of ferries leased out only for part of the year : One-third of the total bid money subject to a minimum of Rs. 200 within three days from the date of sale. But this 1st instalment shall be treated as provisional until the bid is finally approved by the Chief Engineer, Assam. Balance or one-third of the total bid money whichever is less within seven days from the date of final acceptance of the bid. Balance or one-third of the total bid money within three months from the date of the last payment or on such a date as the Executive Engineer will fix.

20A.

If the purchase money does not exceed Rs. 200 the whole amount shall be payable within three days from the date of sale.

20B.

[Deleted]

21.

When the first instalment has been paid and after the sale has been approved by the Chief Engineer, as written lease signed by the Executive Engineer, in the form in Appendix 'E' or 'F' shall be drawn up. The lessee on being asked by the Executive Engineer to execute it after affixing adhesive stamps at his cost, shall do so within a month from the date of asking him.

21A.

The first instalment of bid money paid by the bidder will be refunded to him by the Executive Engineer concerned if the ferry is not settled by the Chief Engineer, Assam.

22.

If the purchaser fails to pay within the specific time after the bid one-fourth or one-third or the whole of the purchase money, as the case may be, or to execute the lease in accordance with the preceding rule the ferry will be put up again to sale by auction and if the price fetched at their sale is less than that fetched at the first, the loss shall be recoverable as an arrear of land revenue from the first purchaser.

23.

The amount deposited under Rule 1 of Part III and Rule 1 of Part IV below may be retained as security for the boats, marboats, engines and any other property or appliance belonging to Government and in charge of the lessee during the period of the lease and further as security for good conduct and for punctual payment of the purchase money as prescribed in Rule 20.

24.

In the event of loss or damage to the marboats, engines or any other property and appliances belonging to Government and in the charge of the lessee which is attributed to negligence on the part of the lessee, the Executive Engineer shall assess such loss or damage and the amount so assessed shall be deducted, from the security deposit. The amount assessed by the Executive Engineer will be final unless the Chief Engineer, Assam on a reference being made by the lessee modifies the amount. But if the security does not cover the amount so assessed the balance may be recovered as an arrear of land revenue from the lessee.

25.

All instalments of rent due or other amount payable may, if not paid on or before the due date be recovered from the lessee of his security, if any, by any process by which areas of land revenue may be recovered.

26.

Where the tolls of a ferry have been let under Section 8 of the Act, any reduction in the rates of tolls leviable, if made after the date of the lease shall entitle the lease to such abatement of the rent payable in respect of the tolls or may be fixed by the Chief Engineer, Assam or such other officer as the State Government may, from time to time, appoint in this behalf.

27.

In the event of crossing the river being bridged permanently during the tenure of the lease, the lease will be cancelled on one calendar month's notice being given in writing to the lessee and no compensation will be payable for any loss sustained by the lessee or for any other reason due to such cancellation.

28.

The lessee shall maintain a bound book which shall be produced on demand by any traveller for noting any remarks.

29.

(i) If the lessee violates or fails to perform any of the covenants herein contained and in Parts I, III, IV of this rule, he shall in addition to any other liability, be liable to have his lease cancelled by the Executive Engineer and in that event shall not be entitled to any compensation or to the refund of any portion of the ferry rent, security or advance money. (ii) The Executive Engineer is the controlling authority for purposes of the lease and whenever the lease is liable to cancellation under the preceding clause he may in lieu of cancelling the lease allow the lessee the option of retaining it subject to the payment to Government of a sum not exceeding Rs.100 for each breach or default as the Executive Engineer may consider reasonable. (iii) Notwithstanding anything contained herein, if the lessee fails to pay any instalment of the purchase money by due date under Clause 20, the Executive Engineer may take over the ferry immediately and run it departmentally until the instalment in default is paid. The lessee shall have no claims to tolls collected during any such period but shall be liable for any expenditure in excess of toll receipts which may be incurred for which the certificate of the Executive Engineer shall be final and conclusive and during this period masts, engines, boats and all other appliances, whether the property of Government or of the lessee including the sheds and lights provided under Clause 10 of Part I and Clause 2 in Part III and Clause 2 in Part IV, and the boatmen engaged by the lessee (if they agree to serve) shall be placed by him at the disposal of the Government for the period for which the ferry is run departmentally.

30.

The lessee shall perform the duties of a village watchman as defined in Section 45, Code of Criminal Procedure.

31.

Any sum due to Government under any clause of the lease may, unless otherwise provided for, be recovered from the security deposit of the lessee and in the event of such sum not being covered within the security deposit the balance be recovered as an arrear of land revenue from the lessee.

32.

The lessee shall have no claim for compensation or remission or refund of any portion of kist money on account of closure of traffic for a continuous period not exceeding 15 days due to any bridge or a road having damaged by flood, earthquake or otherwise.

Part III

(C) In addition to parts I and II the following are the special rules for minor hand-driven and major hand-driven ferries in Assam

1. The lessee shall within one week of the date of final acceptance of the bid and prior to being given the charge of the ferry and granted a lease, furnish to the Executive Engineer a cash security amounting to 25 per cent (twenty-five per cent) of the purchase money subject to a minimum of Rs. 200 and maximum of Rs. 5,000 for punctual payment of purchase money as described in Clause 23 of the lease and for efficient operation of the ferry. In addition to the above, the lessee shall furnish within the same period of one week a cash security of Rs. 300 for each single boat and Rs. 500 for each marboat supplied by Government to him for safe custody of the boats. The security as furnished shall be refunded in whole or in part at the expiry of the lease subject to any deductions hereinafter provided.

N.B. - In the case of ferries leased of more than one year, the security will be 25 per cent (twenty-five per cent) of one year's proportion of the purchase money subject to the above limits.

2. The lease of a ferry plying by night shall after dark carry a lamp on the mar and boat and hang up a light on each side of the river to mark the ghats.

3. The lessee is required to employ and keep available always at his own expense at least three boatmen for each mar and two boatmen for each single boat plying by day/day and night. He shall immediately discharge any boatmen whose conduct or ability may not be considered as satisfactory by the Executive Engineer.

Part IV

(D) In addition to parts I and II the following are the special rules for minor power-driven and major power-driven ferries in Assam

1. The lessee shall within one week of the date of final acceptance of the bid and prior to being given the charge of the ferry and granted a lease, furnish to the Executive Engineer a cash security amounting to twenty-five per cent of the purchase money subject to a minimum of Rs. 200 and a maximum of Rs. 5,000 for punctual payment of the purchase money as described in Clause 27 of the lease and for efficient operation of the ferry. In addition to the above, the lessee shall furnish within the same period cash security of Rs. 300 for each single boat, Rs. 500 for each marboat without engine, Rs.800 for each single boat with propelling engine and Rs. 1000 for each marboat with propelling engine, for safe custody and proper use of the boats and the engines. The security as furnished will be refunded to the lessee on the expiry of the lease, subject to any deduction that may be made by the Executive Engineer for making good any loss of or damage to the marboat, boat, engine or any other properties and appliances otherwise than fair wear and use.

N.B. - In case of ferries leased out for more than one year, the security will be 75 per cent (seventy-five per cent) of one year's proportion of the purchase money subject to the above limits and the security for the marboats fitted with propelling engines will remain as above.

2. The lessee shall provide and maintain light, throughout the night on each side of the ferryghat, two incandescent lamps of not less than 200 candle power each and of a type approved by the Executive Engineer.

The lamps shall be hung up in a suitable place to illuminate the landing place one on each bank of the river and shall be kept alight throughout the night and maintained to the satisfaction of the Executive Engineer. The lessee shall also provide a lamp on each mar and boat when plying at night.

3. The lessee is required to employ and keep available always at his own expense one/two licensed driver(s) and three boatmen for each marboat plying with an engine day/day and night and at least four boatmen for each marboat without engine if plied and two boatmen for a single boat by day/day and night. He shall immediately discharge any driver or boatman whose conduct or ability may not be considered as satisfactory by the Executive Engineer.

4. Petrol for running engines will be purchased and supplied by the lessee; the Mobil oil and grease shall be purchased by him from the Executive Engineer at current stock rates, and from no other source without the written permission of the Executive Engineer. If petrol is not available or if for any reason an engine cannot be supplied the ferry shall be operated without the use of the engine and such compensation as may be adjudged adequate on the basis of the record of traffic returns maintained by the lessee will be awarded by Executive Engineer whose decision subject to the approval of the Chief Engineer shall be final and binding on the lessee.

Part V

(E)The following special rules, and the rules in parts I to IV subject to the modifications hereafter mentioned shall be applicable for the letting of all government ferries other than government steam and motor launch ferries in respect of which the state government directs by order that the tolls of the ferry shall be let otherwise than by public auction

- 1. Sealed tenders shall be called by the Chief Engineer or by such Officers of the PW. Department as the State Government may authorise.**
- 2. The ferry shall be let by the Chief Engineer subject to the approval of the State Government.**
- 3. At least one fortnight's notice shall be given as per Rule 17 of Part II to the public before the date fixed for the submission of the tenders and notices shall be widely circulated and distributed to the parties interested. The tender list shall be reported to the Chief Engineer in the form in Appendix D mutatis mutandis not later than 7 days from the last date for the receipt of sealed tenders.**
- 4. The ferry shall be generally let to the highest tenderer; provided that the State Government, the Chief Engineer or the Officer calling the tenders may, for reasons duly recorded, refuse to accept the highest or any tender.**
- 5. In accepting the first instalment of the tender money from the tender whose tender is accepted, the tenderer shall be informed in writing in the form shown in Appendix G mutatis mutandis by the person calling the tender under Rule 1.**

6. For the purposes of this Part-

(1)In Part I in Rule 2 "auction" shall be construed "calling for sealed tenders";(2)In Part II, "auction" in the heading (b) and Rule 22 shall be construed "calling for sealed tenders";(3)In Rule 21 of Part II, "Chief Engineer" shall be construed "State Government" and in the lease form in Appendix E and F "bid" and "Executive Engineer, Division" appearing below "For and on behalf of the Governor of Assam" shall be construed "tender" and "Chief Engineer, Assam or Additional Chief Engineer, Assam", respectively;(4)In Part II "bid" and "bidder " wherever they occur shall be construed as "tender" and "tenderer" respectively;(5)Rules 13, 14, 15, 16, 18, 19, 19(a) and 19(b) of Part II shall not be applicable;(6)In Part III and Part IV in Rule 1 "bid" shall be construed as "tender".

Part VI

(F)For the control and management of and for regulating the traffic at all government steam and motor launch ferries to be let otherwise than by public auction

1. The immediate Superintendents of the Government Steam and Motor Launch Ferries shall be vested in the Executive Engineer of the State within which they are situated.

2. The ferry shall be managed by lessee subject to these rules and the conditions entered in the lease.

3.

(1)If the lessee violates or fails to perform any of the covenants contained in the lease he shall, in addition to any other liability, be liable to have his lease cancelled by the Chief Engineer, Assam, and in that event shall not be entitled to any compensation or to the refund of any portion of the ferry rent, advance money or security.(2)Whenever a lease is liable to cancellation under the preceding sub-rule, the Chief Engineer may, in lieu of cancelling the lease, allow the lessee the option of retaining it subject to the payment to the Government of such sum not exceeding Rs. 100 for each breach or default as the Chief Engineer may consider reasonable.

4. For the ferry when let, the lessee shall supply a suitable steamer/steamers, major launches, boats, etc., approved by the Chief Engineer.

5. The lessee shall not sublet the lease.

6. (i) The lessee shall be bound to cross over the ferry on tender of payment in cash of the authorised toll or on production of a season ticket or pass, all persons who can be safely accommodated on the ferry, vessel/vessels, boats

desiring to cross within the hours for which the ferry, according to the terms of lease is open subject to such timing regulations as are prescribed from time to time by Executive Engineer or by the Sub-divisional Officer, Public Works Department, on his behalf during the tenure of the lease. The Executive Engineer or the Sub-divisional Officer, Public Works Department on his behalf, retains the right to shift the sites of the landing ghats as may become necessary during the tenure of the lease. The lessee shall have no claim for refund or remission of any portion of the ferry rent on this ground.

(ii) In addition to the persons, animals, vehicles and other things employed or transmitted on the public service which under Section 15 of the Northern Indian Ferries Act, 1878 (Act 17 of 1878) or Section 3 of the Indian Tolls (Army) Act, 1901 (Act 2 of 1901) are exempted from the payment of tolls. The lessee shall cross over free of tolls all such persons, animals, vehicles or other things as may be specified in a declaration made by the State Government.

7. The lessee shall not cross over persons whom he may know or suspect to be fugitives from justice or to be bent upon an unlawful purpose. But this rule shall not warrant him in arresting labourers or other persons on the ground that he knows or suspects them to be absconding from service.

8. The lessee shall have in his possession and shall affix on a board where it may be read by all passengers, a schedule showing the rates which he is allowed to charge, and the number of persons, animals and vehicles and weight of other things which he is permitted to carry over at one time and a copy of Part IV of these rules in English and in Assamese; provided that nothing contained in this rule shall be construed as preventing the Chief Engineer during the continuance of the lease from including new items not covered by the existing schedule of tolls under Section 15 of the Act at such rates as may be considered reasonable.

9. The lessee shall not carry over at one time in the ferry vessel/vessels, boats more than the number of persons, animals, vehicles or things specified in his lease or when a survey certificate is issued subsequently which modifies such number, the numbers specified in the survey certificate as permitted to be so carried and notwithstanding tender of the fare, he shall not allow any person in excess of such number to enter upon the said vessel. Any person forcing his way on board the vessel/vessels, boats in spite of lessee's warning or continuing on board after being requested to land is

punishable under Section 25 of the Act with a fine which may extend to fifty rupees.

10. Approach road to the ferry and low level bridges shall be constructed and maintained by the Executive Engineer. The lessee is responsible for (i) conveying immediate information of damage to the approaches to the nearest Moharrir or Subordinate incharge of the road; and for (ii) making temporary arrangement to prevent the interruption of traffic, the cost of which will be paid by the Executive Engineer.

The ferry lessee shall provide sufficient means to the satisfaction of the Executive Engineer for embarking and disembarking all persons animals, vehicles and things which he is bound to cross over at his ferry together with tying and towing ropes and posts for securing the sides of his ferry steamer and handle them at his own cost.

Part VII

(G)For regulating the time at which, the manner in which, the terms on which and the persons by whom the tolls of government steam and motor launch ferries may be let in respect of which the state government directs by order that the tolls of the ferries shall be let otherwise than by public auction(H)For collecting the rent payable for the tolls of the ferry

11. The ferry shall be let by the Chief Engineer subject to the approval of the State Government.

12. The period of the lease shall be as fixed by the Chief Engineer subject to the approval of the State Government.

13. The right to collect tolls of the ferry otherwise than by public auction shall be let by calling for sealed tenders after giving due notice.

14. The notice to be issued under the preceding rule shall state-

(i)the name of the ferry to be leased and the routes to be followed;(ii)that the vessel/vessels, boats etc., are to be supplied by the lessee together with necessary anchor, lifebuoys, etc.:(iii)the number of men to be employed on the ferry vessel by the lessee;(iv)that the term of period for which the lease will be given as fixed under Rule 12 subject to the provisions of Sections 10, 11 of the Act;(v)The dates on which the instalments of the purchase money are due;(vi)that the ferry will ply by day only, but the Chief Engineer retains the right to order plying the ferry at night if it should become necessary under any special circumstances; the number of such night journeys and timings to be fixed by the Chief Engineer or any other officer deputed by him;(vii)that the lessee shall be

bound to cross over at any time during the day and night beyond the scheduled timings free of any charge, any Minister of the State of Assam, Indian Union, the Chief Minister and the Governor of Assam, both the senior-most Commanding Officers of Regional Army Unit and Assam Rifles in Assam and the Prime Minister and the President of India wishing to cross with his animals, baggage's and conveyance if and when ordered by the Chief Engineer or the Executive Engineer or the Sub-divisional Officer, Public Works Department, on his behalf. The lessee shall be entitled to realise tolls for the crossing traffic by such special trips from all concerned inclusive of Government employees irrespective of whether they are exempted or not for payment of tolls under condition 25 of the lease but excluding those mentioned above at the following rates.

15. The Chief Engineer may refuse to accept the highest tender and may accept any other tender in accordance with the provisions laid down in Section 8 of the Northern India Ferries Act, 1878.

16. The successful tenderer shall deposit at the appropriate treasury within 10 days from the date of acceptance of tender an advance equivalent to half the annual rent due under the accepted tender in addition to the rent so due. Thereafter he shall pay the instalment due in respect of each quarter or before the first day of April, July, October and January. The advance money so furnished will be retained by Government as security free of interest and will be refunded to the lessee on the expiry of the lease subject to any deduction that may be made for making good any loss or damage or any fines and penalty imposed on him for the breach of the terms of the tender notice and the lease.

17. On depositing the advance prescribed in the last preceding rule the successful tenderer shall sign the lease within 10 days of depositing the advance.

18. If the successful tenderer fails to comply with the stipulations made in Rules 16 and 17 above within the specified period mentioned therein, the ferry may again be sold and settled with another tenderer and if the price fetched thereby, is less, the loss shall be recoverable as arrears of land revenue from the former.

19. All instalments of rent due or other amounts payable may, if not paid on or before the date, be recovered from the lessee of his security, if any, by any process by which arrears of land revenue may be recovered. Notwithstanding anything contained herein, if the lessee fails to pay any

instalment of the purchase money as required under Rule 16 by the due date, the Executive Engineer may take Over the ferry immediately and run it departmentally until the instalment in default is paid. The lessee shall have no claim to tolls collected during any such period, but shall be liable for any expenditure in excess of toll receipts which may be incurred, for which the certificate of the Executive Engineer shall be final and conclusive and during this period the vessel and all other appliances whether the property of Government or of the lessee and the crew, engine driver and boatmen engaged by the lessee (if they agree to serve) shall be placed at the disposal of the Government for the period for which the ferry is run departmentally.

20. The Chief Engineer is authorised by Section 8 of the Act, to call upon the lessee to give such security for his good conduct and for the punctual payment of the rent as he thinks fit.

21. The lessee shall have no claim for compensation or remission or refund of any portion of kists money on account of closure of traffic for a continuous period not exceeding 15 days due to any bridge or road having been damaged by flood, earthquake or otherwise.

22. If and when any passenger and/or any despatch service is run by the I.G.N.R. and R.S.N. Company touching a ferry ghat and approach road there to the lessee shall have no claim for any remission, compensation or refund of his kist money.

At the usual rates as per schedule of rates subject to the following conditions:(1)If the total to be collected from the passengers, vehicles, animals etc. crossing in the special trip in plying between any two points of the route does not come up to Rs. 80 in case of steamer and Rs. 50 in case of engined boats, the lessee is entitled to realise Rs. 80 in case of steamer and Rs.50 in case of engined boats for each trip from the passenger or from the total number of passengers proportionately, so that the total collection comes up to limit specified above. If the total collection realised at the scheduled rate becomes higher he is entitled to collect the tolls at the scheduled rate only without any limit.(2)The lessee is bound to cross at each special trip, the number of passengers, animals, vehicles, etc., desiring to cross the ferry at that time to the capacity of the steamer or engined boat, as the case may be.

23. A Local Board Boat Ferry operates between Kacharighat/Ujanbazar to the other bank. The lessee shall have no claim for remission or for compensation on this account.

Part VII

Without prejudice to the generality of the rules contained in Part VI and Part VII, the tolls of the following Government ferries across the river Brahmaputra shall be settled otherwise than by the public auction, until otherwise directed by the State Government. (1) Gauhati-North Gauhati Steam Ferry; (2) Jogighopa-Goalpara Ferry during the dry season and Jogighopa Pancharatna Ferry during the rainy season; and (3) Kokilamukh-Kamalabari Steam Ferry. Appendix A For minor hand-driven ferries in Assam Valley and Cachar and Garo Hills Districts-[Schedule published separately] Appendix B For minor hand-driven, major power-driven and minor power driven-ferries-[Schedule published separately] Appendix C [Rule 7] In addition to the persons, animals, vehicles and other things employed or transmitted on the public service which under Section 15 of Act 17 of 1878 (The Northern India Ferries Act) or under Section 3 of the Act 2 of 1901 [Indian Tolls (Army) Act] are exempted from the payment of tolls. The lessee shall cross over free of tolls- (1) Any Police Officer travelling in uniform; (2) Any Village Watchman carrying Chapras; (3) Any Government peon when serving processes; (4) The Government mails. N.B. - Motor vehicles carrying or designed to carry passengers or goods in addition to the Government mails are not exempted from payment of tolls. (5) Any person, vehicle (whether full or empty) or stores employed for the execution of any work (such as roads, bridges, buildings, embankments or canals) which is being undertaken by or on behalf of the Government or any local fund; provided that such persons, vehicles or stores are employed solely in the execution of work at the time of transit and provided that a pass is produced signed by one of the following : (a) an Executive Engineer or Sub-divisional Officer, Public Works Department; (b) a Chairman or Vice-Chairman of Panchayat or Municipal Board or Town Committee; (c) an Officer, not below the rank of Sub-Surveyor or Sub-Overseer in-charge of work. Such pass shall indicate as early as may be the nature, time and number of journeys of which the pass is given, and in the event of any dispute as to the validity of the pass for a particular journey the matter shall be referred to the Executive Engineer whose decision shall be final. (6) Any person or vehicle (whether full or empty or containing stores) employed on departmental work of the Forest Department including- (a) construction or repairs of roads and bridges undertaken departmentally; (b) construction or repairs of buildings undertaken departmentally; (c) cultural work in the forests undertaken departmentally; (d) extraction work in the reserved unclassified State Forests, undertaken departmentally: Provided that such person or vehicle is at the time of transit solely employed for the said work and the pass produced is signed by a Divisional Forest Officer, or an officer of the Forest Department of the rank of Ranger or Extra Assistant Conservator of Forests. (7) Officers and stores of the Assam Railway Company and labourers actually employed on the Railway, if furnished with a pass by a Railway Officer. (8) Any Gaonbura travelling on public duty, on production of his appointment Parwanas. (9) Volunteers of Auxiliary Forces travelling in uniform. (10) All Mauzadars or Sarpanches of Panchayats when travelling on duty and one Moharrir employed by each Mauzadar, while travelling on public duty; provided that he holds a certificate that he is so travelling signed by the Mauzadar and produces it when called upon to do so by the ferry man. (11) All collecting members of Panchayats when travelling on duty. (12) Employees of Panchayats and Municipal Boards or any Local Funds travelling on duty (this includes school employees of the aforesaid boards when travelling on duty). (13) Kala-azar patient, with an attendant when required, attending a hospital or centre for treatment on production of certificate signed by the medical officer who is treating him. In such

cases a bullock or buffalo cart with its driver and a pair of animals, or a dooli with three attendants, in which the patient may be travelling also be exempted from payment of tolls at ferries where facilities for crossing such vehicles exist.(14)A member of a Local Board with his conveyance one attendant when proceeding to or returning from a meeting of the Board; provided that he produces the notice summoning him to the meeting and performs the journey within two days of the date thereof.(15)Private conveyances whether they are their personal property or not, of persons employed on the public service while on duty, but excluding a hired conveyance.(16)A leper with an attendant required attending a hospital or centre for treatment on production of a certificate signed by the medical officer who is treating him.(17)Members of the Legislative Council, Members of the Legislative Assembly and Assam Representatives to both the Chambers of the Central Legislature when travelling in a private conveyance whether their own property or not, but excluding a hired conveyance, subject to the register, where maintained, being signed on each occasion.(18)All stockman employed by the Live-Stock Improvement Association, Assam on production of a copy of their appointment letter.(19)All supervisors of Central Co-operative Banks, Assam on production of a copy of their appointment letter.(20)Any person engaged on Red Cross work and required on such work to travel by road on production of a certificate issued for a quarter of a year or other period of less duration signed by the Honorary Secretary of the district concerned and bearing the seal of the District Branch of the Indian Red Cross Society.(21)Motor vehicles, cars and carriages belonging to Government and also any motor vehicles belonging to a Government Officer although empty on production of a certificate from the officer that the vehicle is travelling for his own use while on duty.(22)Members of Local Boards while travelling on inspection duty, subject to the production, on each occasion of a definite letter of authority from the Chairman or the Vice-Chairman concerned specifying the route and time within which the inspection is to be made.(23)All persons in receipt of gratuitous relief from Government on account of distress while going to or returning from relief centres to receive dues or to work at a test relief centre on production of a certificate from the Relief Officer.(24)A member of the Debt Conciliation Board while proceeding to or returning from a meeting of the Board; provided that he must produce the summons to the meetings and provided that the journey is performed within one day of the meeting.(25)The Curator of the Assam State Museum at Gauhati while performing journeys on duty.(26)(1) Motor vehicles belonging to the State Government and employed with the organisation known as the Assam Transport;(2)Persons employed by the State Government and travelling with the aforesaid vehicles on duty; and(3)Property borne on the aforesaid vehicle and at the disposal of the Central or State Government.N.B. - Every person exempted from payment of toll when using the ferry shall enter his name and address in a book supplied and maintained by the lessee for this purpose.Appendix DForm in which the result of sales, i.e. Bid List to be reported to the Chief Engineer

Serial No. of Ferry	Name of the Ferry	Name of the river across which the ferry plies	Class of ferry	Amount for which leased last year	Details of bidding of every bidder	Period for which leased
1	2	3	4	5	6	7
Financial position, conduct, previous		Whether each bidder has any landed		Name of the bidder with whom	Whether indigenous,	Remarks

records as lessee capacity and any other relevant data of each bidder	property within the district or State and can speak regional language	the ferry is proposed to be settled	domiciled or outsiders	
8	9	10	11	12

Appendix E[Rule 21]Form of lease for hand-driven ferries, both major and minorThe.....ferry of the....minor hand-driven/major hand-driven class is let to of from 20, to 20 for Rs. on the following conditions for and on behalf of the Government of Assam....Dated 20.....Executive Engineer DivisionAccepted.....Lessee

1. The lessee of this ferry shall be bound to cross over at any time during the day/day or night any person wishing to cross with his animals, luggage and conveyance; but may refuse to cross over any person, animals or conveyances until the toll leviable thereon has been paid or a season ticket or a pass produced but the Chief Engineer, Assam retains the right to order plying the ferry at night if it should become necessary under any special circumstances without any extra payment.

In crossing vehicles preference would be given to mail motors, to others, passenger buses and cars, to goods and 1st class cars, to passenger buses and cars.

2. The lessee shall not levy tolls on persons, animals or conveyances crossing by a private boat not used for hire without using the approaches to the ferry. A private ferry will not, however, be allowed to ply within two miles of a private ferry under Section 13 of the Northern India Ferries Act of 1878.

3. The full rates of tolls leviable by the lessee shall be as per Schedule attached, subject to the exceptions hereinafter provided for; provided that any person may compound for the tolls payable for the use of the ferry.

3A. For hand-driven major ferries, schedule of tolls is separate which should be attached when using this lease form for major hand-driven ferries.

4. The Chief Engineer retains the rights to include new items with rates not covered by the existing schedule of tolls whenever in his opinion it becomes necessary during the tenure of the lease of agreement.

5. The full rates of tolls shall be leviable for the period from to...whether the crossing is by means of a ferry, mar or a temporary bridge, half the full rate shall be leviable for the period from... to... The security as furnished will be refunded to the lessee on the expiry of the lease, subject to any deductions, that may be made by the Executive Engineer for making good any loss of or damage to the marboat, engine or any other properties and appliances otherwise than by fair wear and use.

6. The lessee shall keep boatmen to work the [(mar and)] [To be (deleted in ferries where there is mar.)] single boats. The [(mar and)] [To be (deleted in ferries where there is mar.)] single boats are supplied by the Public Works Department. The lessee shall be responsible as bailee for the [(mar and)] [To be (deleted in ferries where there is mar.)] single boats and shall on the expiry or earlier determination of his lease, return them to the Executive Engineer in good condition, allowance being made for fair wear and tear.

6A. The lessee shall within one week of the date of final acceptance of the bid and prior to being given the charge of the ferry and granted a lease, furnish to the Executive Engineer a cash security amounting to 25 per cent (twenty five per cent) of the purchase money subject to a minimum of Rs. 200 and a maximum of Rs. 5,000 for punctual payment of purchase money as described in Clause 23 of the lease and efficient operation of the ferry. In addition to the above, the lessee shall furnish within the same period of one week a cash security of Rs. 300 for each single boat and Rs. 500 for each mar boat supplied by Government to him for safe custody of the boats. The security furnished shall be refunded in whole or in part at the expiry of the lease subject to any deduction hereinafter provided.

N.B. - In the case of ferries for more than one year the security will be as above.

7. Approach roads to all the ferries and low level bridges are constructed and maintained by the Public Works Department, The lessee is responsible for conveying immediate information of damage to approaches to the nearest moharrir or subordinate in-charge of the road and for making temporary arrangement to prevent the interruption of traffic the cost of which will be paid by the Public Works Department. The Public Works Department provides sufficient means for embarking and disembarking all persons, animals, vehicles and things which he is bound to cross over at his ferry.

Properly constructed landing stages are provided by the Public Works Department on both sides of the ferry. The lessee will be responsible for all arrangements and appliances required to hold securely the marboats to the bank when embarking or disembarking all traffic.

8. The number of passengers, animals, vehicles and weight of other things carried at one time shall not be such as to submerge the white line which marks the minimum free board. This line is painted by the Public Works Department on all mars or boats supplied by such authorities. It is of a breadth of not less than two inches and will run round the boat from stem to stern.

9. The lessee shall provide two sheds 15 feet by 15 feet for the temporary accommodation of travellers one at each side of the ferry.

10. The lessee of a ferry plying by night shall, after dark, carry a lamp on the mar and hang up a light on each side of the river to mark the ghats.

11. The lessee shall keep the mars and boat clean and tidy.

12. The lessee shall not sublet the ferry.

13. The lessee shall hung up a copy of this lease and copy of a Part I of the Ferry Rules, in English and Assamese attached to a board on the outside of his shed at the ferry.

14. The lessee shall not refuse to give change for any silver coin currency notes up to Rs. 5 in value offered to him.

15. The lessee shall perform the duties of a village watchman as defined in Section 15, Code of Criminal Procedure.

16. A register in the form prescribed by the Executive Engineer shall be kept in which all vehicles crossing the ferry shall be noted.

The lessee shall furnish monthly to the Sub-divisional Officer, Public Works Department, a return in the prescribed form supplied to him by the Executive Engineer. He (the lessee) shall fill up every column of the said form properly and completely and shall submit the same in the 1st week of the month succeeding to which it relates to.

17. In addition to the persons, animals, vehicles and other things employed or transmitted on the public service which under Section 15 of Act 17 of 1878 and Section 3 of Act 2 of 1901 are exempted from the payment of tolls, the lessee shall cross over free of tolls :

(1)Any police officer travelling in uniform.(2)Any village watchman carrying a chapras.(3)Any Government peon when serving processes.(4)The Government mails.N.B. - Motor vehicles carrying or designed to carry passengers or goods in addition to the Government mails are not exempted from payment of tolls.(5)Any person, vehicle (whether they are full or empty) or stores employed for the execution of any work (such as roads, bridges, buildings, embankments or canals) which is being undertaken by or on behalf of Government or any local fund; provided that such persons, vehicles or stores are employed solely in the execution to the work at the time of transit and provided that a pass is produced signed by one of the following : (a)An Executive Engineer or Sub-Divisional Officer, Public Works Department;(b)A Chairman or Vice-Chairman of a Local or Municipal Board or Town Committee;(c)An officer not below the rank of Sub-Surveyor or Sub-Overseer in-charge of a work.Such pass shall indicate, as nearly as may be, the nature, time and number of journeys for which the pass is given, and in the event of any dispute as to the validity of the pass for a particular journey, the matter shall be referred to the Executive Engineer whose decision shall be final.(6)Any person or vehicle (whether full or empty or containing stores) employed on departmental work of the Forest Department, including-(a)construction or repairs of roads and bridges undertaken departmentally;(b)construction or repairs of buildings undertaken departmentally;(c)cultural work in the forests undertaken departmentally;(d)extraction work in reserves or unclassified State forests undertaken departmentally:Provided that such persons or vehicles at the time of transit solely employed for the said work and that a pass is produced signed by the Divisional Forest Officer or an officer of the Forest Department of the rank of Ranger or Extra Assistant Conservator of Forest.(7)Officers and stores of the Assam Railway Company, and labourers actually employed on the railway if furnished with a pass by railway officer.(8)Any Goanbura travelling on public duty on production of his appointment Parwana.(9)Volunteer of the Auxiliary Forces travelling in uniform.(10)All Mauzadars or Sarpanches of Panchayats when travelling on duty and one Mohurir employed by each Mauzadar while travelling on public duty; provided that he holds a certificate that he is so travelling signed by the Mauzadar and produces it when called upon to do so by the ferryman.(11)All collecting members of Panchayats when travelling on duty.(12)Employees of Local Boards and Municipal Board or any Local Fund travelling on duty (this includes school employees of the aforesaid Boards when travelling on duty).(13)Kalaazar patient with an attendant when required attending a hospital or centre for treatment on production of a certificate signed by the Medical Officer who is treating him.In such cases bullock or buffalo cart with its driver and a pair of animals or a dooli with three attendants in which the patient may be travelling shall also be exempted from the payment of tolls at ferries where facilities for crossing such vehicles exist.(14)A member of Local Boards with his conveyance and one attendant when proceeding to, or returning from a meeting of the Board; provided that he produces the notice summoning him to the meeting and performs the journey within two days of the date thereof.(15)Private conveyance, whether they are their personal property or not of persons employed on the public service while on duty but excluding a hired conveyance.(16)A leper with an attendant when required attending a hospital or centre for

treatment on production of a certificate signed by the Medical Officer who is treating him.(17)Members of the Legislative Council, Members of the Legislative Assembly and Assam Representatives to both the Chambers of the Central Legislature when travelling in a private conveyance whether their own property or not, but excluding a hired conveyance, subject to the register, where maintained, being signed on each occasion.(18)All stock-men employed by the Live-Stock Improvement Association, Assam on production of a copy of their appointment letter.(19)All Supervisors of Central Co-operative Banks, Assam on production of a copy of their appointment letter.(20)Any person, engaged on Red Cross Work and required on such work to travel by road on production of a certificate issued for a quarter of a year or other period of less duration signed by the Honorary Secretary of the district concerned and bearing the seal of the District Branch of the Indian Red Cross Society.(21)Motor vehicles, carts or carriages belonging Government and also any motor vehicle belonging to a Government Officer although travelling empty, on production of a certificate from the officer that the vehicle is travelling for his own use while on duty.(22)Members of Local Board while travelling on inspection duty subject to the production, on each occasion of a definite letter of authority from the Chairman or the Vice-Chairman concerned specifying the route and time within which the inspection is to be made.(23)All persons in receipt of gratuitous relief from Government on account of distress while going to or returning from relief centres to receive doles or to work at a test relief centre, on production of a certificate from the Relief Officer.(24)Members of the Debt Conciliation Board, when proceeding to or returning from a meeting of the Board; provided that he must produce the summons to the meeting and provided that the journey is performed within one day of the meeting.(25)The Curator of the Assam State Museum at Gauhati while performing journeys on duty.(26)(1) Motor vehicle belonging to the State Government and employed with the organisation known as the Assam Transport;(2)Persons employed by the State Government and travelling with the aforesaid vehicle on duty; and(3)Property borne on the aforesaid vehicle and at the disposal of the Central, or the State Government.N.B. - Every person exempted from payment of toll when using the ferry shall enter his name and address in a book supplied and maintained by the lessee for this purpose.

18. The lessee shall not knowingly cross over bad characters, outlaws or fugitives from justice and he shall give every assistance to the Police and other Government officers in the apprehension of offenders. But this clause shall not warrant him in arresting labourers or other persons on the ground that he knows or suspects them to be absconding from service.

19. In the event of this lease being cancelled for breach of its conditions or for misbehaviour on the part of the lessee, the lessee shall forfeit his security to Government and shall, in addition, make good any loss which may be sustained by sale of the remaining portion of the lease.

20. The attention of the lessee is called to the following provisions of the law :

(a)The penalty for neglecting to affix or to keep in order his table of tolls or for wilfully altering or defacing the table or for refusal to produce it on demand, is a fine which may extend to Rs. 50.(b)The penalty for asking or taking more than the lawful toll or for delaying any person, animal, vehicle, or other thing without the due cause, is a fine which may extend to Rs. 100.(c)The penalty for breaking any rule made under the order of the Government in respect of the management or working of ferries, is imprisonment which may extend to six months or a fine which may extend to Rs. 200 or both.(d)The penalty for default of payment of rent or for a second conviction of any one of the above named offences, is cancellation of the lease in addition to any other legal penalty for the offence committed.

21. - The attention of travellers is called to the following provisions of the law :

(a)The penalty for refusal to pay the proper toll for fraudulently or forcibly crossing, in order to avoid such payment, for obstructing the lessee in the execution of his duty, for entering in or taking any animals or other things in a ferry boat, or on a bridge, after he has been warned that it is not in a fit state for that purpose or so laden as to endanger life or property, is a fine which may extend to Rs.50.(b)Whoever, during the period the lease is current, makes use of any temporary ferry bridge erected by the Public Works Department for transit of persons, animals, vehicles or other things, is bound to pay the legal toll.

22. Every person breaking any rule under Section 12 or Section 19 of Act 17 of 1878 shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 200 or with both.

23. The lessee shall pay the purchase money in the following instalments :

(i)In the case of ferries working all the year round :1/4th of purchase money subject to a minimum of Rs. 200 within three days from the date of sale.Balance or 1/4th of purchase money whichever is less on or before the 1st June.Balance or 1/4th of purchase money whichever is less on or before the 1st September.Balance or 1/4th of purchase money whichever is less on or before the 1st December.(ii)In case of ferries working only during the rainy season-One-third of the total bid money subject to a minimum of Rs. 200 within three days from the date of sale;Balance or one-third of the total bid money whichever is less within seven days from the date of final acceptance of the bid;Balance or one-third of the total bid money within three months from the date of last payment or on such a date as the Executive Engineer will fix.(iii)In the case of ferries working only during the cold weather months-One-third of purchase money subject to a minimum of Rs. 200 within three days from the date of sale;Balance or one-third of purchase money whichever is less on or before the 1st October;Balance or one-third of purchase money whichever is less on or before the 1st January.

24. The lessee must cross over dak runners carrying mails, any member of the police force in uniform and doctors at any time during the night or day.

25.

(1) If the lessee violates or fails to perform any of the covenants herein contained, he shall, in addition to any other liability, be liable to have his lease cancelled by the Executive Engineer and in that event shall not be entitled to any compensation or to the refund of any portion of the ferry rent, advance or security. (2) The Executive Engineer is the controlling authority for purposes of the lease and whenever the lease is liable to cancellation under the preceding clause he may, in lieu of cancelling the lease, allow the lessee the option of retaining it subject to the payment to the Government of a sum not exceeding Rs. 100 for each default as the Executive Engineer may consider reasonable. (3) Notwithstanding anything contained herein if the lessee fails to pay any instalment of the purchase money by due date under Clause 23, the Executive Engineer may take over the ferry immediately and run it departmentally until the instalment in default is paid. The lessee shall have no claim to tolls collected during any such period but shall be liable for any expenditure in excess of the toll receipt which may be incurred for which the certificate of the Executive Engineer shall be final and conclusive and during this period masts, boats, and all other appliances, whether the property of the Government or of the lessee including the sheds and lights provided under Clauses 9 and 10 and the boatmen engaged by the lessee (if they agree to serve) shall be placed by him at the disposal of Government for the period for which the ferry is run departmentally.

26. In the event of loss or damage to the masts, boats or any other property or appliances to Government and in charge of the lessee, the Executive Engineer shall assess such loss or damage and the amount so assessed shall be deducted from the security deposited. But if the security does not cover the amount so assessed, the balance may be recorded as an arrear of land revenue from the lessee.

27. In the event of river or crossing being bridge permanently during, the tenure of the lease, the lease will be cancelled in one calendar month's notice being given in writing to the lessee and no compensation will be payable for any loss sustained by the lessee or for any other reason due to such cancellation.

28. The lessee shall maintain a bound book which shall be produced on demand by any traveller or noting any remarks.

29. Any sum due to Government under any clause of this lease may, unless otherwise provided for, be recovered from the security deposit of the lessee and in the event of such sum not being covered within the security deposit the balance be recovered as arrear of land revenue from the lessee.

30. The lessee will have no claim for compensation or remission or refund of any portion of kists money on account of closure of traffic for a continuous period not exceeding 15 days due to any bridge or a road having been damaged by flood, earthquake or otherwise.

Accepted.....Lessee.....For and on behalf of the Governor of AssamExecutive Engineer.....DivisionAppendix F[Rule 21]Form of lease of power-driven ferries, both major and minorThe ferry across the.....river at.....in the road in.....sub-division of the.....mile of the.....Public Works Department Division in district is let to of from the 1st April to the 31st March on a total payment of Rs (Rupees) on the following conditions :

1. The lessee of this ferry shall be bound to cross over at any time during the day/day or night any person wishing to cross with his animals, luggage and conveyance; but may refuse to cross over any person, animals or conveyances until to the toll leviable thereon has been paid or a season ticket or a pass produced.

In crossing vehicles preference would be given to mail motors, to others, passenger buses and cars, to goods and 1st class cars, to passenger buses and cars.

2. The lessee shall not levy tolls on persons, animals or conveyances crossing by a private boat not used for hire without using the approaches to the ferry. A private ferry will not, however, be allowed to ply within two miles of a private ferry under Section 13 of the Northern India Ferries Act of 1878.

3. The full rates of tolls leviable by the lessee shall be as specified in the schedule attached, subject to the exceptions hereinafter provided; and to the provision that any person may compound for the tolls payable for the use of the ferry.

4. The Chief Engineer retains the rights to include new items with rates not covered by the existing schedule of tolls whenever in his opinion it becomes necessary during the tenure of the lease of agreement.

5. The following ferry appliances will be provided and maintained in good repair by the Executive Engineer :

(a)Marboats.(b)Single boats.(c)Marboats fitted with outboard engines.The lessee shall within one week of the date of final acceptance of the bid and prior to being given the charge of the ferry and granted a lease, furnish to the Executive Engineer a cash security amounting to 25 per cent (twenty five per cent) of the purchase money subject to a minimum of Rs. 200 and a maximum of Rs. 5,000 for punctual payment of purchase money as described in Clause 27 of the lease and efficient operation of the ferry. In addition to the above, the lessee shall furnish within the same period a cash security of Rs. 300 for each single boat and Rs. 500 and Rs. 1000 for each marboat without engine and each mar boat with propelling engine respectively for safe custody of the boats and the engines. The security so furnished shall be refunded to the lessee on the expiry of the lease subject to any deduction that may be made by the Executive Engineer for making good any loss of or damage to the marboat, boats, engine or any other properties and appliances otherwise than by fair wear and use.

6. The lessee is required to employ and keep available always at his own expense one/two licensed driver(s) and three boatmen for each marboat, plying with an engine by day, and at least four boatmen for each marboat without engine, if plied and two boatmen for a single boat plying by day/day and night. He shall immediately discharge any driver or boatman whose conduct or ability may not be considered as satisfactory by the Executive Engineer

7. Petrol for running engines shall be purchased and supplied by the lessee, the mobil oil and grease shall be purchased by him from the Executive Engineer at current stock rates and from no other source, without the written approval of the Executive Engineer. If for any reason petrol is not available, or an engine cannot be supplied the ferry shall be operated without the use of the engine, and such compensation as may be adjudged adequate on the basis of the record of traffic returns maintained by the lessee will be awarded by the Executive Engineer whose decision, subject to approval of the Chief Engineer, shall be final and binding on the lessee.

8. The ferry shall be operated by day only/day and night with the full complement of men provided for in Clause 6. For this purpose the day will be reckoned from one hour before sunrise to one hour after sunset. But the Chief Engineer, Assam retains the right to order plying the ferry at night if it should become necessary under special circumstances without any extra

payment.

9. The marboat fitted with the engine shall not, without the written permission of the Executive Engineer, be plied with the engine running, except during the day.

10. The lessee shall, during the period of lease, mark with buoys or in any other suitable manner, all submerged obstructions or dangerous rocks in the rivers within half-a-mile of the landing ghats and shall be held responsible for any loss or damage caused to the marboats striking against such submerged obstructions or dangerous rocks.

11. Approach roads to all the ferries are constructed and maintained by the Public Works Department. The lessee is responsible for conveying immediate information of damage to approaches to the nearest Public Works Department moharrir or subordinate in-charge of the road and for making temporary arrangement to prevent the interruption of traffic the cost of which will be paid by the Public Works Department. The Public Works Department provides sufficient means for embarking and dis-embarking all persons, animals, vehicles and things which he is bound to cross over at his ferry. Properly constructed landing stages are provided by the Public Works Department on both sides of the ferry. The lessee will be responsible for all arrangements and appliances required to hold securely the mar or boats to the bank when embarking or disembarking all traffic.

12. The number of passengers, animals, vehicles and weight of other things carried at one time shall not be such as to submerge the white line which marks the minimum free board. This line is painted by the Public Works Department on all mars or boats supplied by such authorities. It is of a breadth of not less than two inches and will run round the boat from stem to stern.

13. The lessee shall provide two sheds 15 feet by 15 feet for the temporary accommodation of travellers one at each side of the ferry.

14. The lessee shall provide and maintain light throughout the night on each side of the ferry ghats two incandescent lamps of not less than 200 candle power each and of a type approved by the Executive Engineer.

These lamps shall be hung up in a suitable place to illuminate the landing places one on each bank of the river, and shall be kept alight throughout the night and maintained to the satisfaction of the Executive Engineer. The lessee shall also provide a lamp on each marboat when plying at night.

15. The lessee shall not sublet the ferry.

16. The lessee shall hung up a copy of this lease and copy of a Part I of the Ferry Rules, in English and Assamese attached to a board on the outside of his shed at the ferry.

17. The lessee shall not refuse to give change for any silver coin or currency notes up to Rs. 2 in value offered to him.

18. A register in the form prescribed by the Executive Engineer shall be kept in which all vehicles crossing the ferry shall be noted.

The lessee shall furnish monthly to the Sub-divisional Officer, Public Works Department, a return in the prescribed form supplied to him by the Executive Engineer. He (the lessee) shall fill up every column of the said form properly and completely and shall submit the same in the 1st week of the month succeeding to which it relates to.

19. The lessee shall perform the duties of a village watchman as defined in Section 45, Code of Criminal Procedure.

20. In addition to the persons, animals, vehicles and other things employed or transmitted on the public service which under Section 15 of Act 17 of 1878 and Section 3 of Act 2 of 1901 are exempted from the payment of tolls, the lessee shall cross over free of tolls :

(1)Any police officer travelling in uniform.(2)Any village watchman carrying a chapras.(3)Any Government peon when serving processes.(4)The Government mails.N.B. - Motor vehicles carrying or designed to carry passengers or goods in addition to the Government mails are not exempted from payment of tolls.(5)Any person, vehicle (whether they are full or empty) or stores employed for the execution of any work (such as roads, bridges, buildings, embankments or canals) which is being undertaken by or on behalf of Government or any local fund; provided that such persons, vehicles or stores are employed solely in the execution of the work at the time of transit and provided that a pass is produced signed by one of the following :(a)An Executive Engineer or Sub-divisional Officer,

Public Works Department;(b)A Chairman or Vice-Chairman of a Local or Municipal Board or Town Committee;(c)An officer not below the rank of Sub-Surveyor or Sub-Overseer in-charge of a work.Such pass shall indicate, as nearly as may be, the nature, time and number of journeys for which the pass is given, and in the event of any dispute as to the validity of the pass for a particular journey, the matter shall be referred to the Executive Engineer whose decision shall be final.(6)Any person or vehicle (whether full or empty or containing stores) employed on departmental work of the Forest Department including-(a)construction or repairs of roads and bridges undertaken departmentally;(b)construction or repairs of buildings undertaken departmentally;(c)cultural work in the forests undertaken departmentally;(d)extraction work in the reserved or unclassed State Forests, undertaken departmentally:Provided that such persons or vehicles at the time of transit solely employed for the said work and that a pass is produced signed by the Divisional Forest Officer or an Officer of the Forest Department of the rank of Ranger or Extra Assistant Conservator of Forest.(7)Officers and stores of the Assam Railway Company, and labourers actually employed on the railway if furnished with a pass by a railway officer.(8)Any Goanbura travelling on public duty on production of his appointment Parwana.(9)Volunteer of the Auxiliary Forces travelling in uniform.(10)All Mauzadars or Sarpanches of Panchayats when travelling on duty and one Moharrir employed by each Mauzadar while travelling on public duty; provided that he holds a certificate that he is so travelling signed by the Mauzadar and produces it when called upon to do so by the ferryman.(11)All collecting members of Panchayats when travelling on duty.(12)Employees of Local Boards and Municipal Board or any Local Fund travelling on duty (this includes school employees of the aforesaid boards when travelling on duty).(13)Kalaazar patient with an attendant when required attending a hospital or centre for treatment on production of a certificate signed by the Medical Officer who is treating him.In such cases bullock or buffalo cart with it driver and pair of animals or a dooli with three attendants in which the patient may be travelling shall also be exempted from the payment of tolls at ferries where facilities for crossing such vehicles exist.(14)A member of Local Boards with his conveyance and one attendant when proceeding to, or returning from a meeting of the Board; provided that he produces the notice summoning him to the meeting and performs the journey within two days of the date thereof.(15)Private conveyance, whether they are their personal property or not of persons employed on the public service while on duty but excluding a hired conveyance.(16)A leper with an attendant when required attending a hospital or centre for treatment on production of a certificate signed by the Medical Officer who is treating him.(17)Members of the Legislative Council, Members of the Legislative Assembly and Assam Representatives to both the Chambers of the Central Legislature when travelling in a private conveyance whether their own property or not, but excluding a hired conveyance, subject to the register, where maintained, being signed on each occasion.(18)All stock-men employed by the Live-Stock Improvement Association, Assam on production of a copy of their appointment letter.(19)All Supervisors of Central Co-operative Banks, Assam on production of a copy of their appointment letter.(20)Any person engaged on Red Cross Work and required on such work to travel by road on production of a certificate issued for a quarter of a year or other period of less duration signed by the Honorary Secretary of the district concerned and bearing the seal of the District Branch of the Indian Red Cross Society.(21)Motor vehicles, carts or carriages belonging to Government and also any motor vehicle belonging to a Government Officer although travelling empty, on production of a certificate from the officer that the vehicle is travelling for his own use while on duty.(22)Members of Local Board while travelling on inspection duty subject to the

production, on each occasion of a definite letter of authority from the Chairman or the Vice-Chairman concerned specifying the route and time within which the inspection is to be made. (23) All persons in receipt of gratuitous relief from Government on account of distress while going to or returning from relief centres to receive doles or to work at a test relief centre, on production of a certificate from the Relief Officer. (24) Members of the Debt Conciliation Board, when proceeding to or returning from a meeting of the Board; provided that they must produce the summons to the meeting and provided that the journey is performed within one day of the meeting. (25) The Curator of the Assam State Museum at Gauhati while performing journeys on duty. (26) (1) Motor vehicle belonging to the State Government and employed with the organisation known as the Assam Transport; (2) Persons employed by the State Government and travelling with the aforesaid vehicle on duty; and (3) Property borne on the aforesaid vehicle and at the disposal of the Central, or the State Government.

21. The lessee must cross over dak runners carrying mails, any member of the police force in uniform and doctors at any time during the night or day.

22. Every person exempted from payment of toll when using the ferry shall enter his name and address in a book supplied and maintained by the lessee for this purpose.

23. The lessee shall not knowingly cross over bad characters, outlaws or fugitives from justice and he shall give every assistance to the Police and other Government Officers in the apprehension of offenders. But this clause shall not warrant him in arresting labourers or other persons on the ground that he knows or suspects them to be absconding from service.

24. The lessee is liable to the following penalties :

(a) The penalty for neglecting to affix or to keep in order his table of tolls or for wilfully altering or defacing the table or for refusal to produce it on demand, is a fine which may extend to Rs. 50. (b) The penalty for asking or taking more than the lawful toll or for delaying any person, animal, vehicle, or other thing without the due cause, is a fine which may extend to Rs. 100. (c) The penalty for breaking any rule made under the order of the Government in respect of the management or working of ferries, is imprisonment which may extend to six months or a fine which may extend to Rs. 200 or both. (d) The penalty for default of payment of rent or for second conviction of any one of the above named offences, is cancellation of the lease in addition to any other legal penalty for the offence committed.

25. The lessee is authorised to draw the attention of travellers to the following provisions of the law :

(a)The penalty for refusal to pay the proper toll for fraudulently or forcibly crossing in order to avoid such payment, for obstructing the lessee in the execution of this duty, for entering in or taking any animals or other things in a ferry, boat, or on a bridge, after he has been warned that it is not in a fit state for that purpose or so laden as to endanger life or property, is a fine which may extend to Rs.

50.(b)Whoever, during the period the lease is current, makes use of any temporary ferry bridge erected by the Public Works Department for transit of passengers, animals, vehicles or other things, is bound to pay the legal toll.

26. Every person breaking any rule under Section 12 or Section 19 of Act 17 of 1878 shall be punished with imprisonment for a term which may extend to six months or with a fine which may extend to Rs. 200 or with both.

27. The lessee shall pay the purchase money in the following instalments :

1/4th of purchase money subject to a minimum of Rs. 200 within three days from the date of sale. Balance or 1/4th of purchase money whichever is less on or before the 1st June. Balance or 1/4th of purchase money whichever is less on or before the 1st September. Balance or 1/4th of purchase money whichever is less on or before the 1st December.

28. (i) If the lessee violates or fails to perform any of the covenants herein contained, he shall, in addition to any other liability, be liable to have his lease cancelled by the Executive Engineer and in that event shall not be entitled to any compensation or to the refund of any portion of the ferry rent, advance or security.

(ii)Executive Engineer is the controlling authority for purposes of this lease and whenever the lease is liable to cancellation under the preceding clause he may, in lieu of cancelling the lease, allow the lessee the option of retaining it subject to the payment to the Government of a sum not exceeding Rs. 100 for each default as the Executive Engineer may consider reasonable.(iii)Notwithstanding anything contained herein, if the lessee fails to pay any instalment of the purchase money by due date under Clause 27, the Executive Engineer may take over the ferry immediately and run it departmentally until the instalments in default is paid. The lessee shall have no claim to tolls collected during any such period but shall be liable for any expenditure in excess of the toll receipt which may be incurred for which the certificate of the Executive Engineer shall be final and conclusive and during this period masts, boats, and all other appliances, whether the property of the Government or of the lessee including the sheds and lights provided under Clauses 13 and 14 and the boatmen engaged by the lessee (if they agree to serve) shall be placed by him at the disposal of Government for the period for which the ferry is run departmentally.

29. The Executive Engineer may at his discretion deduct from the sum deposited as security such amount as may, in his opinion, be necessary to make good any damage or loss sustained by the vessels or other property or appliances otherwise than by fair wear and tear.

But if the security does not cover the amount so assessed, the balance may be recovered as an arrear of land revenue from the lessee.

30. The lessee shall maintain a bound book which shall be produced on demand by any traveller for noting any remarks.

31. In the event of river or crossing being bridge permanently during, the tenure of the lease, the lease will be cancelled in one calendar month's notice being given in writing to the lessee and no compensation will be payable for any loss sustained by the lessee or for any other reason due to such cancellation.

32. Any sum due to Government under any clause of this lease may, unless otherwise provided for, be recovered from the security deposit of the lessee and in the event of such sum not being covered within the security deposit the balance be recovered as an arrear of land revenue from the lessee.

33. The lessee will have no claim for compensation or remission or refund of any portion of kists money on account of closure of traffic for a continuous period not exceeding 15 days due to any bridge or a road having been damaged by flood, earthquake or otherwise.

Accepted.....

For and on behalf of the Governor of Assam

Lessee.....

Executive Engineer.....Division

Dated..... The..... 20.....

Appendix GToShri.....Sir,I am to inform you that your bid amounting to Rs. forferry for the year has provisionally been accepted by me vide Challan No. datedfor the amount of the 1st instalment of purchase money of Rs..... deposited by you in.....Treasury has been received. This acceptance is however subject to the approval of the Chief Engineer/Additional Chief Engineer who may or may not approve the settlement.Yours Faithfully,Auctioning OfficerAddressCopy forwarded to the Chief Engineer/Additional Chief Engineer for information.Auctioning OfficerAddress.....