



The Bombay Ferries and Inland Vessels Act, 1868

Act 2 of 1868

Keyword(s):

Commissioner, Ferry, Inland Vessel, Bombay Ferry

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE BOMBAY FERRIES AND INLAND VESSELS ACT, 1868

CONTENTS

PREAMBLE.

SECTIONS.

1. Definitions.
2. State Government may constitute public ferries, establish new and discontinue existing ferries.
- 2A. Vesting of public ferries in local bodies ;
Powers of local bodies in respect thereto.
3. Rates of toll.
Exemption from toll.
4. Appointment and salaries of toll-keepers, etc.
5. State Government may lease public ferries by public auction or private contract.
- 5A. Power to cancel lease.
- 5B. Surrender of lease.
- 5C. Power to take possession of boats, etc., on surrender of lease.
 - 6 Acts of servant of contractor.
 7. Table of tolls to be hung up.
 8. Penalty in respect to table of tolls.
 9. Penalty for taking unlawful toll.
 10. Penalty for wilful delay.
 11. Penalty for refusal or evasion of toll and for obstruction or damage.
- 11A. Penalty for rash navigation and stacking of timber.
- 11B. Power to arrest without warrant.
- 11C. Magistrate may assess damage.
 12. Officers who may make rules for regulation of public ferries.
 13. Penalty for conveying passengers or goods without licence at Bombay.
Proviso.
14. [*Repealed.*]
- 14A. [*Deleted.*]
- 14B. Penalty for conveying passengers, etc., in a ferry boat with a submerged load-line or without prescribed free-board.

SECTIONS.

- 14C. Licence required to ply any vessel on any river, etc.
- 14D. Inspection of vessels and suspension of the licence if vessels are not sea-worthy, etc.
- 14E. Power to prohibit plying of vessels to avert any accident and to requisition vessels, etc.
- 14F. Penalty for breach of the provisions of the Act, rules, regulations and orders made thereunder and the conditions of the licence granted under section 14C.
- 14G. Both the owner and the person in charge to be liable for any breach.
15. Trial of offences in Bombay:
In places out of city.
Recovery of fines.
16. [*Repealed.*]
17. State Government may delegate powers.
- 17A. Rules and regulations.
- 17B. Definition of "vessel."
- 17C. Provisions of sections 14A to 14G and 17A and 17B not applicable in certain cases.
18. Short title.
19. Repeal and savings.

SCHEDULE.

BOMBAY ACT No. II OF 1868.¹[THE BOMBAY FERRIES AND INLAND VESSELS ACT, 1868.]²

[17th December 1868]

Repealed in part, by Act 12 of 1873 ;

" " " " 2 of 1901 ;

" " " " 38 of 1920 ;

" " " " Bom. 3 of 1886.

Repealed in part (except in the City of Bombay), by Bom. 1 of 1884.

Amended by Bom. 2 of 1878 ;

" " " 8 of 1923 ;

" " " 4 of 1933.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 21 of 1942†.

Amended by Bom. 17 of 1945‡.

Adapted and modified by the Adaptation of Laws Order, 1950.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 8 of 1958.

Amended by Bom. 60 of 1959.

An Act to amend the law relating to public ferries ⁴[and inland vessels] in the ³[State of Bombay.]

WHEREAS it is expedient to amend the law relating to public ferries ²[and inland vessels] in the ¹[State of Bombay] ; It is enacted as follows :—

1. In this Act, unless the context requires otherwise,—

(a) " Commissioner " in relation to ferries controlled by the Public Works Department, includes a Superintending Engineer ;

(b) " ferry " includes a temporary bridge used as a ferry and the approaches to, and the landing places of, a ferry.]

2. It shall be lawful for the ¹[Commissioner] to declare by notification what ²ferries within the ³[State of Bombay] shall be deemed public ferries, and also by notification from time to time, to establish any new public ferry or discontinue any existing public ferry.

¹For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1868, Pt. V. p. 425 ; for Report of the Select Committee, see *ibid.*, p. 449, and for Proceedings in Council, see *ibid.*, pp. 457, 476 and 583.

The net proceeds of public ferries established under Bom. 2 of 1868, and all penalties inflicted and levied under the Act are to be credited to the Local Fund constituted by the Bombay Local Boards Act, 1923 (Bom. 6 of 1923), see 75 of that Act.

²This Act was extended to, and shall be in force in, the rest of the State of Bombay (vide Bom. 60 of 1959, s. 2).

³Sections 2 to 8 of this Act were re-enacted by Bom. 55 of 1947, s. 2.

⁴This Act has been re-enacted and the amendments made by section 9 and Schedule 'E' of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

¹These words were inserted by Bom. 21 of 1942, s. 2, read with Bom. 55 of 1947, s. 2.

²These words were substituted for the words " Presidency of Bombay " by Bom. 60 of 1959, s. 4(a).

³Section 1 was inserted *ibid.*, s. 4 (b).

⁴This word was substituted for the words " State Government " by Bom. 8 of 1958, s. 3 Sch.

⁵These words were substituted for the words " pre-Reorganisation State of Bombay, excluding the transferred territories " by Bom. 60 of 1959, s. 4 (a).

Vesting of
Public ferries
in local
bodies ;
Powers of
local bodies
in respect
thereof.

2A. It shall be lawful for the [Commissioner] to declare by notification in the [Official Gazette] that any public ferry notified under section 2 shall vest in the local body or jointly in the local bodies, exercising authority over the area or areas, as the case may be, in which such ferry is situate and thereafter such local body or bodies shall exercise in respect of such ferry all the powers specified in the Schedule to this Act :

Provided that the power of exemption under clause (d) of section 3 shall also be exercisable by the [Commissioner].

Explanation.—For the purpose of this section “local body” means a district local board or a municipality.

Rates of toll.

3. Tolls according to such rates as shall from time to time be approved by [the [State] Government], shall be levied upon all passengers, carts, carriages, cattle and other animals, and on all goods and merchandise, carried over any public ferry :

Exemption
from toll.

Provided always that no tolls shall be levied from—

(a) * * * * *

(b) any Police-officer in uniform on duty;

(c) any person in the custody of the Police :

(d) any person whom the [the [State] Government] shall, by notification in the [Official Gazette], deem fit specially to exempt from payment of such tolls.

Appointment
and salaries,
of toll-
keepers, etc.

4. It shall be lawful for the [Commissioner] to provide for the appointment of toll-keepers, ferrymen and other servants for the management and conduct of any public ferry ; and the salaries of such persons shall be defrayed from funds raised under this Act, or from other sources of local revenue, but not from the general * * * revenues * * *

[Com-
missioner]
may lease
public ferries
by public
auction or
private
contract.

5. It shall be lawful for the [Commissioner] to lease any public ferry by public auction or private contract, from year to year, or for any longer period not exceeding seven years, on such conditions as the [Commissioner] deems advisable, in which case a contract setting forth the conditions on which the ferry is to be held shall be executed by the contractor or farmer, and security shall be given by him for its due fulfilment, and any pecuniary forfeiture for breach of contract, inserted in the deed of contract or conditions of sale by public auction, as the case may be, may be enforced in the same manner as a demand for the land revenue under the law for the time being in force, so far as applicable.

¹ Section 2A was inserted by Bom. 8 of 1923, s. 2.

² This word was substituted for the words “ State Government ” by Bom. 8 of 1958, s. 8, Sch.

³ The words “ Official Gazette ” were substituted for the words “ Bombay Government Gazette ” by the Adaptation of Indian Laws Order in Council.

⁴ The words “ the Provincial Government ” were substituted for the word “ Government ” by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

⁶ Clause (a) as to soldiers in uniform on duty was repealed by s. 3 of the Indian Tolls (Army) Act, 1901 (2 of 1901), Central Acts.

⁷ Clause (d) was added by the Ferries (Amendment) Act, 1878 (Bom. 2 of 1878).

⁸ The words “ or Imperial ” and “ except with the sanction of the Governor-General in Council ” were omitted by s. 2 and Schedule I of the Devolution Act, 1920 (38 of 1920).

¹[5A. (1) The Commissioner may cancel the lease of the tolls of any public ferry ^{Power to} on the expiration of six months' notice in writing to the lessee of his intention to ^{cancel lease.} cancel such lease.

(2) When any lease is cancelled under this section, the Executive Engineer of the division or, as the case may be, the Collector of the district, within whose jurisdiction such ferry is situate shall pay to the lessee such compensation as he may, with the previous sanction of the Commissioner, award.

5B. The lessee of the tolls of a public ferry may surrender his lease on the ^{Surrender} expiration of one month's notice in writing to the Commissioner of his intention ^{of lease.} to surrender such lease, and on payment to the Executive Engineer of the division, or, as the case may be, the Collector of the district, within whose jurisdiction such ferry is situate of such compensation as the said Executive Engineer or Collector, subject to the approval of the Commissioner, may in each case direct.

5C. When the lease of the tolls of any ferry is surrendered under section 5B, ^{Power} the Executive Engineer of the division, or, as the case may be, the Collector of the ^{to take} district, within whose jurisdiction such ferry is situate, may take possession ^{of boats, etc.,} of all boats and their equipment, and all other material and appliances, used by ^{on surrender} the lessee for the purposes of such ferry, and use the same (paying such compensa- ^{of lease.} tion for the use thereof as the Commissioner may in each case direct) until the said Executive Engineer or Collector can conveniently procure proper substitutes there-
for.]

6. When a public ferry has been duly leased or farmed out,

^{Acts of}
^{servant of}
^{contract or}

every servant of the lessee, contractor or farmer shall be deemed to be legally bound to do everything necessary for or conducive to the safety of the public which 'e shall be required to do by any regulation made by the lessee, contractor or farmer, and approved by the ²[Commissioner] and of which regulation such servant shall have had notice, and

every such servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such regulation he shall be prohibited from doing, and

every person employed by or on behalf of such lessee, contractor or farmer to do any act upon the ferries shall be deemed to be a servant of the lessee, contractor or farmer.

¹ Sections 5A, 5B and 5C were inserted by Bom. 60 of 1959, s. 4(d).

² This word was substituted for the words "State Government" by Bom. 8 of 1958, s. 3, Sch.

7. It shall be the duty of every toll-keeper, toll-contractor or farmer to hang up in some conspicuous place at his ferry-station a table of tolls, written or printed in English and in the language of the district ^{Table of tolls to be hung up.} [and he shall be bound to produce, on demand, a list of tolls signed by the Executive Engineer of the division, or, as the case may be, the Collector of the district or such other officer as he appoints in this behalf].

8. Any toll-keeper or toll-contractor or farmer, who shall neglect to hang up and keep in good order and repair a table of tolls as aforesaid, or who shall wilfully remove, alter or deface the same, or allow it to become illegible, ^{Penalty in respect to table of tolls.}

^{Penalty in respect to table of tolls.} [or who fails to produce on demand, the list of tolls mentioned in section 7, shall be liable on each conviction to a penalty not exceeding fifty rupees.]

9. Any toll-keeper or other person appointed as in section 4, who shall neglect to take the due toll, or shall ask or take any toll other than is allowed by the table of tolls, and ^{Penalty for taking unlawful toll.}

any toll-contractor or farmer, or any person in the service of a toll-contractor or farmer, who shall ask or take any toll in excess of that allowed by the table of tolls,

shall be liable to a penalty not exceeding ^{Penalty for taking unlawful toll.} [one hundred rupees].

10. Any toll-keeper or other person appointed as in section 4, or toll-contractor or farmer or person in the service of a toll-contractor or farmer, who without good reason shall delay any passenger, cart, carriage, animal or goods, shall be liable to a penalty not exceeding ^{Penalty for wilful delay.} [one hundred rupees].

11. Any person

who shall refuse to pay the lawful toll, or

who, with intent of avoiding payment thereof, shall pass through any ferry-station without paying the toll, or ^{Penalty for refusal or evasion of toll and for obstruction or damage.}

who shall obstruct in the execution of his duty any toll-keeper or other person lawfully engaged in the management or conduct of a public ferry,

and also any person

who shall maliciously damage any toll-bar, boat or other thing belonging to a public ferry, or

who shall maliciously remove, alter, destroy or damage any table of tolls hung up as hereinbefore directed,

¹ These words were inserted by Bom. 60 of 1959, s. 4(e).

² These words were substituted for the words "shall be liable on each conviction to a penalty not exceeding ten rupees", *ibid.*, s. 4 (f).

³ These words were substituted for the words "fifty rupees", *ibid.*, s. 4 (g).

¹[or who, at a public ferry, after being warned by any such toll-keeper or other person lawfully engaged in the management or conduct of a public ferry not to do so, goes, or takes any animals, vehicles or other things on to any ferry boat or upon any bridge appertaining to the ferry, and thereby causes it to be in such a state or so loaded as to endanger human life or property, or

who, at a public ferry, on being requested by such toll-keeper or other person lawfully engaged in the management or conduct of a public ferry to do so, refuses or neglects to leave, or remove any animals, vehicles or goods from, any such ferry boat or bridge,]

shall be liable to a penalty not exceeding fifty rupees, over and above the value of the damage done.

Penalty
for rash
navigation
and stacking
of timber.

²[11A. Whoever navigates, anchors, moors or fastens any vessel or raft, or stacks any timber, in a manner so rash or negligent as to damage a public ferry, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and the toll-keeper or other person lawfully engaged in the management or conduct of such ferry may seize and detain such vessel, raft or timber pending the inquiry and assessment hereinafter mentioned.

Power to
arrest
without
warrant.

11B. A Police Officer may arrest without warrant any person committing an offence against section 11 or section 11A.

Magistrate
may
assess
damage.

11C. Any Magistrate trying any offence under this Act may inquire into and assess the value of the damage, if any, done or caused by the offender to the ferry concerned and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act; and the amount so ordered to be paid shall be leviable as if it were a fine, or, when the offence is one under section 11A, by the sale of the vessel, raft or timber causing the damage.].

Officers who
may make
rules for
regulation of
public ferries

12. ³[Except in the case provided in sub-section (2) of section 14B, and elsewhere—

(a) in the case of public ferries on roads under the control of the Executive Engineer of a Division of the Public Works Department, such Executive Engineer, and

(b) in all other cases, the Collector of the district],

may, subject to such general directions as ⁴[the ⁵[State] Government] from time to time may issue, make rules to determine the number of passengers, carts, carriages and animals, and the quantity of goods, that may be carried in any public ferry-boat at one trip, and for the safe, speedy and convenient carriage and landing

¹ These words were inserted by Bom. 60 of 1956, s. 4 (h).

² Sections 11A, 11B and 11C were inserted, *ibid.*, s. 4 (i).

³ These words were substituted for the words "The Senior Magistrate of Police in the city of Bombay and the Collector of the district elsewhere", by Bom. 4 of 1933, s. 2.

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

of passengers and property, and for keeping the ferry-boats in good order and otherwise for the due discharge of their duty by toll-contractors or farmers, toll-keepers, ferrymen and other persons employed at a public ferry ;

and any toll-contractor or farmer, toll-keeper, ferry man or other person infringing or disobeying any such rule shall be liable to make good any loss or damage caused thereby, which loss or damage may be summarily ascertained by any Magistrate within whose jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

13. Any person who, without the special licence of ¹[the ²[State] Govern- Penalty for conveying passengers or goods without licence at Bombay.ment], shall convey for hire any passenger, animal, cart, carriage or goods from any part of ³[the Greater Bombay] across the harbour of Bombay to the mainland, or any of the adjacent islands or from the mainland or any of the adjacent islands to any part of ⁴[the Greater Bombay] shall be liable to a penalty not exceeding five hundred rupees ;

but this penalty shall not apply to the conveyance by boat for hire of passengers, animals, carts, carriages and goods from one part of ⁵[the Greater Bombay] to any other part thereof, nor to any person specially hiring a boat for the conveyance of himself or his family or friends, or servants or goods, nor to the person letting such boat for hire for the said purpose. Proviso.

14. [*Penalty for carrying passengers, etc., without licence.*] *Rep. Bom. 12 of 1942.*

14A. [*Penalty for conveying passenger etc. along river etc. near toll bridge.*] *Deleted by Bom. 60 of 1959, s. 4 (j).*

⁶[14B. (1) Any person who shall convey ⁷[whether for hire or not, on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel any passenger, animal, goods or other thing in any vessel,] of which the prescribed load-line is submerged or of which the free-board is less than the prescribed free-board, shall be liable to a penalty not exceeding five hundred rupees. Penalty for conveying passengers etc. in a ferry boat with a submerged load-line or without prescribed free-board.

(2) ⁸[The ⁹[State] Government] may make rules prescribing the manner in which the load-line or free-board shall be marked upon any ¹⁰[vessel] to which the provisions of sub-section (1) apply. The rules so made shall be published in the ¹¹[Official Gazette].

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the original words by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

⁴ This Act was re-enacted by Bom. 55 of 1947, s. 2.

⁵ Section 14B was inserted by Bom. 4 of 1933, s. 4.

⁶ This portion was substituted for the original portion by Bom. 21 of 1942, s. 5, read with Bom. 55 of 1947, s. 2.

⁷ This word was substituted for the word "boat", *ibid.*

⁸ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

Licence required to ply any vessel on any river etc.

¶14C. No person shall ply any vessel on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, whether for hire or not, except under a licence granted by an officer empowered by the ²[State] Government in this behalf and except in accordance with the provisions of this Act, the rules, regulations and orders made thereunder and the conditions of such licence :

Provided that the ²[State] Government may, by notification in the *Official Gazette*, exempt from the operation of this section such vessels or class of vessels as may be specified in such notification.]

Inspection of vessels and suspension of the licence if vessels are not seaworthy etc.

¶14D. Any Magistrate or Police Officer, not below the rank of a Sub-Inspector, or any officer specially empowered by the ²[State] Government in this behalf may board and inspect any vessel for the purpose of satisfying himself that the provisions of this Act, the rules, regulations and orders made thereunder and the conditions of the licence issued in respect of such vessel are duly observed. If such officer is of the opinion that the vessel is not seaworthy or is insufficiently equipped or is in such a condition that its plying may cause danger to human life or safety, he may suspend the licence issued in respect of such vessel and such vessel shall not thereafter be plied until the order suspending the licence has been cancelled or a fresh licence has been issued in respect of such vessel.]

Power to prohibit plying of vessel to avert any accident and to requisition vessels etc.

¶14E. (1) If any Magistrate, or any Police Officer, not below the rank of a Sub-Inspector, or any officer of the Public Works Department, not below the rank of an Assistant or Deputy Engineer or any officer specially empowered by the ²[State] Government in this behalf, is at any time of the opinion that in order to avert any accident or danger to human life or safety it is necessary to take action under this sub-section, such Magistrate or officer may by order prohibit the plying of any vessel, or of any class of vessels or of vessels generally on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, within the limits of his jurisdiction, during such period as may be specified in the order.

(2) Any such Magistrate or officer may by order, within the limits of his jurisdiction, for the purpose of saving any human life or property, requisition the use of any vessel or other property likely to be useful in effecting rescue for such period as may be specified in the order. When any Magistrate or officer requisitions the use of any vessel or other property for any period, there shall be paid to the person deprived of it for the period such amount of compensation as may be determined by the Magistrate or officer. The decision of the Magistrate or the officer regarding the amount of compensation and the person to whom such compensation is payable shall be final.]

Penalty for breach of the provisions of the Act, rules, regulations and orders made thereunder and the conditions of the licence granted under section 14C.

¶14F. Any person who contravenes any of the provisions of this Act or of the rules, regulations and orders made thereunder or of the conditions of any licence granted under section 14C, shall, on conviction, if no other penalty is provided in the Act for such contravention, be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both]

Both the owner and the person in charge to be liable for any breach.

¶14G. If any of the provisions of this Act, or of the rules, regulations or orders made thereunder or of the conditions of the licence granted under section 14C are contravened in respect of any vessel, both the owner and the person in charge of such vessel shall be deemed to have contravened such provisions and shall be personally liable for the same].

¹ Sections 14C, 14D, 14E, 14F and 14G were inserted by Bom. 21 of 1942, s. 6, read with Bom. 55 of 1947, s. 2.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

15. In ¹[the Greater Bombay] offences against this Act shall be summarily heard and determined by any Magistrate of Police, and all fines imposed may, in default of payment, be levied under the warrant of such Magistrate by distress and sale of the goods of the offender. Trial of offences in Bombay;

In places not within the limits of ¹[the Greater Bombay] offences against this Act shall be inquired into and determined by any Magistrate exercising jurisdiction in the district in which the offence has been committed, and all fines imposed may be levied in the manner provided in ²[sections 386, 387 and 389 of the Code of Criminal Procedure, 1896]. In places out of city.
Recovery of fines.

16. ³[Application of proceeds of tolls, farms and penalties.] *Rep. Bom. 1 of 1884.*

17. ⁴[The ⁵[State] Government] may delegate, under such restrictions as may seem fit, any of the powers conferred on it by this Act, *ex officio*, to any * * * * Commissioner, Collector, Magistrate or other person. ⁶[State] Government may delegate powers.

⁷[17A. (1) The ⁸[State] Government may, after previous publication, make rules for the purpose of carrying out the provisions of this Act. Rules and Regulations.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely:—

(a) licensing and regulating vessels, plying, whether for hire or not, on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, and prescribing the officers by whom and the conditions on which licences for plying such vessels may be granted, suspended or revoked and the fees payable in respect of such licences;

(b) determining the number of passengers, carts, carriages or animals or the quantity of goods or other things that may be carried in such vessels;

(c) regulating the carriage and exhibition of lights by such vessels;

(d) prescribing the fares which may be charged for the carriage of passengers, animals, goods, or other things in such vessels;

(e) regulating the conduct of passengers in such vessels;

(f) prescribing the equipment and the number of the crew which must be on board any such vessel when it is plying; and

(g) generally for securing the safe, speedy and convenient carriage and landing of passengers and cargo in such vessels.

¹ These words were substituted for the original words by Bom. 17 of 1945, s. 9, Schedule E read with Bom. 52 of 1947, s. 2, proviso.

² This portion was substituted for the words and figures "section 61 of the Criminal Procedure Code" by Bom. 60 of 1959, s. 4 (k).

³ Section 16 which is repealed, except in the City of Bombay, by the Bombay Local Boards Act, 1884 (Bom. I of 1884), s. 2, and Schedule is as follows:—

Clause 1.—In each district the proceeds from tolls and farms of public ferries, and from penalties levied under this Act, shall form the *ferry fund* of such district, and shall be appropriated in the first instance to the maintenance of the public ferries of the district, and the improvement of the roads leading to the said ferries, the surplus, if any, being expended on local works in the district in such manner as Government may from time to time direct.

Clause 2.—The limits of each district for the purposes of this section shall be such as Government may from time to time determine.

Clause 3.—When a public ferry is partly in one district and partly in another, it shall be lawful for Government to assign to each district such proportion of the proceeds as they shall deem fit. The Bombay Local Boards Act, 1884, has now been repealed by Bom. 6 of 1923.

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1956.

⁶ The words "Revenue or Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

⁷ Sections 17A, 17B and 17C were inserted by Bom. 21 of 1942, s. 7, read with Bom. 55 of 1947, s. 2.

(3) The District Magistrate may, from time to time, make regulations, not inconsistent with the provisions of this Act and the rules thereunder—

(a) regulating the plying of vessels on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, within the limits of his jurisdiction, and

(b) for securing the safe, speedy and convenient carriage and landing of passengers in such vessels.]

Definition of "vessel".

¹[17B. In this Act, "vessel" shall include anything made for the conveyance by water of human beings, animals or property.]

Provisions of section 14A to 14G and 17A and 17B not applicable in certain cases.

¹[17C. Nothing in sections 14A to 14G and 17A and 17B shall apply in respect of any vessel plying on sea or on tidal waters or in any major port, or in respect of any inland steam-vessel as defined in sub-section (1) of section 2 of the Inland Steam-vessels Act, 1917, or in respect of any vessel plying under a licence issued in exercise of the powers conferred by section 6 of the Indian Ports Act, 1908.]

I of
1917.
XV of
1908.

Short title.

18. This Act may be cited as the Bombay Ferries ²[and Inland Vessels] Act, 1868.

Repeal and savings.

³[19. The Hyderabad Ferries Act in its application to the Hyderabad area of the State of Bombay, the Northern India Ferries Act, 1878, in its application to the Vidarbha region of the State of Bombay and the Bombay Ferries and Inland Vessels Act, 1868, as applied to the Kutch area of the State of Bombay are hereby repealed :

Hyd.
II of
1914^F
XVII
of
1878.
Bom.
II of
1868.

Provided that the repeal shall not affect—

(a) the previous operation of any Act so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any Act so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Bombay Ferries and Inland Vessels (Unification and Amendment) Act, 1959, had not been passed :

Bom.
LX of
1959.

¹ Sections 17A, 17B and 17C were inserted by Bom. 21 of 1942, s. 7, read with Bom. 55 of 1947, s. 2.

² These words were inserted, *ibid.*, s. 8.

³ Section 19 was inserted by Bom. 60 of 1959, s. 4 (j).

Provided further that any thing done or any action taken (including notifications and directions issued, rules, appointments, authorizations, entrustment and leases made, sanctions, approval or exemption given, powers delegated and orders passed, in so far as they are not inconsistent with the provisions of this Act, and the rates of tolls fixed) under the Acts so repealed shall continue in force until altered, amended or superseded by anything done or any action taken under this Act.]

¹SCHEDULE.

²[(See section 2A)]

Under
section.

Powers.

- 3 Powers exercisable by ³[the ⁴[State] Government] including the power to exempt from payment of toll under clause (d).
- 4 Powers exercisable by ³[the ⁴[State] Government].
- 5 Powers exercisable by ³[the ⁴[State] Government].
- 12 Powers exercisable by the Collector of the district.

5*

*

*

*

¹ This Schedule was added by Bom. 8 of 1923, s. 3.

² This portion was inserted by Bom. 60 of 1959, s. 4 (m).

³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ The entry relating to section 14 was deleted by Bom. 60 of 1959, s. 4 (m).