

## Model Rules, 2011 under Bengal Ferries Act, 1885

BIHAR

India

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### Rule MODEL-RULES-2011-UNDER-BENGAL-FERRIES-ACT-1885 of 1885

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Model Rules, 2011 under Bengal Ferries Act, 1885Last Updated 11th February, 2020Introduction. - Boat accidents are so common that it has become a crucial issue to find out ways and means to ensure the safety of those travelling by country boats. Most of the boats are open and hardly have any space excepting the minimum required to carry men and materials. Wooden Country boats with traditional designs are destined to continue for quite some time to come. It is therefore ,necessary to exercise control over the country boats so that they are kept as far as practicable ,water worthy and Provide a safe means of transportation.In order to achieve the required safety of life it is essential that the boats are maintained in good condition and are equipped with minimum life and fire safety appliances. The Compulsory provision of inspections of the boats is necessary for the desired safety. Moreover it is required that the boats have ample reserve buoyancy ,their dimensions are measured ; tonnage ,cargo and passenger carrying capacity is correctly assessed. the freeboard has to be determined for making the load line , which shall be not be submerged on any occasion. The minimum crew required to handle the boats has to be stipulated and the minimum safety equipment to be carried has to be specified. All these measures will certainly make the boats safer.Such measures can only be implemented when the boats are registered and licensed. The registration and licensing of country boats help requisitioning them for rescue purposes in case of nature calamities like floods and tidal waves.The Bengal Ferries Act ,1885 is in force in the state of Bihar. In Framing the present rules all the safety factors have been taken into consideration. Penalties and Criminal Procedure Prescribed in the Bengal Ferries Act, 1885, the Indian Penal code will be applicable.

#### 1. Model Rules.

- These are Model Rules Under the Bengal Ferries Act, 1885.

## 2. Definitions.

- In these rules ,unless the context otherwise requires:(a)"Boat " means water craft up to 15mts length ,called by whatever name like Bhutbhuti, nav ,Dengi ,Ghataha ,long tail drive etc. including mechanically propelled vessels driven by less than twenty British Horse Power engine :(b)" Passenger boat" means any boat which ordinarily carries persons other than the "Navik" or "Manjhi" or the Boatman in charge and the crew:(c)"Cargo boat" means any boat ,which ordinarily carries all kind of movable or personal property including animals;(d)"Class I boats " means barges or floats constructed of iron or wood or fiber Reinforced Plastic (F.R.P.) or Ferro-cement, ship-shape and with Straight keel;(e)" Class II boats " means open country boats ,sail boats or a boat other than class I boats:(f)"Form" means a form appended to these rules;(g)"Out Board Motor" means engine used to move the boat mechanically and includes long tail and such other devices :(h)" Registration officer " means ,District Transport officer as defined in Rule 2 of the Bihar Motor Vehicle Rules ,1992 or any other person authorized by the District Magistrate to carry out the Registration :(i)"Boat Surveyor means Motor vehicle Inspector , as defined in rule 2 of the Bihar Motor Vehicles rules, 1992 trained in Boat Surveying includes Boat surveyor includes an officer authorized by the District Magistrate to perform the functions of the boat Surveyor, trained in boat Surveying.(j)Any term not defined here has the same meaning as defined in Bengal Ferries Act 1885 and In land Vessel act,1917 or any rule made there under.(k)"Navik" or Manjhi " means persons who are qualified to operate the licensed boat.

## 3. Registration and Licensing of Cargo and Passenger Boats.

- No person ,whether as owner or as servant shall ply a boat to carry goods or passengers whether for hire or not; or whether regularly or occasionally in the rivers ,canals,lakes and reservoirs and other water bodies ; unless(a)the boat has been granted the registration in Form -II and the license in Form-III and(b)the group of letters specified in Appendix A ,appended to these rules indicating the place of registration followed by the registration number assigned is painted on both sides of the boat in white figures of not less than 15cms height and 2cms in breadth.provided that in respect of the boats that are presently in the operation , the owner shall get the boat licensed and registered within 30 days of gazette notification.

## 4. Application For Registration.

(1)Every application for registration of a boat shall be made in Form -IV in writing to The Registration Officer by the owners of the boat:(2)On receiving the application for registration of a boat , the Registering Officer shall direct the Boat Surveyor to measure the boat as required under rule22 of these rules and shall enter the particulars in the book of Registry to be maintained in Form -I on payment of fees specified in Rule 32;(3)Every certificate of registration or renewal shall be in Form -II

## **5. Transfer of Ownership.**

(a)Where the ownership of any Boat registered under these rules is transferred ,the transferor shall within 14 days of transfer report the fact of transfer to the Registration Officer in writing ; and(b)the certificate of Registration for endorsement along with the fees prescribed under Rule 32 ; and(c)these transfers shall be mutated by the Registration Officer.

## **6. Cancellation of Registration.**

- The Registered number of a boat shall remain in force as an identification number throughout the whole working life of the boat unless :-(a)it is cancelled at the request of the owner :or(b)the license of the boat is not renewed continuously for a period of two years; or "(c)the boat is declared unfit for further service by the Boat Surveyor; or(d)the number engraved on the boat is obliterated.

## **7. Load Line to be marked.**

(1)Every boat shall have her load line indicated by a conspicuous mark of 2.5cms engraved or welded ,15cm wide and 30cms long and painted white on dark background to indicate the freeboard or greatest depth to which it may be immersed when fully loaded;(2)The load line shall be marked by the owner in the presence of the boat surveyor at the time of Registration.

## **8. Application for Licensing Boats.**

(1)Every application for a fresh license or renewal shall be made in writing to the boat Surveyor with a copy to Registration Officer;(2)The Surveyor shall submit the survey report to the Registration officer within a period of 30days from the date of receipt of application.(3)The applicant shall produce the boat at such time and place as the Boat Surveyor shall direct for the purpose of licensing the boat , preferably at the place of plying.

## **9. Conditions of License For Boats.**

- No license shall be granted in respect of any boat until such boat has been surveyed by the Boat Surveyor and he has satisfied himself that the following conditions are fulfilled namely:-(a)that the boat is in good condition and is suitable for the Conveyance of Cargo ,passengers , and Complies with these rules.(b)that the tonnage of the boat is ascertained in the manner prescribed under sub rule (4) of rule 22 of these rules;(c)that the number of crew required for safe navigation of such boat is in accordance with the scale prescribed under rules 25 and 26 of these rules.(d)that such boat is provided with adequate appliances for the pumping or bailing out or otherwise getting rid of bilge water and with serviceable ground tackle ,anchoring and other equipment and lights necessary for safe navigation .(e)that the freeboard of the boat when fully loaded is ascertained in the manner prescribed in sub -rule(2) of Rule 23 of these rules .(f)that the boat is provided with minimum of two approved life buoys and a first aid box.(g)that the boat is fitted with engine , is provided with fire extinguisher;(h)that in case of passenger boats ,the maximum number of passenger to be carried

are marked at prominent place for information of the passengers;(i)that in case of passenger boats plying with outboard or with similar devices the conditions required in rule 28are complied with;(j)the boat shall normally ply between sunrise and sunset, provided that in emergency for night use ,special light arrangement will be required which shall be approved by the Boat Surveyor.

## **10. Issue of license to a boat.**

- If the conditions enumerated in Rules 8 and 9 are satisfied and necessary payment of fees as prescribed in Rule 32 of these rules has been made,the Boat Surveyor shall:-(a)issue to the owner a license ,which shall contain the particulars of the boat , and the name of the Navik or Manjhi in charge in Form III;(b)cause the necessary particulars relating to the boat to be entered in the Book of Registry in Form I .

## **11. Duration of license.**

- Every License granted under these rules shall continue in force for a period of three years from the date on which it is granted unless it is revoked under the provisions of these rules.

## **12. Transfer of license.**

- No license granted under these rules shall be transferred.

## **13. Application for renewal of boat licenses.**

(1)Application for the renewal of a license for a class-I boat may be made by the owner or his authorised agent in writing to the Boat Surveyor with a copy to Registration Officer;(2)Application for the renewal of a license for a class-II boat shall be made in person by the owner or Navik or Manjhi of the boat;(3)The Boat surveyor before renewing the license shall require the boat to be produced for examination ,preferably at the places of plying ,and if he is of the opinion that the Boat satisfies the conditions specified under rule 9,may renew license valid for a period of one year for which a fee as prescribed in rule 32 shall be payable.(4)If the owner ,agent ,Navik or Manjhi fails to make application for the renewal of license for the boat within a month from the date of expiry of the license penal license fees at double the rate shall be charged .

## **14. License to be produced on demand.**

(a)Every licensed boat when plying shall carry on board its license which shall be produced when required by the police or any officer duly authorized by the District Magistrate or the Registering officer or the Boat Surveyor :(b)In case of a passenger boat the license shall be produced when required by any passenger for inspection.

## **15. Unlicensed Boat.**

- If the Navik or Manjhi of a boat fails to produce the license as required under rule 14, the boat may be treated as an unlicensed boat unless satisfactory explanation is given to the Registration officer or in his absence to the Boat Surveyor, he shall have to pay penal charge thrice of the rate of the license fees for issue of license.

## **16. Resurvey.**

- The District magistrate or the Registering officer may, at any time, order a licensed boat to be resurveyed without any charge to the owners.

## **17. Revocation of License.**

- The License granted to any boat may be revoked:--(a) Whenever the boat is in the opinion of the Boat Surveyor unfit for the purpose for which it is licensed; (b) Whenever any breach of the conditions of the license or the rules has been committed by the owner or his agent or by any Navik or Manjhi in charge of the boat. (c) At any time the District Magistrate may deem fit for good and sufficient reasons.

## **18. Duplicate License.**

- If any subsisting license granted in respect of a boat is lost, the registering officer on the application of owner or agent of such boat, may issue a duplicate of the original license for which a fee shall be payable in accordance with the scale prescribed in rule 32.

## **19. Boats are not to be loaded so as to submerge the mark indicating the load water line.**

- The owner or his agent or the Navik or Manjhi in charge of any licensed cargo boat shall not permit such boat to be loaded so as to submerge the mark indicating the load water line.

## **20. Action to be taken when accidents occurs on board a licensed boat.**

(1) Whenever any accident causing serious hurt to any person or material damage to any property occurs on board of or by means of any boat, the Navik Or Manjhi in charge shall at once proceed to the nearest police station and report the circumstances connected with the accident to the officer in charge of the Police station and the Boat Surveyor; (2) In case of Sinking of boat due to accidents or otherwise the boat owner or operating personnel shall immediately report the matter to the concerned authority /Police. The boat owner shall also take immediate steps within a reasonable time for salvaging the boat. (3) The District magistrate or Registering officer shall take immediate steps for its salvage and the expense incurred therefore shall be recovered from the boat owner within a specified time frame under the provisions of the Bihar Public Demands Recovery Act, 1914.

## 21. Pumping out of bilge water from boats.

- The crew of all boat shall ensure that all bilge water shall be pumped or bailed out or got rid of from boat as often as possible for safe navigation.

## 22. Measurement of the boats.

(1)Length of a boat shall be measured in Meters from the inside of the stem post to the inside of the sternpost;(2)The breadth shall be measured in Meters from side to side ,inside the ceiling plank ,under the deck beam amidships ,where no ceiling plank is fitted the measurement shall be taken to the upper side of the keel;(3)The depth shall be measured in Meters from the under side of the deck beam amidships to the upper side of the floor ceiling plank, where no ceiling plank is fitted ,the measurement shall be taken to the upper side of the keel;(4)The gross tonnage of the boats shall be determined by the following formula .Gross tonnage =KV where V= Total volume of all earning spaces of the boat in cubic meters and k= The Coefficient as tabulated below:

Volume in Cubic Meters	Coefficient K
10	0.2200
20	0.2260
30	0.2295
40	0.2320
50	0.2340
60	0.2356
70	0.2369
80	0.2381
90	0.2391
100	0.2400
200	0.2460
300	0.2495
400	0.2520
500	0.2540
600	0.2556
700	0.2569
800	0.2581
900	0.2591
1000	0.2600

The values for coefficient K for intermediate volumes can be obtained by linear interpolation.

## **23. Mode of assignment of Load line/Freeboard.**

(1) Every boat shall have on its sides amidships a conspicuous mark 2.5cms deep, 15cms wide and 30cms long engraved or welded and painted white to indicate the freeboard or greatest depth or which it may be immersed when fully loaded. (2) The freeboard may be calculated at the rate of 25cms for every meter of depth during fair weather. During monsoon and other flood season the freeboard should be 1.5 times of the above. (3) Whenever a boat is licensed to carry both passengers and Cargo it shall be measured and marked with a load line in the same way as though it intended solely for carrying of cargo.

## **24. Mode of assessment of number of passengers.**

(1)(a) To ascertain the number of passengers that a passenger boat may carry, multiply the superficial area in square metres of the floor space available for passengers by 1.8 and the result is the number of passengers that the boat may be licensed to carry; or (b) Where benches or thwarts are provided the number of passenger to be carried may be calculated at the rate of 2 Persons for every running meters of seating accommodation; or (c) When the boat is fully loaded with passenger and cargo up to load line, 2/3 rd of the maximum number of allowed passenger to be shifted to one side, while keeping 1/3rd on the other side, the submersed portion in the water should not be more than 50% of freeboard; in case it exceeds, then the maximum number of passenger shall be reduced accordingly; (d) Under no circumstances any boat can ply with submerged load line or can carry passenger exceeding maximum number specified by the surveyor; (e) Maximum number of passenger to be carried shall be marked at a prominent place on the Boat; (2) To ascertain the number of persons in addition to the crew that may be carried, two children below the age of 12 years shall be counted as one person and every 65 Kg weight of luggage shall be counted as equivalent to one person.

## **25. Schedule of Crew for cargo Boats.**

- Every cargo boat plying shall carry a minimum crew as given below :- (a) For a boat up to 20 Tons burden- Total 2 Navik (b) Above 20 Tons- Total 3 Navik

## **26. Schedule of Crew for Passenger boats.**

- Every Passenger boat when plying shall carry a minimum crew as detailed below: - (i) Boats to carry up to 15 to 30 Persons: - Total 2 Navik; (ii) Boats to carry more than 30 Persons - Total 3 Navik; Provided further that when boats are laid up there shall be in charge of them sufficient crew to look after them.

## **27. Responsibility of a person in charge of a boat.**

- the owner, agent or person in charge of any licensed boat shall ensure :- (a) that the boat is provided with the number of crew required under these rules: - (b) that the boat is kept thoroughly dry and

clean ;(c)that the registration number is kept clearly painted as required under these rules,(d)that the license is carried in the boat ;(e)that the equipment specified in the license is provided and maintained in good condition.(f)that the load line of a cargo boat is kept clearly marked;(g)that the boat ,if carrying cargo ,is not loaded so as to submerge the mark indicating the load waterline;(h)that the number of maximum passengers ,to be carried is marked Prominently as specified in these rules.(i)that the boat , if carrying passengers ,does not carry person in excess of the number for which it is licensed;(j)That the boat is fitted with navigation lights or lamp necessary for safe navigation.(k)that in no circumstances animals will be allowed other passengers to ferry in boat .If any passengers has animals with him , only he will be allowed with animal in the boat besides Navik or Manjhi or Tindal.

## **28. Passenger boats plying with outboard Motors.**

- No Passenger boat shall be propelled either by an outboard engine or with similar devices unless it satisfies the following conditions:(a)that boat is properly constructed to withstand all stresses and strains as per the approved design of an naval architect or Indian Registry of shipping or any internationally recognised classification Society for class -I boat and by Boat surveyor for class II boat:(b)it is properly sheathed below the load water level:(c)it is fitted with seating accommodation for each of the Passengers:(d)it is provided with sufficient number of bailers and a rescue quoit;(e)it is provided with approved life buoys ( By Director General of shipping ,Government of India ) calculated at the rate of one for every 5 passengers with a minimum of two ,if boat fitted with internal buoyancy tanks or buoyant seats ,the number of life buoys may be reduced by half subject to minimum of 2;(f)it is provided with a portable fire extinguisher;(g)Sufficient quantity of fresh drinking water is provided and supplied free of cost ;(h)a first aid box of an approved type is provided;(i)that the boat is fitted with navigation lights or lamp necessary for safe navigation;(j)has a reversing mechanism fitted;

## **29. Compulsion to Carry Passengers.**

- No person in charge of a licensed passenger boat plying for hire shall ,without good reason ,refuse to carry in such boat passenger tendering the proper hire.

## **30. Power To refuse admission of Passengers.**

- The Tindal or Manjhi may refuse to admit any person to the boat as a passenger if he,(a)has not paid the reasonable fare ; or(b)is insane ; or(c)is drunk and incapable of taking care of himself ; or(d)is disorderly and causes annoyance to other Passengers ; and(e)when the boat is loaded to its full capacity.(f) wants to ferry in the boat along with animals, when other Passengers have been admitted in the boat.

## **31. Conduct of Passenger.**

(1)No Passenger shall carry any dangerous goods or fire arms or decayed food stuffs or any other



offensive articles on any boat;(2)No Passengers on any boat shall:-(i)Obstruct the Navik ,Manjhi or crew in the discharge of their duties;or(ii)damage or attempt to damage the boat or any article on the boat ;or(iii)be drunk and disorderly ,or drunk and incapable of taking care of himself ; or(iv)commit any nuisance or act of indecency ,or use obscene or abusive language ;or(v)without lawful excuse ,interfere with the comfort of nay passenger.

### **32. Fees for Survey,Registration etc.**

(a)The fees shall be leviabale for survey ,registration ,licensing and inspection and endorsing change of navik or manjhi or boats will be as schedule given in annexure -1 ;(b)The District Magistrate shall have power to revise the fees from time to time .

### **33. Inspection of Boats.**

- Any boat at any reasonable time be inspected by the Registration Officer or the boat Surveyor or any officer appointed on his behalf for the purpose of survey.

### **34. Annual Returns to District Authorities.**

- The Registering officer shall submit on the first May of every year an extract of the Book of Registry showing the number of boats registered . with valid license together with the address of the owner and tidal to the respective District Magistrate .

### **35. Boats to be kept ready for relief work.**

- All boats registered and licensed under these rules shall as far as practicable be kept ready for use in floods and cyclonic relief works. The District Magistrate or his authorized officer may requisition such boats if he feels necessary for public purposes on payment of charges to be negotiated/finalised by the District Magistrate.

### **36. Training and Certification.**

(1)All designated boat surveyor (Motor Vehicle Inspectors) shall undergo one week course for boat surveying at National Inland Navigation Institute ,(NINI) , Patna or any other institute recognised by the State Government .

### **37. Qualifications for a Navik to operate licensed boat.**

- The qualification of a Navik to operate a licensed boat shall be prescribed by the Transport Department by notification to be published in the state Gazette .Provided that the qualification shall be prescribed within one year of the commencement of this Rule.Miscellaneous.

### 38. Repeal & Saving.

(1)Rule 3 (e) and 3 (f) of Models Rules 1937 made U/S 15 of Bengal Ferry Act, 1885 and rule 1 to 11 of Model Rule 1937 made U/S 22 of the said Act are hereby repealed.(2)Notwithstanding the said repeal anything done or any action taken under any of the provisions of these rules so repealed shall ,in so far as it is not inconsistent with the provisions of these rules ,be deemed to have been done or taken under the corresponding provisions of these rules.Appendix -A[See rule 3 (b)]It is therefore allotted to the District specified in column (2) of the table below , the groups of letters specified in the corresponding entry in column (3) thereof, to be used as registration mark for each district for the purpose of these rules.

SI.No.	Districts	Groups of Letters
1	2	3
1	East Champaran (Motihari)	BRE
2	Muzaffarpur	BRF
3	West Champaran (Bettiah)	BRP
4	Sitamarhi	BRX
5	Vaishali	BRZ
6	Seohar	BEQ

Annexures-1See rule 32(a)

SI. No.	Survey, Registration	Class I Boats	Class II Boats
1.	For Survey, Measurement and Registration at the time of issue of license for the first time or after construction	Rs.50.00	Rs.40.00
2.	For special inspection or survey on each occasion when a boat is found unfit and each annual inspection for renewals of license.	Rs. 10.00 Rs.	10.00
3.	For re-measurement and survey of boat on account of change in measurements /capacity	Rs. 10.00	Rs. 10.00
4.	For registration and issue of license on account of change of ownership or change in capacity.	Rs. 10.00	Rs. 10.00
5.	For issue of duplicate copy of license/Registration Certificates	Rs. 10.00	Rs. 10.00
6.	For endorsing change of Tindal or Manjhi.	Rs. 10.00	Rs. 10.00
7.	Issue of learner's license	Rs. 10.00	
8.	Issue of Tindel/Manjhi license	Rs. 10.00	

Form -1Book of RegistrySee Rule 4(2)

Registration Number :  
 Name of the owner :  
 Name of the Builder :  
 Place Built :  
 Year Built :

Length :  
 Breadth Depth :  
 Gross Tons :  
 Capacity (max number of Passenger) :  
 Engine :  
 Horse Power :  
 Name of Navik/Manjhi :  
 Description of Boat :

Signature of Registering officer Form - II Certificate of Registration of Boat See rule 3(a) and 4 (3) This is to certify that Sri/Smt/Kum ..... of ..... PS. .... Dist. .... has declared that he/she is the Sole owner of the boat ..... having assigned ; the registration No. .... was built at ..... by ..... in the Year ..... and the Said ..... had been duly registered at under the Bihar ; Boat Rules 2011 . Certified under my hand this ..... Day of ..... 20. Description of Out board Engine : - Name of Engine (Make ):- Horse Power:- Year Built:-

particular of Boat:-

Length :- Breadth:- Depth:-  
 Gross Tonnage :- Free Board :-  
 Description :-  
 Max number passenger :  
 Minimum number of Crew :

Signature of Registering Officer Foot Note. -(1) This Certification of registration to be produced for inspection on demand by any authorised by the District Magistrate. (2) This Certificate must be surrendered to the Registering officer if so required by him. (3) While the Certificate is in force , the registered number as cut and painted or otherwise marked in position approved under the these Model Rules must not be removed or defaced. (4) In case of accident occasioning loss of life , or efficiency of the boat a report by letter signed by owner or Manjhi/ Navik is to be forwarded to the registering officer within 24 hours after the happening of the accident or as soon thereafter as possible. Form - III Boat License / survey Certificate (rule 3 (a)) License is granted to Sri/Smt /Kum ..... owner of Registered Boat No. .... measuring Length ..... Meters , Breadth ..... Meters and Depth ..... Meters to carry Cargo or Passengers to the extent specified below in the ..... river/lake /reservoir from ..... To ..... under the restrictions and subject to the Penalties Laid down in the Bihar Boat Rules 2011.

1. License Number:- 2. Name of the Owner :- 3. Address of the Owner :- 4.  
 Registration Number:- 5. Date of registration

Date:- Photo

## 6. Rig and Equipment.

## 7. Capacity or Weight.

## 8. Number of Passengers Allowed:-

9. Name of Navik/Manjhi:-10. Address of Navik/Manjhi:-11. Number of crew:- Photo Photo Photo

Note. - Two children under 12 years of age counted one adult Extended toSignature  
Designation-Do--Do--Do-Form-IVApplication for registrationSee rule 4.1To,The Registering  
Authority,I/we .....of .....being the  
owner of boat .....hereby request that the said vessel be registered at  
.....under the name  
.....I agree to pay such fees as may be leviable under  
the Rules , Particulars in respect of the said vessels are as under:-

1. Owner 's Name and address (in Full)..... Photo  
.....

2.

Occupation .....

3.Name of Navik / Manjhi and Address Photo Photo Photo  
.....

4. where, when and how the boat is secured .....

5. Kind of Vessels, Name and address of the Engine Makers with Horse  
Power and year of make

6. Particular of Engine

7.

Sate of Vessel

8.

Name and address of the Builders with Place and year of  
build.....

9. Whether owners Adult or Minor .....

## 10. Number of Crew

Date:- -----(Signature of owners)