

THE JAMMU AND KASHMIR FERRIES AND FERRY BOATS CONTROL ORDER, 1992

Revenue Department Notification SRO-292 dated 15th December, 1992.—
In exercise of the powers conferred by section 3 of the Jammu and Kashmir Ferry Boats Control Act, 1971 (Act No. XVIII of 1971), the Government hereby makes the following order for controlling and plying of ferry boats over water courses in the *[State], namely :—

1. *Short title and commencement.* —(a) This Order may be called the Jammu and Kashmir Ferries and Ferry Boats Control Order, 1992.

(b) It shall come into force from the ¹date of its publication in the Government Gazette.

2. *Definitions.*— In this Order unless there is anything repugnant in the subject or context :—

- (a) ‘Act’ means the Jammu and Kashmir Ferry Boats Control Act, 1971 ;
- (b) ‘Appellate Authority’ means the Divisional Commissioner of the concerned province ;
- (c) ‘Competent Authority’ means the Deputy Commissioner of the District ;
- (d) ‘Fare’ means and includes sums payable in respect of hire or transport of any carriage ;
- (e) ‘Form’ means form appended to this order ;
- (f) ‘Registering Authority’ means the concerned Assistant Commissioner (Revenue) or Sub-Divisional Magistrate as the case may be.

3. *Manner of making application for grant of licence.* —(1) Any person who is desirous of operating a ferry boat over any water course in the *[State] may apply to the Competent Authority for grant of a permit.

(2) Every application made under sub-para (1) shall be in Form ‘A’ to be signed by or shall bear thumb impression of the applicant in two places and contain

* Now Union territory.

1. Published in Government Gazette dated 15.12.1992.

all the information as mentioned in the Form and shall be accompanied by three copies of photograph (Passport size) of the applicant.

(3) The Competent Authority shall, after considering all the facts mentioned in the application, grant the permit in Form 'B' and impose such conditions as may be deemed necessary subject to which ferry boat shall be operated over the water-course.

(4) No person other than the permit holder shall use the permit granted by the competent Authority.

(5) No person whose age is below eighteen years shall operate ferry boat over any water-course.

(6) Where the application is for a permit to operate as a paid employee or where in any case the Competent Authority for reasons to be recorded in writing, so directs, the application shall be accompanied with a medical Certificate of Fitness of the applicant signed by a Registered Medical Practitioner of the rank of Assistant Surgeon.

(7) If from the application or from the medical certificate referred to above, it appears that the applicant is suffering from any disease or disability which is likely to be a source of danger to the public or to the passengers, the Competent Authority shall not grant permit to the person concerned and the grounds of refusal shall be communicated to the applicant.

(8) No permit for operating shall be issued to any applicant unless he passes, to the satisfaction of the Competent Authority, a test of competence to operate a ferry boat. For this purpose, the Competent Authority may constitute a board comprising of Revenue, Police and Irrigation officials of that area who will recommend to the Competent Authority whether or not the permit should be granted.

4. *Form and validity period of the permit.* —(1) Every permit for operating a ferry boat shall be in Form 'B'.

(2) Subject to the provisions of *[rule] 6 and *[rule] 7 permit granted or renewed shall be valid for a period of 2 years from the date of issue or renewal of such permit as the case may be.

5. *Renewal of permit.* —(1) The Competent Authority may, on application made to it, renew the permit. An application for renewal of permit shall be made in Form 'C'.

* Should be "Para"(Author I/C Codification Branch, Law Department).

(2) Where an application for the renewal of a permit is made on or after its validity date expires a fee of Rs. 15/- for permit for manual ferry boats and Rs. 30/- for permit for mechanised ferry boats shall be charged as fee for renewal.

6. *Cancellation of permit on grounds of disease or disability.*— Notwithstanding anything contained in the foregoing paras, the Competent Authority may at any time, for sufficient reasons to be recorded in writing, cancel the permit, or may require, as a condition of continuing to hold such permit to the holder thereof, to furnish a fresh medical certificate as provided for in sub-para (6) of para 3.

7. *Power of Competent Authority to disqualify for holding a permit.*—(1) If the Competent Authority is satisfied, after giving him an opportunity of being heard, that any person :—

- (a) is a habitual criminal or a habitual drunkard ; or
- (b) is using or has used a ferry boat in the commission of cognisable offence ; or
- (c) is by his previous conduct as operator of a ferry boat, dangerous to the public ; or
- (d) is using or has used the boat for the purpose other than the purpose for which the permit has been granted in his favour,

it may, for reasons to be recorded in writing, make an order disqualifying such a person for holding or obtaining any permit and for operating a ferry boat for the period to be specified in the order.

(2) Upon the issue of any such order, the person affected shall forthwith surrender his permit to the Competent Authority who shall keep it until the disqualification has expired or has been removed.

(3) Any person aggrieved by the order of the Competent Authority may, within 15 days of the receipt of the order, make an application to the Appellate Authority.

(4) The Appellate Authority may, after giving an opportunity of being heard to the party and making such inquiry as it deems fit, make an order which shall be final.

8. *Order refusing or revoking permit and appeals therefrom.*—(1) Where the Competent Authority refuses to grant or renew or revokes any permit it shall do

so by an order to be communicated to the applicant or the holder thereof, as the case may be, giving the reasons in writing for such refusal or revocation.

(2) Any person aggrieved by an order made under sub-clause (1) may, within 15 days from the date of such order, make an application to the Appellate Authority who shall decide the application after giving such person an opportunity of being heard and the decision of the Appellate Authority shall be final.

9. *Suspension of permit in certain cases.* —(1) Where a case is registered by a Police Officer on the allegation that the holder of the permit has by reckless or dangerous driving caused the death of or grievous hurt to, one or more persons, the permit held by such person shall become and shall remain, suspended for a period of 6 months from the date on which the case is registered or if such person is discharged or acquitted before the expiry of said period, until such discharge or acquittal as the case may be.

(2) Where by virtue of sub-clause (1) the permit held by a person becomes suspended, the police officer shall bring the fact to the notice of the Competent Authority who will take possession of the permit and make an endorsement to this effect.

(3) If the person is convicted in any offence within a period of six months or thereafter, the Competent Authority shall cancel the permit.

10. *Registration of a ferry boat.* — No person shall operate any ferry boat and no owner of a ferry boat shall cause or permit a ferry boat to be operated over the water course for purpose of carrying passengers or goods unless the ferry boat is registered in accordance with this order.

11. *Manner of registering a ferry boat.* —(1) An application by or on behalf of the owner shall be made to the Registering Authority in Form 'D' which shall contain full information mentioned in the form.

(2) The registration fee for manual ferry boats will be Rs. 200/- per boat and that for mechanised ferry boat be Rs. 500/-.

(3) The Registering Authority shall issue to the owner of the boat a certificate of registration in Form 'E' and keep record with particulars of such a certificate.

(4) The certificate of registration shall be valid for a period of five years from the date of issue and shall be renewed upon an application by the owner or his agent within six months of the date of expiry of the registration certificate. The fee

for renewal shall be the same as provided for issue of original registration certificate under sub-clause (2).

12. *Inspection of ferry boat at the time of registration.* —(1) The Registering Authority shall, before proceeding to register a ferry boat or renew the registration certificate in respect thereof, inspect the ferry boat himself or cause it to be inspected by any person conversant with navigation so as to satisfy itself about the veracity of the particulars contained in the application.

13. *Refusal of registration or renewal of Certificate of Registration.* — (1) The Registering Authority may, by an order in writing communicated to the applicant, refuse to register or renew the certificate of registration in respect of a ferry boat if—

- (a) safety requirements have not been complied with ; or
- (b) the ferry boat is mechanically defective ; or
- (c) the condition of the ferry boat is not safe so as to be permitted to be used ; or
- (d) the particulars in the application form are incomplete or are found not to be correct.

(2) Any person aggrieved by the order passed by Registering Authority under sub-clause (1) may make an application to the Appellate Authority, within thirty days of the date of the service of such order upon him. The decision of the Appellate Authority shall be final.

14. *Necessity of permits.*— No owner of a ferry boat shall use or permit the use of any ferry boat over the water course whether or not such ferry boat is actually carrying any passenger or goods save in accordance with the conditions of permit granted by the Competent Authority.

15. *General conditions.* —(1) Every application for permit shall be made to the Competent Authority.

(2) Every applicant for grant of a new permit shall deposit alongwith his application, by way of security an amount of Rs. 100/- in respect of manual ferry boats and Rs. 200/- in respect of mechanised ferry boats. This security shall be non-refundable.

(3) An application for permit shall contain the following particulars :—

- (a) the number of ferry boats proposed to be operated under the permit applied for in relation to each route and the type and seating capacity or load carrying capacity of each ferry boat ;
- (b) the route (s) to which the application relates within the water course ;
- (c) the minimum and maximum number of daily trips proposed to be provided in relation to each route and the time table of such trips ;
- (d) the arrangements intended to be made for housing and repairing of boats, for the comfort, convenience and safety of passengers and/or for storage, loading and safety of goods ;
- (e) the details as to whether the ferry boat(s) in relation to the route(s) shall carry men or material or both, with total loaded weight ; and
- (f) any other such details as the Competent Authority may specify.

16. *Facts to be kept in view while considering application for grant of permits.* —(1) The Competent Authority shall in considering application for permit, have regard to the following matters, namely :—

- (a) the interests of the public generally ;
- (b) the advantages to the public of the service to be provided including the saving of time likely to be effected thereby and any other convenience arising out of performing such journeys by the ferry boats ;
- (c) the adequacy or otherwise of other ferry boat services operating or likely to operate in near future between the places covered ;
- (d) the benefit to any particular locality(ies) or village(s) likely to be afforded by the service ;
- (e) the operation by the applicant of other ferry boat services including those in respect of which application from him for permits are pending ;
- (f) the feasibility of plying ferry boats in general and limitation on such ferry boats services on the proposed routes, and shall also take into consideration any representations made by persons already providing ferry boat services along or near the proposed route or by any local

authority or police authority within whose jurisdiction any part of the proposed route lies.

(2) The Competent Authority shall refuse to grant a permit if it appears from any time table furnished that the provisions relating to speed of boats etc. are likely to be contravened :

Provided that before such refusal an opportunity shall be given to the applicant to amend the time table so as to conform to such provision (s).

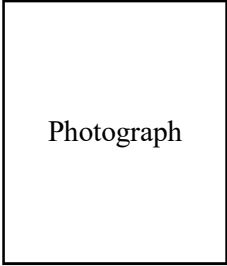
(3) The Competent Authority may, having regard to the matters mentioned in sub-clause (1), limit the number of ferry boats generally or any specified type either on a particular route or in the entire course as whole at any point of limit.

(4) Any person aggrieved by the order of the Competent Authority under sub-clause (2) or (3) may make an application to the Appellate Authority within thirty days of such order. The decision of the Appellate Authority shall be final.

17. *Random check of boats.* —(1) The Assistant Sub-Inspector of Police Station concerned shall verify occasionally if the person who possesses permit does not violate any of the conditions on which permit stands issued for plying a ferry boat and see whether the persons or goods as the case may be, are according to the seating capacity or load carrying capacity.

(2) The concerned Assistant Sub-Inspector shall withhold the licence of the boatman and report the matter to the Competent Authority through Station Head-quarter Officer for action in violation of any of the conditions for which licence has been granted.

18. *Penalty.*— Any person who contravenes any of the provisions of this order or any of the condition of any permit granted under the Act or this Order shall be punished by the Competent Authority with a fine not exceeding one thousand rupees.

FORM—A*(PARA—3)*Photograph

To
The Competent Authority,

Sir,

Respectfully, I beg to say that I intend to operate a ferry boat over the water course namely _____ as I am professional boatman. This is intended to engage myself with the said profession in order to earn my livelihood. The specification of the ferry boat is given below ; kindly issue a permit in my favour.

Yours faithfully,

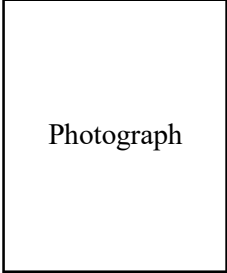
(Name and Address)

Specification of the ferry boat.

(a) Name _____
(in the local language)

(b) Length _____

(c) Width _____

FORM—B*(PARA—3)*Photograph

Shri _____ S/o _____
R/o _____ is permitted to operate the ferry
boat of which specification is given below. This permit shall remain valid for a
period of _____ year.

Competent Authority.
(Seal and Signature)

Specification of the ferry boat.

(a) Name _____
(in the local language)

(b) Length _____

(c) Width _____

FORM—C

(PARA—5)

The permit issued under No. _____ dated _____
In favour of _____
S/o _____ R/o _____
is renewed from _____ which shall
remain valid for a period of _____ years.

Competent Authority

(Seal and Signature)

FORM—D

(PARA—11)

To

The Registering Authority,

Sir,

Respectfully, I _____

S/o _____ R/o _____
intended to operate a ferry boat (manual or mechanized) which is owned by me over
the water course namely _____.

It is, therefore, requested kindly register my ferry boat specification whereof is
given below :

Yours faithfully,

(Name and Address)

Specification of the ferry boat.

(a) Name _____
(in the local language)

(b) Length _____

(c) Width _____

FORM—E*(PARA—11)*

The ferry boat (manual or mechanized) specification whereof is given below
is registered for being operated over the water course namely_____

_____ by

Shri _____ S/o _____

R/o _____ subject to condition that a permit as provided for in the order is obtained from the Competent Authority.

Yours faithfully,

Registering Authority
(Seal and Signature)

Specification of the ferry boat:

(a) Name _____
(in the local language)

(b) Manual/Mechanized _____

(c) Length _____

(d) Width _____
