



THE FERRIES ACT, 1878



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THE FERRIES ACT, 1878

¹ACT No. XVII OF 1878

[9th November, 1878]

An Act to regulate Ferries ²* * *.

Preamble. WHEREAS it is expedient to regulate ferries in ³[certain Provinces]; It is hereby enacted as follows:—

I.—PRELIMINARY

1. Short title. This Act may be called the ⁴* * Ferries Act, 1878.

Local extent. ⁵[It extends only to ⁶[the Punjab] ⁷[and the North-West Frontier Province].

Commencement. It shall come into force in each of the said territories on such date⁸ as the ⁹[appropriate Government] may, by notification in the official Gazette, fix in this behalf.

2. [Repeal.] *Rep, by the Repealing Act, 1938 (I of 1938), s. 2 and Sch.*

3. Interpretation clause. In this Act the word “ferry” includes also a bridge of boats, pontoons or rafts, a swing-bridge, a flying-bridge and a temporary bridge, and the approaches to, and landing-places of, a ferry.

¹For Statement of Objects and Reasons, see Gazette of India, 1878. Pt. V, p. 135, for Preliminary Report of the Select Committee, see *ibid.*, p. 210; for Proceedings in Council, see *ibid.*, Supplement, pp. 286, 325, 1104 and 1194.

²The words “in Northern India” omitted by A. O., 1949, Sch.

³*Subs. ibid.*, for “the Punjab, the North-Western Provinces, Oudh, Central Provinces, Assam, and Ajmer and Merwara”.

⁴The words “Northern India” omitted *ibid.*

⁵*Subs. ibid.*, for the original paragraph.

⁶*Subs.* by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8, for “West Punjab”.

⁷*Subs.* by F.A.O., 1975 Art. 2 and Sch., for “the North-West Frontier and the district of Sylhet”.

⁸The Act was brought into force in –
The Punjab on 1st April 1881: see Punjab Gazette, Pt. I, p. 139.

⁹*Subs.* by F.A.O., 1975, Art 2 and Sch., for “Provincial Government” which was *subs.* by A. O., 1937, for “L. G.”.

¹[**3A. Definition.**—In this Act, “appropriate Government” means—

- (a) in relation to national highways and strategic roads declared as such by or under a Federal Law, the Federal Government; and
- (b) in relation to other matters the Provincial Government.]

II.—PUBLIC FERRIES

4. Power to declare, establish, define and discontinue public ferries. The ²[appropriate Government] may from time to time—

- (a) declare what ferries shall be deemed public ferries, and the respective districts in which, for the purposes of this Act, they shall be deemed to be situate;
- (b) take possession of a private ferry and declare it to be a public ferry;
- (c) establish new public ferries where, in its opinion, they are needed;
- (d) define the limits of any public ferry ;
- (e) change the course of any public ferry; and
- (f) discontinue any public ferry which it deems unnecessary.

Every such ³declaration, establishment, definition, change or discontinuance shall be made by notification in the official Gazette.

4* * * * * * *

Provided ⁵* that, when any alteration in the course or in the limits of a public ferry is rendered necessary by changes in the river, such alteration may be made, by an order under his hand, by the ⁶Commissioner of the division in which such ferry is situate, or by such other officer as the ²[appropriate Government] may, from time to time, appoint by name or in virtue of his office in this behalf.

5. Claims for compensation. Claims for compensation for any loss sustained by any person in consequence of a private ferry being taken possession of under section 4 shall be inquired into by the Magistrate of the district in which such ferry is situate, or such officer as he appoints in this behalf, and submitted for the consideration and orders of the ²[appropriate Government].

6. Superintendence of public ferries. The immediate superintendence of every public ferry shall, except as provided in section 7 ⁷[and section 7 A], be vested in the

¹Section 3A ins. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and 2nd Sch. .

²Subs. by F.A.O., 1975, Art 2 and Sch., for “Provincial Government” which had been subs. by A.O., 1907, for “L.G.”.

³For such declarations, etc. see different local rules and orders.

⁴The original provisio which was first subs. by the Devolution Act, 1920 (28 of 1920) and then amended by A. O, 1937, have been omitted by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and Second Sch. (with effect from the 14th October 1955).

⁵The word “also” omitted by Ord. 21 of 1960, s. 3 and Second Sch. (with effect from the 14th October, 1955).

⁶In the N.W.F.P. references to “Commissioner” or “Commissioner or a division” are to be construed as referring to the Revenue Commissioner: see the N.W.F.P. Law and Justice Regulation, 1901 (7 of 1901), s. 6 (1) (f).

⁷Ins. in the application of the Act to—

The Punjab, by the Punjab District Boards Act, 1883 (20 of 1883), s. 79.

Magistrate of the district in which such ferry is situate, or in such other officer as the ¹[appropriate Government] may, from time to time, appoint by name or in virtue of his office in this behalf²,

and such Magistrate or officer shall, except when the tolls at such ferry are leased, make all necessary arrangements for the supply of boats for such ferry, and for the collection of the authorised tolls leviable thereat.

7. Management may be vested in municipality. The ¹[appropriate Government] may direct that any public ferry situate within the limits of a town be managed by the officer or public body charged with the superintendence of the municipal arrangements of such town;

³[and thereupon that ferry shall be managed accordingly.]

⁴[**7A. Management may be vested in District Council or District or Local Board.**—The ¹[appropriate Government] may direct ⁵that any public ferry, wholly or partly within the area subject to the authority of a District Council or a District Board or a Local Board in the Province be managed by that Council or Board, and there upon that ferry shall be managed accordingly.]

⁶[**8. Letting ferry tolls by auction.** The tolls of any public ferry may, from time to time be let by public auction for a term not exceeding five years with the approval of the ⁷Commissioner, or by public auction, or otherwise than by public auction, for any term with the previous sanction of the ¹[appropriate Government.]

The lessee shall conform to the rules made under this Act for the management and control of the ferry, and may be called upon by the officer in whom the immediate superintendence of the ferry is vested, or, if the ferry is managed by a municipal or other public body under section 7 or section 7A, then by that body, to give such security for his good conduct and for the punctual payment of the rent as the officer or body, as the case may be, thinks fit.

When the tolls are put up to public auction, the said officer or body, as the case may be, or the officer conducting the sale on his or its behalf, may, for reasons recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction.]

¹Subs. by F.A.O., 1975, Art. 2 and Sch., for "Provincial Government" which had been Subs. by A.O., 1907, for "L.G".

²For notifications as to the superintendence of ferries in the Punjab see Punjab Rules and Orders.

³Subs. by A.O., 1937, for the following words:—

“and may further direct that all or any part of the proceeds from such ferry be paid into the municipal fund of such town; and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly”.

⁴Subs. *ibid.*, for section 7A inserted by the Acts mentioned in foot note 6 *supra*.

⁵For notifications vesting the management of certain ferries in District Boards, see the Punjab Rules and Orders.

⁶Subs. for the original section 8 by the Northern India Ferries Act Amdt. Act, 1886 (3 of 1886), s. 1.

⁷In the N.-W.F.P. references to "Commissioner" or "Commissioner of a division" are to be construed as referring to the Revenue Commissioner: see the N.-W.F.P. Law and Justice Regulation, 1901 (7 of 1901), s.6(1)(f).