

Rajasthan Regulation of Boating Act, 1956

(Act No. 26 of 1956)

RJ319

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(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 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-

[(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 I of 1917);]

(b) "certificate" means a certificate of fitness granted under section 3:

(c) "Lake" includes 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 be 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;

[(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 the prescribed manner after an inspection of the boat with reference to the prescribed matters.

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 certificate 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, surrender the certificate and apply for cancellation by such officer or authority and for making any 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 this Act or of any conditions embodied in the certificate.

Licensing of Boats plied for Hire

7. Licensing of boats plied for hire. - After the expiry of six months from the commencement of this Act. no person shall ply and 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 licence under this Act. have regard to the following matters, namely:-

- (a) the interest of the public in genera:
- (b) the safety of passengers and the means available with the licensee to look after it:
- (c) the advantage to the public likely to result from the service to provided, including the saving of time likely to be affected thereby:
- (d) the adequacy of the existing service, the fares charged by that service 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 license. - 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 a certificate: or
- (c) canceling or suspending any such certificate: or
- (d) rejecting any application for the grant of a license: or
- (e) embodying any condition in such a license: or
- (f) canceling 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 appealed from:

Provided that the appellate authority may, for reasons 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, be notification in the Rajasthan Gazette, fix the maximum or minimum fares or freight for boats plying for hire, to the 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 Centred 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, [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.

[**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.]

Notifications

Section 8

[Notification No. F.7(144) Pari/Rules/HQ/95, dated 13-7-1998, Published in Rajasthan Gazette, Extraordinary Part IV-C(II). dated 13-7-1998. p. 172.]

In exercise of the powers conferred by Section 8 of Rajasthan Regulations of Boating Act, 1956 (Act No. 26 of 1956). State Government hereby prescribes the District Transport Officer having Jurisdiction over the area in which the lake or river is situated, the officer competent to grant a license under Section 7 of the said Act.

Section 15

[Notification No. F.7(144) Pari/Rules/HQ/95, dated 15-11-1995, published in Rajasthan Gazette, Extraordinary, Part IV-C(i). dated 15-11-1995, p. 134.]

In exercise of the powers conferred by sub-section (2) of Section 15 of the Rajasthan Regulation of Boating Act. 1956 (Rajasthan Act No. 26 of 1956). the State Government hereby exempts from the provisions of Section 3 and Section 7 of the said Act. the boats (not being a motor boat) used by fisherman, when used for fishing, subject to the following conditions:-

(1) Fisherman shall always carry with him numbered certificate from the Fisheries Department. Government of Rajasthan regarding use of boat in fishing trade and boat shall be used only for that purpose.

(2) Boat shall be used on hire or otherwise, in any manner, for carrying passengers.

(3) On each such boat at least at two places the following information shall be displayed prominently on a board of size not less than 15" x 8" in 'Red' colour on "White" background.-

(a) Serial number of the certificate given by Department of Fisheries. Government of Rajasthan.

(b) Name of owner (Registered in Department of Fisheries. Government of Rajasthan).

(c) "This boat is not safe to carry passengers".