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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September 1872, and was referred to a Select Committee with instructions to report thereon in a month :—

Bill No. 23 of 1872.

THE BURMA FERRIES BILL, 1872.

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A Bill for regulating Ferries in British Burma.

Whereas it is expedient to regulate the public ferries within the Province of British Burma;

Preamble.

It is hereby enacted as follows :—

I.—Preliminary.

1. This Act may be called "The Burma Ferries Act, 1872":
- It extends only to the territories under the administration of the Chief Commissioner of British Burma;
- Local extent.
- Commencement. And it shall come into force on the passing thereof.

II.—Public Ferries.

2. The Chief Commissioner may declare what ferries within any part of British Burma, shall be deemed public ferries, and may at any time hereafter
- Power to declare and establish public ferries.

establish new ferries, where, in his opinion, they are needed, and may, from time to time, change the course of any public ferry, or discontinue any public ferry which he deems unnecessary.

3. The immediate superintendence of all public ferries shall, except as hereinafter provided, be vested in the Deputy

Commissioner of the district in which they are situate, and he shall make all necessary arrangements for the supply of boats for such ferries, and for the collection of the authorized tolls leviable thereat.

4. The Chief Commissioner may direct that any public ferry situated within the limits of a town may be managed by the officer or public body charged with the superintendence of the municipal arrangements of such town,

and any further direct that all proceeds from such ferries shall be paid into the municipal fund of such town,

and thereupon such ferry shall be managed, and such proceeds shall be paid, accordingly.

5. Not less than fifteen days before the beginning of the official year, the tolls of any public ferry may be put up to public

Letting ferry-tolls by auction. auction for such term not exceeding three years from the date of the auction as may be deemed expedient by the Commissioner of the Division in which such ferry is situate,

and may be let to the highest bidder at a certain annual rate for the whole term, payable by quarterly instalments in advance not later than the fifth day of every quarter of the year.

The lessee shall bind himself to conform to the rules made under this Act for the management and control of such ferry,

and may be called upon by the officer putting the tolls of the ferry up to auction to give such security for his good conduct and for the punctual payment of the rent as such officer may deem fit:

Such officer may, for sufficient reason duly 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.

6. Subject to the revision and confirmation of the Chief Commissioner, the Commissioner of each

Division shall make rules—
Power to make rules.

for the control and management of all public ferries within his division,

for collecting the rent payable for such ferries, and for fixing the limits of the same;

and, when the tolls of a ferry have been let under section five, shall make additional rules—
for regulating the number and kinds of boats and their dimensions, and the number of crew for each boat which the lessee of the tolls will be required to keep,

and the number of passengers, carts, carriages and animals, and the quantity of goods that may be carried in each kind of boat at one trip,

and for the keeping of such boats continually in good condition for the safe conveyance of passengers and property.

7. No person shall, except with the sanction

Private ferry not to ply within certain distance of public ferry without sanction.

of two miles above or below the place where such public ferry is situated.

III.—Tolls.

8. Tolls, according to such rates as are, from

Tolls.

time to time, fixed by the Chief Commissioner, shall

be levied on all passengers, carts, carriages, cattle and other animals, and on all goods and merchandize carried over any public ferry :

Provided that the Chief Commissioner may, from time to time, declare what persons, vehicles, animals and stores shall, when employed or transmitted on the public service, be exempt from payment of such tolls.

Where the tolls of a ferry have been let under section five, any such declaration, if made after the date of the auction, shall entitle the lessee to such abatement of the rent payable in respect of the tolls as may be fixed by the Commissioner of the Division with the concurrence of the Chief Commissioner.

9. The lessee of the tolls of every public

Table of tolls.

ferry, or other person authorized to collect such

tolls, shall affix a table of tolls, legibly written or printed in Burmese, in some conspicuous place near the ferry.

10. All tolls or rents received under this Act,

Tolls or rents to be credited to district fund.

shall, except in cases provided for by section four, be credited to the district fund.

IV.—Penalties.

11. Every lessee of the tolls of a public ferry

Penalty for failing to affix or for removing, altering or defacing table of tolls.

or other person authorized to collect such tolls, who neglects to affix and keep

the table of tolls mentioned in section nine,

or who wilfully removes, alters or defaces such table, or allows it to become illegible,

shall be liable to fine not exceeding twenty rupees.

12. Every such lessee or other person as

Penalty for taking unauthorized toll.

aforesaid asking or taking

other than the lawful toll,

or without due cause delaying any passenger, cart, carriage, animal or goods,

shall be liable to a penalty not exceeding fifty rupees.

13. In the event of any breach of the rules

Cancellation of lease on breach of rules.

for the management of a ferry,

or in the event of repeated liability to the penalties respectively provided by sections eleven and twelve,

The Deputy Commissioner shall, with the sanction of the Commissioner of the Division, cancel the lease of the tolls of such ferry and make other arrangements for its management during the remainder of the term for which the tolls were let,

Penalties on passengers offending.

14. Every person crossing at any public ferry who refuses to pay the proper toll,

or who, with intent of avoiding payment thereof, fraudulently or forcibly crosses any ferry-station without paying the toll,

or who obstructs any toll collector or lessee of the tolls of a public ferry, or any of his assistants in any way in the execution of their duty under this Act,

and every person who maliciously damages any ferry, wharf, boat, or any other thing employed in or about any public ferry,

or who maliciously removes, alters, destroys or damages any table of tolls affixed as hereinbefore directed,

shall be liable to fine not exceeding fifty rupees over and above the value of the damage, if any, which he has done.

15. Whoever conveys for hire any passenger,

Penalty for plying with-in public ferry course without license.

animal, cart, carriage or other vehicle, or any goods or merchandize to or from any point within the

limits assigned to each public ferry, without a special license from the chief civil authority of the station where such public ferry is situate, shall be liable to fine not exceeding fifty rupees.

Nothing in this section applies to—

(a) owners of boats proceeding to or from out-stations specially let for hire for the conveyance of any other person, or his family or goods, or

(b) private persons crossing in their own boats, or carrying across their friends without hire.

The whole or any portion of any penalty realized under this section may, at the discretion of the convicting Magistrate, be paid to the lessee of the tolls of the ferry.

16. All fines levied under this Act may be

Fines commutable to simple imprisonment.

commuted to simple imprisonment in accordance with the scale specified

in section sixty-seven of the Indian Penal Code.

17. All offences against this Act shall be sum-

Officers by whom offences are triable.

marily heard and determined by the nearest Assistant Commissioner in

a district, and by a Magistrate in a town, within the limits of which the same shall have been committed.

STATEMENT OF OBJECTS AND REASONS.

Hitherto the ferries of British Burma have been managed under rules separately promulgated in each division before the Province was formed into a Chief Commissionership. These rules are not uniform, and doubt exists as to the legal authority which some of them possess. The whole country is intersected with rivers; and as these are gradually becoming channels of an increasing trade, and new marts and villages are springing up rapidly on their banks, the question of ferries has become one of some importance. The Officiating Chief Commissioner, therefore, has requested the Government of India to pass a general enactment which will put the management of the ferries throughout the Province on an uniform and legal footing.

The Bill has been prepared by the Officiating Chief Commissioner.

(Signed) E. C. BAYLEY.

SIMLA,

The 5th September 1872.

WHITLEY STOKES.

Secretary to the Government of India.