

TAMIL NADU CANALS AND PUBLIC FERRIES ACT, 1890

,406 Preamble. Short title and local extent. Canals and Public Ferries (1890: T.N. Act n (TAMIL NADU) ACT No, 11 OF 18902 [THE I(TAMIL NADU) CANALS AND PUBLIC FERRIES ACT, 1890.] (Received the assent of the aove., on. tho Is/ April 1890, amd of the -Gene.' al the 9th May 1890). An Act to make better provision for the establishment of Canals and Public Ferries in the [State of Tamil Nadu] and for the management thereof. WHEREAS it iB expedient to Inako better provision for the establishment of canals and public ferries in the ' [State of Tamil Nadu] and for the monogemeni thereof ; It is enacted as follows 2— 1, This Aot may be called the 1 [Tamil Nadu] Canals and Public Ferries Act, 1890. It extends to the whole of the '[State of Tamil Nadul. 1 nese words were substituted for the word " Madras by the 'lomil Nadu Adaptation of Laws Order, 1969, ag amended by the Tamil Nodu Adaptation of Laws (Second Amendment) Order, 1969, which come into force on the 14th January 1969. For Statomont of ObjootB and Roagona Ree Fore Gorge Gagetgc Supplomont, datod tho 3rd Decombor 1889, p. 3 ; for Report of the Select Committee, aee ibid, dated tbe 25th February 18 90, p. 1 ; for Procodings in Council, 8ee ibid, dated the 28th January 1890, p. 2 and ibid, dated tho 18t April 1890, p

3. This Act was extended to the merged Stote of Pudukkottai by section 3 of, and tho First Schedules to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).Thig Act wns extended to the Ronyakumari district ond the Shonoottah taluk of the Tirunelveli by section 3 of, and tho Tired Schedule to, tho Tamil Nadu (Transferrod Torri tory) Extension of Act, 1960 (Tamil Nodu Act 23 of 1960), which came into force on the 18t April 1961 ropeoling the corosponding law in territory. 8 This expression was substituted for the expression " Presi- dency of Mudras " by tho Tamil Nadu Adaptation of Lawg Order, 1970, which was deemed to have come into forco on the 14th January 1969 1890 : T.N. Act 11] Canals and 'Public Ferric 407 2. [Repeal.] Rep., by the Repealing and Amending Act, (Central Act XI of 1901)

3. In Ghis Act " vessel " includea any ship, bu,rge, Definitions.boat, raft, timber, bamboos or floating materials propelled in any manner : channel " inoludes any waterway, whether natural or arbificial : " line of navigation " Ineans any næ:uvigable channel, or series of connected navigable ch'innels : 'c canal " means a line of navigation declared to be to the provision', of this Act : " ferry " mce,ns a. place at, which or passengers are conü-vyed (,nnel by means of vessels • ohereto B a ferry declared to be subject " public ferry to tho provid> any. v tions 9 to 18 of this Act]. of any 4. The '[Stote nmont] may, by notification Power to apply Act in the '[Offcö•ul Gazette), declare any line of navi- to any line gation to be subject to the provisions of this Act from of ign. tion, a date to be named in such notification, and may in like mnmner cancel or modify any such notification. canal Shull be either Vossels to bo '[5. All vossols using a regis terod or licensed or registered an the '[State Government] may licensod as dircot :] directed by Government. 1 Those words and figures wero substituted for the words " this Act " by section 2 of the Canals and Public Ferrios (Amendment) Act, 1941 (Madras Act XX of 1941 This Act was permanently re-onacted by section 2 of, and the Tirst Schedule to, the Tamil Nadu Ro•onacted and Repealing (No. I) Act, 1948 (Tamil Nodu Act VII of 1948). 2 The words 'c Provincial Government " voro substituted for Ly the Adaptation Order of tho words " Governor in Council " 1937 and the word " Stato " was substituted for " Provincial " by tho Adaptation Order of 1950 . These words were substituted for the words " Fort St. george gazette by the Adaptation Order of 1937. This section substituted by Madrag Act 11 of 1895, section 1. 408 Power to fix fees and Canals and Terries [1890 : T.N. 11 Provided that the 2[State Government] may exempt from the operation of this section all any vessels or classes of vessels using a canal or portion of o canal.] 6. The 2[State Government]may from ti.me to time— (a) fix rates of fees payable for the licensing or rates of toll and to e.t.bliBh registration of vessels ; toll-stations. Power of person duly authorized to impose punishment for breach of condition Of licence and to deal with any obstruo• tion or with novign,sion in contravention of Act. (b) establish stations at which tolls shall be levied on vessels passing along a canal or on passengurs, vehicles, animals, or goods landed therefrom, and fix the rates of suc5 tolls ; (c) fix fees for the use of public landing places, wharves, piers, jetties, dock", b. Bins, lie-byes, sidings, sheds or ware-houseg provided for tho aoommodation of vessel:; using a canal or of goods or passt ngers carried or to be carried thereon and for demurrage on vessels or goods detained therein. A notification of such tolls or fees under clauses (b) and (c) of this section shall be

exhibited to public view in English and in the vernacular language of the district of the places where such tolls or fees are able

7. Any person duly empowered by 3[the State Government] in this behalf may—(i) suspend or cancel the licence or registration of any vessel in case of breach of any condition thereof, or in lieu of such suspension or cancellation or of prosecution may recover from the person in charge of the vessel penalty not exceeding five rupees for each such breach ; (ii) remove from the canal any vessel which may be sunk or abandoned therein, and may recover (ny expense incurred in so doing by the salo of tho vo 601; L Thig proviso was added to 9.5 by s.2 of Madras Act V of 1914. The words "Provincial Government". ' were substitut'd for words "Govs rnor in Council" by th Adaptation Order of 1 937 the word ' 'Stat'" was su bgtituted for "Provinci• .1" by tho *Adaptation Order of ! 950. Thn words ' 'th Provincial Gov rnument" were sub' tif d for tho ward "Government" by the Adapt Ordar Of 1937 and the word "Stat Viv; substitut d for • 'Provincial' • by thn Adapta- tinn Order of 1950 1890 : •T.N. Act 11] Canals and Public a vessel left for more than three days without a competent person in charge shall be held to be abandoned ; (iii) in case of emergency remove any other obstruction, or contrivance for fishing, or other thing which is an impediment to navigation, or in other cases serve notice upon the owner, if any, to remove any such thing within a reasonable time to be stated in the notice, failing which he may remove it himself. Expenses incurred under this clause shall bo recoverable from the owner : Provided always that, in cases of interference with private rights reosonable compen- sation shall be payable ; (iv) prohibit the construction of any contrivance for fishing or for any other purpose in the canol •or any erection therein or on a tow- path or other lond appurtenant thereto ; (v) stop any vessel navigating the canal in contravention pf any of the provisions of this Act or of any rule mode or any condition of licence or registra- tion prescribed thereunder, and may detain it until the same is complied with or until penalty has been paid or recovered under clouse (i) of this section or until the offence, if any, has been inquired into and disposed of. Powers under this section may be conferred either by name or in virtue of an office. 409 [7-A. (1) The 2(State) Government may, by Power to declare notification in the Fort St. •George gazette, that ferri(ß not being public declare that any ferry, not being a public ferry, shall ferries shall h, be subject to any rules mode by them under this subject to rules section for the purpose of securing the safety of for securing the safety of passengers conveyed across the ferry • pasengers. 1 This section waq inscrt(d by section 3 Gf the Canals and Public (Amendment) Act, 1941 (Madras Act XX of 1941). This Act permanently re-ena(ed by section 2 of, and the First I h Tamil Nadu Re•onacting and ROP' oling (No. I) Sch dule to, Act, 1948 (Tamil Nadu Act vrr of 1948). 2 This word was substituted for the word "Provincial" by the Adaptation Order Of 1950. 410 Canals and Public Ferries [1890 : T.N. Act 11 (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for— (i) the types of vessels that may be used for conveying possengers boross the ferry ; and (ii) the number of possengers that may be so conveyed on vessels of each such type.] 8. The [State Government] may, by notification Pox.4u r to apply Act to any ferry in the 2[Offciol Gazette], declare any ferry to be and define subject to the provisions of 3[sections 9 to 18 of this limiLR of ferry • Act] from 8 dote to be named in such notification, and may define the limits of such ferry. The 1 [State Government] may, in like monner, cancel or modify any such notification

9. From such date 811 previously existing rights *uch applica tion xi- of ferry within the limits defined in the notification sting rights Of shall cease and determine and it shall be unlawful Proviso.for any person not duly authorized to convey good', animals or possengers by means of vessels across a chonnel within such limits while such notification is in force : Provided that, when rights of ferry ore extinguished under this section,. compensation shall be payable for such extinction and shall be assessed as near as may be under any law for the time being in force relating to the acquisition of lond for public purposes. Pow.'l to pro- '[IO. (1) The 5[Stote] Government may— vide for mana- (a) provide for the monagement of any public gemc ntOf ferries and fix fens and ferry rates of tolls. 1 The words " Provincial Government " were substituted for tho words "Governor in Council" by the Adaptation Order of 1937 and the word " St'bt,o " wag subst; tutod for " Provinciol " by the Adaptation Order of 1950. 2 These words wore substituted for the words " Fort St. George Gazette " by the Adaptation Order of 1937. a Thnee word* and figura.g were substituted for words "this Act" by section 4 of thn Canals and Public Ferries (Amendmt nt) Act, 1 94' (Madras Act, XX of 1941). This Act was pormanpnrtly re-enacted by section 2 of, and the First Schr dule to, Tamil Nadu Re-enacting ond Repealing (No, I) Act, 1948 (Tamil Nadu Act VII

of 1948). This was substituted for the original section 10 by section 2 of the Canals and Public Ferries (Amendment) Act, 1939 (Tamil Nadu Act VII of 1939). 5 This word substituted for the word "Provincial" by the Adaptation Order of 1950. 2 This word substituted for the word "Provincial" by the Adaptation Order of 1950. 3 This sentence was substituted for the original sentence by section 2 of the Tamil Nadu Canals and Public Ferries (Amendment) Act, 1956 (Tamil Nadu Act I of 1956), which shall be deemed to have come into force on the 6th November 1947. 412 Power to assign management of canal to district board or municipal council. Power to appoint persons to collect tolls or fees and to lease out collection thereof. Procedure in case of non-payment of toll, or to, on demand. Canals and Public Ferries 1890 ; T.N. Act 11 of 1911. The management of any canal may, by order of the [State Government], be assigned to a local board or municipal council which shall exercise all the powers stated in section 7, and may, subject to the control of [the State Government], confer such powers on its servants. All persons duly empowered under section 7 shall be deemed to be public servants within the meaning of Act the Indian Penal Code. XLV of 1860

12. The [State Government] or the managing authority shall appoint persons to collect tolls or fees payable under this Act. The collection of such tolls or of fees other than licence-fees may, under such conditions as the [State Government] may from time to time prescribe, be leased out and in such case the lessee and his agents and servants shall be deemed to be so appointed

13. In case any tolls, fees other than licence fees or penalties payable under this Act are not paid when demanded by a person duly appointed or empowered to collect or impose the same, such person may seize any vessel, goods, vehicles or animals in respect of which such toll, fee or penalty is payable or anything in the possession of a passenger or person who is liable to such toll, fee or penalty, and any person empowered by [the State Government] or the managing authority in this behalf may sell the same by auction after fifteen days' public notice of the sale if such toll, fee or penalty is still unpaid. After deduction of such toll, fee or 1 The words 'or public ferry' were omitted by section 3 of the Canals and Public Ferries (Amendment) Act, 1939 (Tamil Nadu Act VII of 1939). 8 The words " Provincial Government " were substituted for the words Governor in Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950. 8 The words and thereupon in every case the revenue accruing therefrom shall be credited to the funds of such managing authority " were omitted by the Adaptation Order of 1937. 4 The words the Provincial Government " were substituted for the word " Government " by the Adaptation Order of 1937 and the word " State " substituted for " Provincial " by the Adaptation Order of 1950. * Now panchayat union council or panchayat. Canals and Public Ferries 1890 : T.N. Act 11] penalty and of the expenses of sale, the surplus proceeds, if any, shall be paid to the person from whose possession the thing sold was taken. 413 14. All canal and ferry rents and expenses incurred What payments under section 7 may be recovered by the Collector of may be recovered as the district in like manner as if they were arrears of land-revenue : revenue. 1 [Provided that any ferry rent due to a local board or municipal council shall be recovered as if the same were a tax due to the local board or municipal council.] 15. All licences granted and registrations effected Form, etc., of under this Act shall be in such form, shall be valid

licences and registrations. for voyage or for such time, and shall contain, or be subject to, such conditions as the 3[State Govern- ment] may from time to time direct. Power to make 16. The 3[Stote Government] may make rules in rules. respect of any canol or public ferry for all or any of the following purposes :— (i) declaring the powers to be exercised by any person employed under this Act ; (ii) providing for the grant of licences, for the inspection of licensed vessels, and for their main- tenance in good condition ; (iii) regulating the dimensions of free board of vessels using any canal or public ferry, the equipment of the same, and the number of passengers and the nature and quantity of cargo to be carried therein; i This proviso was added by section 4 Of the Canals and Public Ferries (Amendment) Act, 1939 (Tamil Nadu Act VII of 1939). Now panchayat union council or panchayat. The words "Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " State" was substituted for 't Provincial " by the Adaptation Order of 1950. C. Canals and Public Ferries [1890 : T.N. Act 11 Penalty for breach of rule. (iv) regulating the speed bt which veseels shall be moved, the passing of vessels, the lights to be exhibited by vessels moving or at anchor, the working of looks, the mooring of vesels, and the use of landing places, wharves, piers, jetties, docks, bosins, lie- byes, sidings, sheds or warehouses ; (v) the disposal of vessels or other things oon- fiscated or seized under this Act ; (vi) for the convenience of passengers ; and generally for the purpose of this Act

17. Any person who breaks any rule mode under this Act shall be punishable on oonvotion by a Criminal Court with fine not exceeding fifty rupees in oose of a Bingle offence and, in case of a continuing offence, not exceeding ten rupees for every day during which such offence continues.If the offence is such as to endanger humon life, the punishment may extend to imprisonment of either description for one year or to fine of five hundred rupees, or both. Penalty for navigating a Canal or 18. Any person navigating a eonol or establishing esbbbliehing or working a ferry or working ferry in contravention of seotion 6, in contraven- I(7-A] or 9 of this Act shall be liable on oonvotion tion of section before a, Criminal Couri to fine not exceeding five hundred rupees

19. Any person who refuses or evodes payment of Penalty for evasion of toll any toll or fee payoble under this Act, or without due er fee and for unauthorized •uthority levies any toll or fee under colour of this levy Of toll' etc• Act, or, being empowered to collect tolls or fees under this Act, collects or receives any sum in excess Of the lawful due, shall on conviction by Criminal i The figure and letter '\$7-A' were inserted by section 5 of the Canols and Public Ferries (Amehdznent) Act, 1941, Act XX Of 1941 'This Act was by section 2 of, •ond the First Schedule to, the.Tamil Nadu Re-enacting and: Repealing (No. 1) Act, 1948 (Tamil Nadu Aot VII of 1948). 1890 : T.N. Act 11] Canals and Public Ferriæ Court be punishable with imprisonment of either description not exceeding one month, or with fine not oxceeding one hundred rupees, or with both. 415 20. On conviction had of any offence under this power of court Act, the Court may order that any vessel or other to ordfr thing used in the commission of such offence shall be confiscated. 1[21. The 2(Stote Government) may delegate an or any of 8(their) powers under sections 5, IO, 11, 12, 13 and 15 to any omcer not below the rank of Digirict Collector or Superintending Engineer.) 1 Section 21 added by Tamil Nadu Act VIII of 1914, 2 The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " State" *ubsbituted for Provincial " by the Adaptation Order of 1950. 8 This word was substituted for the word "his" by tho Adaptation Order of 1937. Short titl and com- . mencement. Provision for the continu- ance of existing 766 Canals mul Public Ferries [1939 : T.N. Act (Anventbnt) I[TAMIL NADU] ACT No. vrr OF 19392. (THE CANALS AND PUBLIC PERRIES (AMENDMENT) ACT, 1939,] (Received the assent of the Governor on the 20th March 1 939 ; first published in the Fort St. George Gazette on the 21st March 193.9.) An Act further to amend the Canals and Public Fer- ries Act, 1890 for certain purposes. WHEREAS it is expedient ('urther to amend the Canals and Public Ferries Act, 18903, for the purposes herein- '[Tamil Nadol after appearing ; It is hereby enacted as follows :— Act of 890. 1. (1) This Act may be called the Canals and Public Ferries (Amendment) Act, 1939. (2) It slra(l come into force on the first day ot 5. All lolls levied immediately before the cotu- lncement of this Act at any public ferry the manage- ment of which has been assigned to a local board or litunicipal council, shall be deemed to have been levied, with effect from such commencement by the local board or municipal council concerned under sub-section (4) of section IO ot the said Act as a Illended by this Act. These words were substituted for the word "Madras" by t ne Tantil Nadu Adaptation of Laws Order, 1969, as amended by the Tami t Nadu Adaptation of Laws (Second Amendment) Order, 1969. 2 For State:nent o f Objects and

Reasons, see FortSt. George Gazeite, dated the 31st January 1939—Part I V, pages 20-21, Now the Tamil Nadu Canals and Public Ferries Act, 1890 (Tami\ Nadu Act of 1890). Sections 2 to 4 were repealed by section20f, and the First Schedule to, the Tamil Nadu Repealing and mnending Act, 1951 (Tamil Nadu Act of 1951).

