

# THE RAJASTHAN REGULATION OF BOATING ACT, 1956

(Act No.26 of 1956)

*[Published in the Rajasthan Gazette E.O. Part IV-A dated 10 September 1956.]*

*(Received the assent of the President on the 1st day of September, 1956).*

*An*

*Act*

*to regulate boating in rivers and lakes in the State of Rajasthan.*

Whereas in the interests of the general public it is expedient to regulate boating in rivers and lakes in Rajasthan, in order to ensure the safety of the passengers and the proper running of boats;

Be it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows :-

## Preliminary

**1. Short title, extent and commencement.-** (1) This Act may be called the Rajasthan Regulation of Boating Act, 1956.

(2) it extends to the whole of the State of Rajasthan.

(3) it shall come into force on such date<sup>1</sup> as the State Government may, by notification in the Rajasthan Gazette, appoint in this behalf.

**2. Definitions.-** In this Act, unless the subject or context otherwise requires-

<sup>2</sup>[(a) “**boat**” means a boat of any description, not being a steam vessel as defined in clause (5) of section 2 of the Inland Steam Vessels Act, 1917 (Central Act 1 of 1917);]

(b) “**certificate**” means a certificate of fitness granted under section 3;

(c) “**Lake**” include a pond of any kind whether large or small;

(d) “**license**” means a license granted under section 7;

(e) “**plying**” a boat includes towing or pushing a boat or causing a boat to plied, towed or pushed, and “to ply” with all its grammatical variations shall be construed accordingly;

(f) “**river**” means a river of any kind whether seasonal or otherwise;

<sup>3</sup>[(g) “**State**” means the new State of Rajasthan as formed by section 10 of the State Reorganisation Act, 1956 (Central Act 37 of 1956);]

## Certificate of Fitness

**3. Certificate of fitness to be obtained for all boats.-**After the expiry of six months from the commencement of this Act, no person shall ply a boat in any river or lake, whether for pleasure or for hire or otherwise, except under the authority, and in accordance with the conditions, of a certificate of fitness in respect of that boat granted by the prescribed officer or authority in the prescribed manner after an inspection of the boat with reference to the prescribed matters.

1. Came into force w.e.f.09.07.1959, vide Notification No. D. 3807/F.17(4)HB/57 dated 22.6.1959, published in Rajasthan gazette part 4(Ga), dated 09.07.1959.

2. Substituted by Rajasthan Act No. 25 of 1957, published in Raj. Gazette E.O. Part 4(ka) dated 12.07.1957.

3. Inserted by Rajasthan Act No. 25 of 1957, published in Raj. Gazette E.O. Part 4(ka) dated 12.07.1957. In this connection, also see Rajasthan Act No. 40 of 1957, published in Rajasthan Gazette E.O. Part 4(ka) dated 09.12.1957.

**4. Transfer of ownership.-** (1) Within thirty days of the transfer of ownership of a boat in respect of which a certificate of fitness has been granted under section 3, the transferee shall report the transfer to the officer or authority granting the certificate and submit the certificate to such officer or authority together with such fees, if any, as may be prescribed.

(2) The officer or authority granting the certificate shall return the certificates as early as may be conveniently possible after entering the particulars of the transfer in the records relating to the certificate as well as in the certificate itself.

**5. Destruction of boat.-** If any boat in respect of which a certificate of fitness has been granted is destroyed or rendered unfit for use, the owner thereof shall, within thirty days of such destruction or unfitness, report the fact to the officer or authority granting the certificate and surrender the certificate for cancellation by such officer or authority and for making entry thereof in the relevant records.

**6. Cancellation or suspension of certificates.-** The officer or authority granting a certificate may cancel or suspend the certificate, if after giving the owner of the boat a reasonable opportunity of being heard, he is satisfied that the owner has been guilty of a breach or non observance of any provision of this Act or the rules made under his Act or of any conditions embodied in the certificate.

**7. Licensing of boats plied for hire.-**After the expiry of six months from the commencement of this Act, no person shall ply any boat in any river or lake for hire, except under the authority, and in accordance with the conditions of a license granted under this Act.

**8. Licensing Officer.-**The Regional Transport Officer of the State Government having jurisdiction over the area in which the lake or river is situated, or such other officer as may be prescribed, shall be the officer competent to grant a license under section 7.

**9. Matters to be considered in considering an application for license.-**(1) The licensing officer shall while considering an application for license under this Act, have regard to the following matters, namely :-

- (a) the interest of the public in general;
- (b) the safety of passengers and the means available with the license to look after it;
- (c) the advantage to the public likely to result from the service to be provided, including the saving of time likely to be affected thereby;
- (d) the adequacy of the existing service, the fares charged by that services and the effect of that service on the proposed service;
- (e) the benefit likely to accrue from the proposed service to particular localities.

**10. Cancellation or suspension of licence.-** The licensing officer may, after giving the licensee a reasonable opportunity of being heard, cancel or suspend a license, if the licensee has been guilty of a breach or non-observance of any of the provisions of this Act or the rules made under this Act or of any condition of his licence.

**11. Conditions of a License.-** The licensing officer shall, having regard to the matters mentioned in section 9, embody such conditions in the licence as he may think necessary in each case with reference to-

- (a) the number of boats to be plied by the licensee;
- (b) the place where the licensee's boats shall enter the lake or the river;
- (c) the hours between which boats may be plied;
- (d) the mode of navigation and the qualifications of boatmen to be employed by the licensee,
- (e) the routes which the licensee's boats shall follow.

**12. Appeal.-** (1) An appeal shall lie from any order passed under this Act-

- (a) rejecting an application for the grant of a certificate of fitness; or
- (b) embodying any condition in such certificate; or
- (c) cancelling or suspending any such a license; or
- (d) rejecting any application for the grant of a license; or
- (e) embodying any condition in such a license; or
- (f) cancelling or suspending any such license.

(2) An appeal under sub-section (1) shall lie to such authority as may be prescribed, and different authorities may be prescribed for different kinds of appeals.

(3) No appeal under this Act shall be entertained after the expiry of thirty days from the order sought to be appeals from:

Provided that the appellate authority may, for seasons to be recorded in writing, entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from filing an appeal within the said period.

**13. Fares.-** (1) The State Government may, by notification in the Rajasthan Gazette, fix the maximum or minimum fares or freight for boats plying for hire, to be applicable throughout the State or within an area or with reference to route within the State, having regard to-

- (a) the advantage offered to the public, trade and industry by the development of transport by boating; and
- (b) the desirability of coordinating transport by boating and other forms of transport; and
- (c) the desirability of preventing uneconomic competition among boats.

(2) No notification under sub-section (1) shall be issued unless the representatives of the interests affected have been given a reasonable opportunity of submitting their points of view.

**14. Penalty.-** Whoever commits or abets, or attempts to commit a contravention of any of the provisions of this Act, or charges any fares contrary to the provisions of any notification issued under section 13 and for the time being in force shall on conviction, be punishable with fine which may extend to five hundred rupees.

**15. Exemption.-** (1) Nothing in this Act applies to boats owned by any department of the Central Government or any State Government which are not plied for hire.

(2) The State Government may, by notification in the Rajasthan Gazette exempt any other boat or class of boats from all or any of the provisions of this Act where such exemption appears to be necessary for reasons to be recorded in writing.

**16. Rules.-** (1) The State Government may, by notification in the Rajasthan Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under sub-section (1) may provide for-

- (a) the form of applications to be made, licenses and certificates to be granted under this Act and the fees to be charged therefor;
- (b) the procedure for officers authorised under this Act, including the procedure for appeals and the fees for appeals' and
- (c) all matters that are to be or may be prescribed under any provision of this Act.

**17. Repeal.-** The united State of Rajasthan Regulation of Boating Ordinance 1949 (Ordinance No. V of 1949) of the State of former Rajasthan and all laws in force in any of the Covenanted State, <sup>1</sup> [in the Abu area or Ajmer area or Sunel area] regulating boating in rivers and lakes, are hereby repealed, but not so as to affect their previous operation.

<sup>1</sup>[ **18.Interpretation.**- The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) in force in the pre-reorganisation State of Rajasthan shall, as far as may be, apply *mutatis mutandis* to this Act.]

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1- Inserted by Rajasthan Act No. 25 of 1957, published in Raj . Gazette E.O. part 4(ka) dated 12-07-1957.