

## **The Goa Ferries Act, 1990 and Rules 1990**



### The Goa Ferries Act, 1990 and Rules 1990

1. **The Goa Ferries Act, 1990 (Goa Act No. 9 of 1990) [10-9-1990]** (published in the Official Gazette, Series I No. 23 (Extraordinary No. 2) dated 10<sup>th</sup> September, 1990 and came into force w.e.f. 10<sup>th</sup> September, 1990).
2. **The Goa Ferries (Regulation of Issue of Tickets) Rules, 1990.**
3. **The Goa Ferries (Regulation of issue of seasonal passes, concession and procedure etc. for the use of public ferries/vessels) Rules, 1997.**
4. **The Goa Ferries (Regulation of Issue of Tickets) (Amendment) Rules, 1993.** (Same came into force w.e.f. 17th November, 1993).

#### Arrangement of Sections

1	Short title, extent and commencement	7	Power of seizure
2	Definitions	8	Assistance by the Police Officers
3	Power to declare, establish, define limits or routes and discontinue public ferries	9	Exhibition of table of tolls and statement of penalties
4	Power to cause levy of toll	10	Penalties
5	Power of Government to lease levy of tolls	11	Power to make rules
6	Powers and liabilities of lessees and their Agents		

#### 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, 10<sup>th</sup> September, 1990.

#### The Goa Ferries Act, 1990

(Goa 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: 10<sup>th</sup> September, 1990.

B. S. SUBBANNA,  
Secretary to the Government of Goa  
Law Department (Legal Affairs)

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## Department of Inland Water Transport

### Notification

7/18/90-IWT-V

In exercise of the powers conferred by section 10 read with section 11 of the Goa Ferries Act, 1990 (Goa Act 9 of 1990), the Government of Goa hereby makes the following rules, namely:—

**1. Short title, extent and commencement.**— (1) These rules may be called the Goa Ferries Rules, 1990.

(2) They shall extend to the whole of the State of Goa.

(3) They shall come into force at once.

**2. Penalty for failure to pay toll, etc.**— 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 penalty as specified in the Schedule below :

#### SCHEDULE

Sr. No.	Description	Amount of penalty
1.	Each person	Rs. 10/-
2.	Bicycle/Moped	Rs. 15/-
3.	Motorbike/two wheelers other than bicycles and mopeds	Rs. 20/-
4.	Three wheelers including scooter with side car	Rs. 50/-
5.	Four wheelers light vehicles e.g. Car, jeep	Rs. 100/-
6.	Tempo, minibus and other light medium 4/6 wheelers (including jeep with trallers)	Rs. 200/-
7.	Heavy vehicles e.g. Trucks, buses	Rs. 500/-
8.	Cargo in vehicles	Rs. 200/-

By order and in the name of the Governor of Goa.

*Subhash V. Elekar*, Under Secretary (I.W.T.).

Panaji, 10th September, 1990.

**Notification**

7/18/90-IWT

In exercise of the powers conferred by section 11 of the Goa Ferries Act, 1990 (Act 9 of 1990), the Government of Goa hereby makes the following rules, namely:—

**1. Short title, extent and commencement.**— (1) These rules may be called the Goa Ferries (Regulation of Issue of Tickets) Rules, 1990.

(2) They shall extend to the whole of the State of Goa.

(3) They shall come into force at once.

**Definitions.**— In these rules, unless the context otherwise require,—

(a) ‘Act’ means the Goa Ferries Act, 1990 (Act 9 of 1990);

(b) ‘Form’ means a form appended to these rules;

(c) ‘Inspecting Authority’ means—

(i) the Captain of Ports, Deputy Captain of Ports, Senior Workshop Superintendent Principal of Maritime School, Administrative-cum-Accounts Officer, Traffic Inspector and the Inspectors of the Captain of Ports Department or of the River Navigation Department;

(ii) the officers of the Vigilance Department not below the rank of Vigilance Officer; and

(iii) the officers of the Police Department not below the rank of Sub-Inspector of Police;

<sup>1</sup>[(iv) in the case of public ferry plying in the Channel between the State of Goa and any other State, such Officer of that other State Government, which the Government of Goa, may, in consultation with that other State Government, specify in this behalf, by notification in the Official Gazette.]

(d) ‘section’ means a section of the Act;

(e) ‘ticket’ means a ticket including a pass issued on payment of toll fixed for carrying a person, vehicle or cargo across a public ferry;

(f) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

**3. Issue of Tickets.**— (1) Wherever the Government has fixed any toll for any public ferry, the ticket collector shall issue a ticket bearing Sr. No., date and facsimile signature of the Captain of Ports to any person who pays the toll for crossing the public ferry.

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<sup>1</sup> Inserted by the Goa Ferries (Regulation of Issue of Tickets) (Amendment) Rules, 1993.



(2) Any person who has paid the toll fixed for the journey by purchasing a ticket shall retain the same till the journey is completed.

**4. Duties of Ticket Collector.**— A ticket collector shall,

(i) report to the public ferry to which he has been posted at the commencement of his shift in order to relieve the person on duty after taking over the charge by signing the statement of daily traffic earnings in Form A and obtaining requisite number of tickets of various denominations alongwith a cash of Rs. 20/-,

(ii) while on duty wear such uniform, badge or identity card, as may be issued by the Government,

(iii) not possess on his person during the duty, a sum exceeding thirty rupees as his personal cash. Provided that if at any time an inspecting authority finds more than the said sum of Rs. 30/- on the person of a ticket collector, it shall be presumed that such sums belong to the Government,

(iv) record his personal cash on his person on the Right Hand Top of the statement of daily traffic earnings under his own signature with date,

(v) subject himself for physical check; by the inspecting authority when so required by it,

(vi) behave courteously with the general public,

(vii) not be in on intoxicated condition while on duty.

**5. Duties of Inspecting Authority.**— Inspecting Authority may, at any time, enter a ticket issuing booth or a public ferry to satisfy itself as to whether the tickets are being issued properly or not.

(2) Inspecting authority may at any time enter any public ferry and demand from any person found in any such ferry to produce the ticket purchased by him for his journey.

**6. Power to remove person from public ferry.**— Any person who travels or attempts to travel in public ferry without any proper Pass or ticket will him or who being in a public ferry fails or refuse to present for examination or to deliver up his Pass or ticket immediately on requisition being may therefor by an inspecting authority, may be *removed* from the public ferry by such inspecting authority or by any other person whom such inspecting authority may call to his aid, unless such person pays the spot, the toll fixed as also the penalty prescribed under section 10.

By order and in the name of the Governor of Goa.

*Subhash V. Elekar*, Under Secretary (I.W.T.).

Panaji, 5<sup>th</sup> November, 1990.

**Notification**

7/18/190-IWT

In exercise of the powers conferred by section 11 of the Goa Ferries Act, 1990 (Act 9 of 1990), the Government of Goa hereby makes the following rules, namely:—

**1. Short title, extent and commencement.**— (1) These rules may be called the Goa Ferries (Regulation of issue of seasonal passes, concession and procedure etc. for the use of public ferries/vessels) Rules, 1997.

(2) They shall come into force at once.

**2. Definitions.**— In these rules, unless the context otherwise requires—

(a) “Act” means the Goa Ferries Act, 1990 (Act 9 of 1990);

(b) “Department” means the River Navigation Department, Government of Goa;

(c) “Pass Holder” means a person in whose name the seasonal pass is issued by the Department;

(d) “Pass Issuing Authority” means the Director (Admn.) of the Department or his authorised representative;

(e) “Seasonal Pass” means valid monthly or quarterly pass issued by the Department.

**3. Procedure for issuing seasonal passes and conditions.**— (1) The seasonal passes shall be issued to desirous commuters on monthly or quarterly basis on payment of fee specified in rule 5 and on production of the necessary details/information alongwith 2 copies of recent passport size photographs.

(2) The seasonal pass issued to a particular commuter shall not be transferable.

(3) The seasonal pass shall have to be signed by the person to whom it is issued. The unsigned passes shall be considered invalid.

(4) The seasonal pass shall be valid upto the date shown on it. The said pass may be renewed from the next date from the date of expiry if the pass holder so desires, provided the same is presented for renewal on the next day (and in case next day is a holiday, the following day).

(5) A fine as indicated below over and above the normal charges, shall be levied by the Pass Issuing Authority if the pass is presented for renewal after the date stipulated in sub-rule (4) of rule 3.

(i) Delay upto 7 days counted from the date of expiry including holidays in case of monthly passes only...

Rs. 10/- (Rupees ten only)

(ii) Delay upto 15 days counted from the date of expiry including holidays in case of Quarterly passes...

Rs. 20/- (Rupees twenty only)

(6) Travelling on or after the date of expiry of pass shall tantamount to ticketless travelling and the traveller shall be liable for a fine as stipulated under the relevant rules.

(7) The pass should be shown when demanded by the Ticket Collector/Inspector or by any inspecting authority.

(8) Whenever there is suspension of ferry service by the Department for a continuous period of 3 days (three days) or more as per office records, the seasonal pass holders shall be entitled for an extension of the validity of their seasonal passes by an equivalent period. In case the ferry service is suspended by the Department on account of public agitation or strike, the aforesaid extension shall not be given.

**4. Concession to the physically handicapped/disabled persons and to bonafide students in Government run ferry boats.—** (1) No fare shall be charged to the disabled persons having disability to the extent of 40% and above.

(2) 50% concession of the fare shall be given to the other category of handicapped. The above concessions shall be given subject to production of Identity Card issued by the Directorate of Social Welfare, Government of Goa.

(3) 50% concession of the fare shall be given to the bonafide students studying in this State.

**Explanation.—** “Bonafide Student” means a person who is pursuing a course of studies as a full time student in any recognised educational institution in the State of Goa and possesses at the time of the journey in the ferry boat a valid identity card issued under the signature of the Head of such institution but does not include a person who is pursuing higher education while gain fully employed.

**5. Concessions in respect of seasonal passes.—** (1) The members of general public shall be eligible for twenty five percent concession of the fare on to and fro journey, calculated on the basis of existing tariff structure provided that they hold “Monthly Pass” i. e. for a period of 30 days issued by the Department.

(2) Thirty percent concession shall be given to persons on to and fro journey calculated on the basis of existing tariff structure provided that he holds “Quarterly Pass” i.e. for a period of 90 days issued by the Department.

By order and in the name of the Governor of Goa.

*Capt. A. P. Mascarenhas*, Captain of Ports and Ex-Officio Jt. Secretary.

Panaji, 28th April, 1997.

**Notification**

7/18/90-IWT-I

In exercise of the powers conferred by sub-section (3) of section 1 of the Goa Ferries Act, 1990 (Act 9 of 1990) (hereinafter referred to as the 'said Act'), the Government of Goa hereby appoints the 10th day of September, 1990, as the date on which the said Act shall come into force.

By order and in the name of the Governor of Goa.

*Subhash V. Elekar*, Under Secretary (I.W.T.).

Panaji, 10th September, 1990.