

Rules.

7. (1) The President of the Union may make rules to carry out the purposes and objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the President of the Union may make rules providing for the form of passes to be given to persons or bodies of persons or in respect of property entitled to exemption from the payment of tolls under this Act.

(3) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the Gazette and, on such publication, shall have effect as if enacted by this Act.

THE FERRIES ACT.

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THE FERRIES ACT.

[BURMA ACT II, 1898.] (14th May, 1898.)

PART I.

PRELIMINARY.

1-2. * * * *

3. In this Act, unless there is anything repugnant in the subject or Definitions. context,—

- (1) "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 ;
- (2) "Superintendent" means the authority vested with the immediate superintendence of a public ferry under section 5 or section 6, as the case may be ;

- (3) "Deputy Superintendent" means any person appointed by the Superintendent under section 14, clause (j);
- (4) "lessee" means a person to whom the right of levying tolls at a public ferry has been let under section 7;
- (5) "Commissioner" and "Deputy Commissioner" mean, respectively, the Commissioner of the division and the Deputy Commissioner of the district in which a ferry is, under section 4, deemed to be situate;
- (6) * * * *
- (7) "toll-collector" means a person appointed by the Superintendent to levy tolls at a public ferry the right to levy the tolls of which has not been let under section 7; and
- (8) "boat" includes a launch * * * * and a raft.

PART II.

PUBLIC FERRIES.

Power to declare and establish public ferries.

4. The President of the Union may, by notification,—
- (a) declare what ferries shall be deemed public ferries and the respective districts in which they shall, for the purposes of this Act, be deemed to be situate;
- (b) establish new public ferries where, in his opinion, they are necessary, and declare in what districts respectively they shall, for the purposes of this Act, be deemed to be situate;
- (c) define and alter the limits of any public ferry;
- (d) change the course of any public ferry;
- (e) discontinue any public ferry which he deems unnecessary; and
- (f) declare the proportions in which all tolls levied, moneys received under section 29 or by way of composition, and rents recovered, under this Act in respect of a public ferry, shall be credited to two or more funds.

Control and superintendence of public ferries.

5. (1) The control of all public ferries shall be vested in the Commissioner.
- (2) The immediate superintendence of all public ferries shall, save as hereinafter provided, be vested in the Deputy Commissioner, and the Deputy Commissioner shall, except when the right to levy the tolls is leased, make all necessary arrangements for the supply of boats for such ferries and for the collection of the authorized tolls leviable thereat.

Superintendence may be vested in certain local bodies.

6. The President of the Union may, by notification, vest the immediate superintendence of any public ferry situate wholly or partly within the limits of a municipality or notified area or area subject to the authority of a District Council or any port in the Municipal or Town Committee or District Council thereof or in the authority of such port, as the case may be,

and may direct that all or any part of the tolls levied, moneys received under section 29 or by way of composition, and rents recovered under this Act in respect of such public ferry shall be credited to the Municipal or Town or District or Port Fund, as the case may be.

7. (1) The right to levy the tolls of any public ferry may be let by the Superintendent by public auction, subject to the rules (if any) made under section 12, clauses (c) and (e), or, with the previous sanction of the President of the Union, otherwise than by public auction :

Letting public ferry tolls.

Provided that, for reasons to be recorded by him in writing, any officer conducting a sale by auction under this section may refuse to accept the offer of the highest bidder and accept any other bid, or may withdraw from the auction.

(2) The lessee and his servants shall conform to the rules under this Act for the management and control of any public ferry of which the right to levy the tolls has been let to such lessee under this section, and shall obey all lawful orders issued to him or them by the Superintendent or Deputy Superintendent.

8. (1) All fees, rents, penalties and other moneys due to the Government or to a Municipal or Town or District or Port Fund in respect of any lease or agreement to lease under this Act may be recovered from the lessee or his surety (if any) or from any person who has agreed to take a lease as if they were arrears of land-revenue.

Recovery of arrears of rent.

(2) The President of the Union may make rules declaring on whose application and by whose order process shall issue for the recovery of any sum so due.

9. The lessee may surrender his lease on the expiration of three months' notice in writing to the Superintendent and on payment of the rent for such three months.

Surrender of lease.

10. The lessee shall not transfer his lease without the permission in writing of the Superintendent.

Prohibition of sub-letting.

11. (1) The President of the Union may cancel any lease under this Act on the expiration of six months' notice in writing to the lessee of his intention to cancel the same.

Cancellation of lease with compensation.

(2) When any lease is cancelled under sub-section (1), the Superintendent shall pay to the lessee such compensation as such Superintendent may, with the previous sanction of the Commissioner, think fit to award.

12. (1) The President of the Union may make rules, consistent with this Act,—

Power to make rules.

- (a) for the superintendence and management of all or any particular public ferries ;
- (b) for regulating the traffic at such ferries ;

- (c) prescribing the time and manner in which, and the terms on which, the right to levy the tolls of such ferries may be let ;
- (d) regulating the manner in which a lease shall be dealt with in case of the death or insolvency of the lessee or of the attachment of his property ;
- (e) for regulating the conduct of auctions and prescribing the persons by whom auctions may be conducted ;
- (f) for compensating persons who have compounded for tolls when a public ferry has been discontinued before the expiration of the period compounded for and for recovering such compensation as if it were an arrear of land-revenue from the person who received the composition, and paying it to the persons entitled ;
- (g) prescribing the circumstances under which the person in charge of a public ferry-boat may refuse to convey in it any passenger, animal, vehicle or thing ;
- (h) for the regular maintenance of public ferry-boats in good condition for the safe conveyance of passengers and property ;
- (i) for the submission of returns of traffic by the lessee or person in charge of a public ferry ; and
- (j) generally, for carrying out the purposes and objects of this Act.

(2) In making any rule under sub-section (1), the President of the Union may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

Publication
of rules.

13. Rules made under section 12 shall be published in such manner as the President of the Union may, by notification, prescribe.

Powers of
Superinten-
dent.

14. Subject to such rules as may be made under section 12 and to the control of the Commissioner, the Superintendent may, for each public ferry—

- (a) fix the places of embarkation and debarkation ;
- (b) fix the number and kinds of ferry-boats to be used, their dimensions and equipment, the number of crew for each ferry-boat, and the width of the bridges (if any) ;
- (c) determine the maximum number of passengers, vehicles and animals and the maximum weight of goods to be carried in each ferry-boat at one trip ;
- (d) regulate the times of opening and the construction and maintenance of pontoons, flying bridges, swing bridges, boat bridges, and temporary bridges ;
- (e) appoint any person, by name or by virtue of his office, to inspect the ferry-boats and their equipment ;
- (f) require the lessee (if any) to affix to each ferry-boat employed by him in the public ferry a distinguishing mark, or flag of a prescribed pattern, and to keep in a prescribed place a notice-board showing the maximum number of passengers, vehicles and animals and the maximum quantity of goods to be carried therein ;

- (g) fix the hours during which the public ferry shall ply, and the number of trips which the ferry-boat or boats shall make ;
- (h) require the lessee (if any) to maintain in a prescribed form, and, when so required by any officer authorized, by name or by virtue of his office, in this behalf by the Superintendent, to produce registers of passengers, vehicles, animals and goods conveyed ;
- (i) require the lessee (if any) to maintain weights, measures and scales for the weighment or measurement of goods ; and
- (j) appoint, by name or by virtue of his office, a person to be in charge of the ferry.

15. No person shall ply a ferry-boat for hire or establish, maintain or work a ferry, or convey for hire any passenger, animal, vehicle or goods, between points both of which are within the limits of a public ferry, except with the sanction of the Superintendent or of the lessee of such public ferry :

Exclusive privilege of public ferry.

Provided that the President of the Union may, by notification, exempt any persons or classes of persons from the operation of this section.

PART III.

TOLLS.

16. (1) Tolls, according to such rates as may from time to time be fixed by the Commissioner, shall be levied on all persons, animals, vehicles and goods conveyed at any public ferry.

Tolls.

(2) The President of the Union may from time to time, by notification, declare what persons, animals, vehicles or goods shall, when employed or transmitted on the public service, or for other sufficient reason, be exempt from payment of such tolls.

(3) The Commissioner may fix rates according to which persons may compound for the tolls payable during a quarter or other period.

(4) With the previous sanction of the Commissioner, the Superintendent may fix rates of toll for the use of any specially constructed landing-place by persons not liable to pay the tolls fixed under sub-section (1).

17. Where the right to levy the tolls of any public ferry has been let by auction under section 7, any declaration made under sub-section (2) of the last foregoing section, 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 awarded by the Superintendent subject to appeal to the Commissioner.

Abatement of rent claimable in certain cases.

18. The lessee or toll-collector of every public ferry shall affix a table of the tolls leviable under this Act, legibly written or printed in Burmese and in such vernacular language or languages as the Superintendent may prescribe, in a conspicuous position at each landing-place and in every ferry-boat, and shall be bound to produce on demand a list of such tolls signed by the Superintendent or by some person authorized by the Superintendent to sign the same on his behalf.

Table of tolls.

Tolls, rents,
etc., to be
credited to
local fund.

19. All tolls levied, moneys received under section 29 or by way of composition, and rents recovered, under this Act shall, except in the cases provided for under powers conferred by sections 7 and 30, be credited—

- (a) in the manner directed under section 4, clause (f), or
- (b) in the manner directed under section 6, or
- (c) * * * *

PART IV.

PENALTIES.

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

20. Every lessee or toll-collector who—

- (a) neglects to affix and keep in good order and repair the table of tolls mentioned in section 18, or
- (b) wilfully removes, alters, or defaces such table, or allows it to become illegible, or
- (c) fails to produce on demand the list of tolls mentioned in section 18, or
- (d) neglects to keep any register or to furnish any return prescribed under section 12 or section 14, or
- (e) commits a breach of any provision of this Act or of any rule thereunder for which no punishment is specially provided, or
- (f) disobeys or fails to comply with any lawful order issued to him by the Superintendent or Deputy Superintendent.

shall be punishable with fine which may extend to twenty rupees.

Penalty
for taking
unauthorized
toll and
for causing
delay.

21. Every lessee or toll-collector, or servant or agent of either, asking or taking more than the toll leviable under this Act, or without due cause delaying or interfering with any person, animal, vehicle or goods in lawful transit at a public ferry, shall be punishable with fine which may extend to fifty rupees.

Cancellation
of lease on
default or
breach of
rules.

22. When any lessee makes default in the payment of the rent or of any instalment thereof, or, having been convicted of an offence under section 20 or section 21, is again convicted of any such offence, the Superintendent may cancel the lease and make other arrangements for the working of the public ferry during the remainder of the term for which the right to levy tolls was let.

Cancellation
of lease on
failure to
provide
accommoda-
tion.

23. The Superintendent may, with the previous sanction of the Commissioner, cancel a lease granted under this Act if the lessee after fifteen days' notice fails to make due provision for the convenience or safety of the public.

Power
to take
possession of
boats, etc.,
on surrender
or cancella-
tion of lease.

24. When the lease of the right to levy the tolls of a public ferry is surrendered or cancelled, the Superintendent may take possession of all boats and their equipments, and all other appliances used by the lessee, and may use them until he can procure substitutes, paying such hire for use of the same as the Commissioner may in each case direct.

25. Whoever plies a ferry-boat for hire, or establishes, maintains or works a ferry in contravention of the provisions of section 15 shall be punishable with fine which may extend to five hundred rupees, and, after a first conviction, with a further fine which may extend to one hundred rupees for every day during which such ferry-boat is plied for hire, or such ferry is maintained or worked by him in contravention of those provisions.

Maintaining private ferry within prohibited limits.

26. Whoever —

- (a) refuses to pay the proper toll at a public ferry or on using a landing-place for which a toll has been fixed under section 16, sub-section (4), or
- (b) fraudulently or forcibly evades, or attempts to evade, payment of toll due to any public ferry or any such landing-place as aforesaid, or
- (c) obstructs any toll-collector or lessee, or any of his assistants in any way in the execution of his duty under this Act, or
- (d) after being warned by any toll-collector, lessee or person in charge of a public ferry-boat or bridge not to do so, himself goes or takes any animals, vehicles or goods into any public ferry-boat or upon any bridge at a public ferry which is in such a state or so loaded as to endanger human life or property, or
- (e) refuses or neglects to leave any such public ferry-boat or bridge or to remove any animals, vehicles or goods therefrom on being requested by such toll-collector, lessee or person in charge thereof to do so, or
- (f) obstructs any part of a public ferry.

Penalties on passengers offending.

shall be punishable with fine which may extend to fifty rupees.

27. Whoever conveys for hire any passenger, animal, vehicle or goods in contravention of the provisions of section 15 shall be punishable with fine which may extend to fifty rupees.

Penalty for unauthorized plying.

28. Any police-officer may arrest without warrant any person committing an offence punishable under section 26 :

Power to arrest without warrant.

Provided that every person so arrested shall be released on his giving bail, or, if his true name and address are ascertained, on his executing a bond without sureties for his appearance before a Magistrate when required.

29. (1) The Court trying any offence under this Act may enquire into and assess the amount of the damage (if any) done or caused by the offender to the public ferry concerned, and shall order the amount so assessed 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.

Court may assess damage done.

(2) An appeal shall lie against every such order as if it were a sentence of fine passed under this Act.

30. Where the right to levy the tolls of any public ferry has been let under section 7, the whole or any portion of fine realized under section 25, section 26

Fines payable to lessee.

or section 27, and the whole or any portion of the amount realized under section 29 may, if the convicting Magistrate so directs, be paid to the lessee.

Power to try summarily.

31. Every Bench of Magistrates, invested under the Code of Criminal Procedure with power to try summarily the offences therein mentioned, shall also have power to try summarily any offence under this Act.

PART V.

MISCELLANEOUS.

Delegation of powers.

32. (1) The President of the Union may, by notification, delegate to the Commissioner, subject to such restrictions as he may think fit to prescribe, any of the powers conferred on him by this Act.

(2) The President of the Union may, by notification, confer upon a Municipal Committee or District Council, in respect of a public ferry of which the immediate superintendence is vested in such Municipal Committee or District Council under section 6, all or any of the powers conferred by this Act on the Commissioner.

Power to take possession of boats in case of public emergency.

33. When any boats or their equipments, or any materials or appliances suitable for setting up a ferry, are emergently required for facilitating the transport of troops, police or other persons on the business of [the Government]¹, or of any animals, vehicles or goods attached or belonging to such troops or police or other persons as aforesaid, the Deputy Commissioner may take possession of and use the same until such transport is completed, paying such compensation or hire for the use of the same as the Commissioner may in each case direct.

Civil suits barred.

34. No suit to ascertain the amount of any compensation payable, or of any abatement of rent allowable, under this Act shall be brought in any civil Court.

C. CARRIERS.

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THE CARRIERS ACT.

[INDIA ACT III, 1865.] (14th February, 1865.)

1. * * * *

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context,—

“common carrier” denotes a person, other than the Government and any railway administration, engaged in the business of transporting for hire property from place to place, by land or inland navigation, for all persons indiscriminately.

¹ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.