

GOVERNMENT OF GOA

Law (Legal and Legislative Affairs) Department

Notification

7-13-90/LA

The Goa Ferries Act, 1990 (Goa Act No. 9 of 1990) which was passed by the Legislative Assembly of Goa on 2-8-1990 and assented to by the Governor of Goa on 10-9-1990, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 10th September, 1990.

The Goa Ferries Act, 1990

(Act No. 9 of 1990) [10-9-1990]

AN

ACT

to regulate the use of ferries in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Goa Ferries Act, 1990.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) ‘Captain of Ports’ means the Captain of Ports of the Government;

(b) ‘channel’ means any canal, river, lake, backwaters, creeks or other navigable waterways;

(c) 'ferry' means a place at which goods or passengers or vehicles are conveyed across a channel by means of vessels, and includes also the approaches to and landing places of a ferry;

(d) 'Government' means the Government of Goa;

(e) 'lessee' means any person who holds right of tolls at public ferry on lease;

(f) 'notification' means a notification published in the Official Gazette;

(g) 'Official Gazette' means the Official Gazette of the Government;

(h) 'prescribed' means prescribed by rules made under this Act;

(i) 'public ferry' means a ferry which is declared to be a public ferry under the provisions of this Act.

3. Power to declare, establish, define limits or routes and discontinue public ferries.—

The Government may by notification, from time to time,—

(a) declare as to which ferry shall be public ferry, and the respective districts in which for the purposes of this Act it shall be deemed to be situated;

(b) establish new public ferries where, in its opinion, they are needed;

(c) define the limits of any public ferry;

(d) define or alter the routes of navigation at any public ferry; and

(e) discontinue any public ferry which it deems unnecessary:

Provided that when a channel lies between the State and the other State, the powers conferred by this section shall, in respect of such channel, be exercised by the Government in accordance with the provision of an agreement with the Government of the other State, which provision shall be notified by the Government in the Official Gazette.

4. Power to cause levy of toll.— (1) The Government may, by notification, fix such rates of toll to be levied on all vessels for the use of approaches to and landing places of a public ferry.

(2) The Government may, by notification, fix such rates of toll to be levied on all persons, animals, vehicles and other things crossing any river at a public ferry and not employed or transmitted on the service of the Government or the Government of India:

Provided that the Government may, from time to time by a notification or a special order, exempt from payment of such toll any person, animal or vehicle or other things as may be specified therein.

5. Power of Government to lease levy of tolls.— It shall be lawful for the Government to lease levy of tolls at the rates fixed under section 4 in respect of any public ferry by public auction or contract from year to year or for a longer period not exceeding three years on such terms and conditions as the Government may deem fit.

6. Powers and liabilities of lessees and their Agents.— All persons employed by the Government in the management and collection of toll levied under section 4 and where the right to collect toll has been leased under section 5, the lessee and every person appointed by the lessee as his agent for the purpose of collection of such toll shall be deemed, within the meaning of section 7, to be an officer appointed to collect the toll and shall exercise all the powers and be subject to all the obligations and liabilities attaching persons so appointed.

7. Power of seizure.— In case of non-payment of any such toll on demand, the officers appointed to collect the same may seize any vessel, vehicle or animal or goods on which it is chargeable and, if any toll remains un-discharged within twenty four hours of such seizure, the officer concerned shall report the matter to the Captain of Ports who may sell such property for discharge of the toll and all expenses occasioned due to such non-payment, seizure and sale and cause the balance if any that may remain to be returned on demand to the owner of the property:

Provided that, if at any time before the sale the person whose property has been seized tenders the toll due and all the expenses incurred the said officer shall forthwith release the property seized.

8. Assistance by the Police Officers.— All Police officers shall when required, be bound to assist the officer appointed to collect the toll by exercising all powers they have in the exercise of their common Police duty.

9. Exhibition of table of tolls and statement of penalties.— The Captain of Ports shall cause a table of the tolls authorised to be charged and put up at all public ferries in writing or printed in the official language and also in such other languages as may be prescribed.

10. Penalties.— (1) Whoever fails to pay the toll or uses any public ferry without paying the toll or obstructs any officer appointed to collect the toll in any way in exercise of his duties under the Act shall be liable to pay such amount as may be prescribed as penalty.

(2) Any person who is liable to pay any penalty under sub-section (1) on his refusal to pay such penalty shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which shall not be less than the penalty payable under sub-section (1) or with both.

11. Power to make rules.— The Government may, by notification, make rules generally for the purpose of carrying out the purposes of this Act.

Secretariat Annexe,

Panaji, Goa.

Dated: 10th September, 1990.

B. S. SUBBANNA,

Secretary to the Government of Goa

Law Department (Legal Affairs)