

ACT VI OF 1096

TRAVANCORE PUBLIC CANALS AND PUBLIC FERRIES ACT

An Act to Provide for the Establishment of Public Canals and Public Ferries in Travancore, for the Management thereof, and for the Regulation of Traffic therein.

PASSED BY HIS HIGHNESS THE MAHA RAJA OF TRAVANCORE, UNDER
DATE THE 2ND KARKATAKAM 1096, CORRESPONDING TO THE
17TH JULY 1921, UNDER SECTION 11 OF ACT I OF 1095

Preamble.—Whereas it is expedient to amend the law relating to the establishment of public canals and public ferries in Travancore, the management thereof, and the Regulations of traffic therein. It is hereby enacted as follows:—

CHAPTER I

Preliminary

1. *Short title.*—This Act may be called “The Travancore Public Canals and Public Ferries Act of 1096.”

2. *Extent and commencement.*—(1) It extends to the whole of Travancore.
(2) It shall come into force on the 1st Chingam 1097.

3. *Repeal.*—Act I of 1884 is hereby repealed:

Provided that any appointment, notification, order, rule, form, license or registration made, issued or effected under the said Regulation shall, so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been issued under the provisions of this Act unless and until it is superseded by any appointment, notification, order, rule, form, license or registration made, issued or effected under this Act.

4. *Definitions.*—In this Act—

“Vessel” includes any ship, barge, boat, raft, timber, bamboos or floating materials propelled in any manner;

“Boiler” includes any cylinder or vessel for generating steam or wherein steam is generated under pressure and any steam chest or other apparatus closely attached thereto;

“Prime mover” includes any steam, oil, petrol, gas or electric engine, fly-wheel, first driving shaft or pulley attached to any such engine, and every appurtenance necessary for the safe and efficient working of a prime mover;

U. S. Brown
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"Owner" includes any agent or hirer using the vessel;

"Steam vessel" means every description of vessel propelled wholly or in part by the agency of steam, oil, petrol, gas or electricity;

"Machinery" includes boiler and its attachment, steam, motor, gas or electric engine shafts, propellers, pulleys and every other appurtenance necessary for the safe and efficient propelling of a vessel;

"Master" means any person having for the time being the charge or control of a vessel;

"Passenger" includes any person carried in a vessel other than the master and crew;

"Navigating" any vessel which is in a public canal, whether in motion or not, shall be deemed to be navigating that canal;

"Channel" includes any waterway, natural or artificial;

"Line of navigation" means any navigable channel, or series of connected navigable channels, backwaters or rivers;

"Public canal" means a line of navigation which the public or a section of the public have a right to use and which is declared to be subject to the provisions of this Act;

"Ferry" means a place at which goods, animals or passengers are conveyed across a channel by means of vessels;

"Public ferry" means a ferry across a public canal, which is declared to be subject to the provisions of this Act;

"Prescribed" means prescribed by rules made under this Act.

5. *Power to apply Act to any line of navigation.*—Our Government may, by Notification in Our Government Gazette, declare any line of navigation, which the public or a section of the public have a right to use, to be subject to the provisions of this Act from a date to be named in such Notification, and may in like manner cancel or modify any such Notification.

CHAPTER II

Licensing and Registration

6. *Vessels to be licensed.*—All vessels that use a public canal shall be licensed or registered as Our Government may direct.

7. *Power to fix fees.*—Our Government may, from time to time—

(a) fix rates of fees payable for the licensing or registration of vessels; and

(b) fix fees for the use of cranes, public landing places, wharves, piers, jetties, docks, basins, sidings, sheds or warehouses provided for the accommodation of vessels or goods and for demurrage on vessels or goods detained therein.

A Notification of such fees under Clause (b) of this section shall be exhibited to public view in English and in Vernacular at the places where such fees are leviable.

8. *Form, etc., of licences and registrations.*—All licenses granted and registrations effected under this Act shall be in such form, shall be valid for such time, and shall contain or be subject to such conditions as Our Government may, from time to time, direct.

9. *Power to suspend or cancel license or registration.*—Any person duly empowered by Our Government in this behalf may suspend or cancel the license or registration of any vessel in case of breach of any of the conditions thereof or of any rules passed under this Act or in lieu of such suspension or cancellation or of prosecution may recover from the person in charge of the vessel a penalty not exceeding fifty rupees in the case of steam vessels for each such breach and a penalty not exceeding five rupees in the case of other vessels.

CHAPTER III

Public Ferries and Tolls

10. *Establishment of toll levying stations.*—Our Government may establish stations at which tolls shall be levied on vessels passing along a public canal, or on vehicles, animals or goods landed therefrom and fix the rates of such tolls.

11. (1) *Power to apply Act to any ferry and define limits of ferry.*—Our Government may, by Notification in Our Government Gazette declare any ferry across a public canal to be subject to the provisions of this Act from a date to be named in such Notification, and may define the limits of such ferry, and may, in like manner, cancel or modify any such Notification.

(2) *Upon such Notification, unauthorised conveyance across such canal declared unlawful.*—From such date it shall be unlawful for any person, not duly authorised, to convey goods animals or passengers by means of vessels across such canal within such limits while such Notification is in force.

12. *Power to provide for management of ferries and fix fees and rates of toll.*—Our Government may provide for the management of public ferries or may authorise any person to convey goods, animals or passengers by means of vessels at such ferries. All vessels so used by such person shall be licensed, and Our Government may fix the fees payable for such licenses and also the tolls leviable upon passengers, animals, vehicles and goods conveyed across such ferries provided that no tolls shall be levied on students going to or returning from school. A Notification of such tolls shall be exhibited to public view in English and Vernacular on each side of the ferry.

Power to appoint persons to collect tolls or fees and to lease out collection thereof.—Our Government may appoint persons to collect tolls or fees payable under this Chapter. The collection of such tolls or fees other than license fees may, under such conditions as Our Government may, from time to time, prescribe, be leased out and in such case the lessee, his agents and servants shall be deemed to be so appointed, and Our Government may also empower any officer drawing a salary of not less than Rs. 500 to compound for any period not exceeding one year with the owner or other person in charge of a vessel for a certain sum to be paid in advance by such person for any vessel kept, used or conveyed by him in lieu of the rate of tolls.

14. *Procedure in case of non payment of toll, etc., on demand.*—In case any tolls or fees other than license fees payable under this Chapter are not paid when demanded by a person duly appointed or empowered to collect or impose the same, such person may seize any vessel, goods, vehicles or animals in respect of which such toll or fee is payable or anything in the possession of a passenger or person who is liable to such toll or fee, and any person empowered by Our Government in this behalf may sell the same by auction after fifteen days' public notice of the sale if such toll or fee is still unpaid. After deduction of such toll or fee and of the expenses of sale, the surplus proceeds, if any, shall, on demand within six months from the date of sale, be paid to the owner or the person from whose possession the thing sold was taken. If no such demand was made, such surplus shall be forfeited to Our Government.

CHAPTER IV

Control

15. Any person duly empowered by Our Government in this behalf may—

(a) *Inspection of vessels.* At any time board any vessel and inspect the same and every part thereof and the machinery and all equipments on board thereof;

(b) *Removal of any vessel sunk or abandoned.* Remove from any public canal any vessel which may be sunk or abandoned therein and recover any expenses incurred in so doing by the sale of such vessel by public auction after fifteen days' public notice of the sale, if such expenses remain unpaid; a vessel left for more than fourteen days without a competent person in charge shall be held to be abandoned.

(c) *Removal of any other obstruction likely to endanger navigation.*—In case of emergency, remove from any public canal any other obstruction or contrivance for fishing or any overhanging tree or other thing which is an impediment to, or likely to endanger navigation; or in other cases serious obstruction on the owner, if any, to remove any such thing within a reasonable time to be stated in the notice, failing which he may remove it himself:

expenses incurred under this Clause shall be recoverable from the person so provided always that in the case of interference with private rights no compensation shall be payable;

() prohibit the construction of any contrivance for fishing or for any other purpose in a public canal, or any erection therein or on a tow-path or other land appurtenant thereto;

(e) stop any vessel navigating a public canal in contravention of any of the provisions of this Act or of any rule made or any condition of license or registration prescribed thereunder, and detain it until the same is completed with, or until penalty has been paid or recovered under section 9 or until the offence, if any, has been enquired into and disposed of. *Page 6 (14)*

Powers under this section may be conferred either by name or in virtue of an office.

All persons duly empowered under this section shall be deemed to be public servants within the meaning of the Travancore Penal Code.

16. *The prescribed authority to grant permission for temporary occupation of a canal or canal bank or to erect temporary jetties, basins; etc., in a canal.*—Subject to the rules made by Our Government, it shall be lawful for the prescribed authority to grant permission to any person or persons for the temporary occupation of any portion of a canal or canal bank for making any temporary erection thereon or for landing goods or passengers, subject to such conditions as he may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood or of the interest of Our Government, and may at his discretion withdraw such permission.

Notwithstanding anything contained in the first paragraph, it shall be lawful for any Municipal or other local authority to exercise the powers mentioned in the first paragraph if the canal or canal bank vests in such authority.

CHAPTER V

Hiring and Plying for Hire

17. *Carriers to give receipt.*—Whenever any goods shall have been received for conveyance or hire by the owner or other person in charge of a licensed vessel the person receiving the same for conveyance or hire shall, if that is required when the rate of conveyance shall have been paid, or an engagement to pay the same shall have been accepted, sign a receipt for the said goods, setting out therein the names and residence of himself and of the owner, and if such receipt is not given when required, the person so receiving the same for conveyance, in addition to any other liability which he may incur by such refusal, shall be liable to a fine not exceeding twenty rupees.

18. *Requisition to the owner to produce the absent person in charge of a vessel.*—(1) When a complaint or prosecution is made before a Magistrate against any person employed on or in charge of any vessel other than a steam vessel under this Act, the Magistrate may, if such person fails to appear, summon the owner to appear and produce him.

(2) If the person summoned fails to appear or if the owner when called on to produce him fails to do so, he shall, failing reasonable excuse, be liable to a fine not exceeding fifty rupees, and the Magistrate may dispose of the complaint in the absence of the person summoned.

CHAPTER VI

Of Lost Property

19. *Deposit with the Canal or Police officer of property left by passengers in vessels.*—The master or any other person in charge of a vessel wherein any property is left by any passenger or other persons shall, within eighteen hours, carry such property to the nearest Canal Office or Police Station and deposit it with the officer on duty there and obtain a receipt duly signed by the officer taking charge of the same.

20. *The Canal or Police Officer to register particulars of property deposited with him and grant receipt.*—The Canal or Police Officer in charge of the office or station referred to in the last foregoing section shall forthwith enter in a book to be kept for that purpose—

- (a) the description of the property ;
- (b) the name and address of the person who brings it ;
- (c) the name and address of the owner and the registered number of the vessel in which it was left ;
- (d) the day and hour when the property is brought ;
and shall give to the person bringing the property a receipt for the same.

21. *Canal or Police Officer to furnish inventory of property referred to in section 19.*—It shall be the duty of every Canal or Police Officer taking charge of any property referred to in section 19 to furnish without unreasonable delay an inventory thereof, to a Magistrate.

(2) The provisions of sections 401, 402 and 403 of the Criminal Procedure Code, Act V of 1907, shall, as nearly as may be practicable, be applied to all property taken charge of by the Canal or Police Officer under this Act.

22. *Liabilities of owners of vessels.*—The owner of every licensed vessel used for the conveyance of goods for hire shall, in the absence of any contract to the contrary, be liable for any loss or injury to any goods, articles or property whatsoever delivered to be carried therein for hire, which shall be occasioned by the neglect or criminal conduct of such owner or any of his agents or servants.

CHAPTER VII

Additional Provisions Relating to Steam Vessels

23. *Operations of the provisions of the Chapter.*—The provisions of this Chapter shall come into force on such day as Our Government may, by Notification in Our Government Gazette, direct.

24. *Appointment of Inspectors.*—Our Government may, from time to time, appoint so many persons as they think fit to be Inspectors for the purposes of this Chapter.

25. *Steam vessel not to navigate or to be used for service without certificate of inspection.*—(1) No steam vessel shall navigate in any public canal or be used for any service unless she has under this Act a certificate of inspection in force and applicable to such navigation or service and a license under Act, III of 1932.

(2) Nothing in this section shall apply to any steam vessel navigating a public canal or used for other service between the time at which her certificate of inspection expires and the time at which it is first practicable to have the certificate renewed.

26. *Powers of Inspector.*—(1) For the purposes of inspection under section 25, the Inspector may, at any reasonable time, go on board any steam vessel and may inspect the steam vessel and every part thereof, including the hull, boilers, engines and other machinery, and all equipments and articles on board :

Provided that he shall not unnecessarily hinder the loading or unloading of the steam vessel, or unnecessarily detain or delay her from proceeding on any voyage.

(2) The owner, master and officers of the steam vessel shall afford to the Inspector all reasonable facilities for inspection, and all such information respecting the steam vessel and other machinery or any part thereof, and all equipments and articles on board, as he may require for the purposes of inspection.

27. *Fees in respect of inspections.*—Before an inspection is commenced, the owner or master of the steam vessel to be inspected shall pay to such officer as Our Government may, by Notification in Our Government Gazette, appoint in this behalf, a fee calculated in the prescribed manner and according to the rates that may be prescribed from time to time in this behalf.

28. *Grant of certificates to vessels examined.*—When an examination of the steam vessel under the provisions of this Act is completed the Inspector appointed under this Act shall forthwith, if satisfied that he can with propriety do so, give to the owner or master of the steam vessel examined, a certificate in the form prescribed under the rules which should contain among others the following particulars namely:—

- (a) that the hull and machinery of the vessel are sufficient for the service intended and in good condition ;

(b) that the equipments of the vessel and the certificate of the master and engine-driver are such and in such condition as may be required by the rules framed under this Act;

(c) the time, if less than one year, for which the hull, machinery and equipments of the vessel will be sufficient;

(d) the limit of time (if any) beyond which, as regards the hull machinery and equipments, the vessel could not, in the judgment of the inspecting officer, be permitted to ply;

(e) the number of passengers the vessel is licensed to carry as per the rules framed under this Act distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins, the number to be subject, to such conditions and variations according to the time of the year, the nature of the voyage, the cargo carried, the conditions of the back-water or other circumstances as the case requires; and

(f) any other prescribed particulars.

29. *Power for prescribed authority to order a second inspection.*—(1) If the Inspector making an inspection of a steam vessel refuses to give a certificate or gives a certificate with which the owner or master is dissatisfied the prescribed authority may, on the application of the owner or master and the payment by him of such fee, not exceeding twice the amount of the fee payable for the previous inspection, as the prescribed authority may require, direct two other Inspectors to inspect the steam vessel.

(2) The Inspectors so directed shall forthwith inspect the steam vessel and may, after the inspection, decide that the certificate shall be returned or that such certificate as may, under the circumstances seem to them proper, be issued.

(3) Any decision given under subsection (2) shall be final. The decision shall be communicated to the Inspector who made the previous inspection and he shall give effect to such decision as if it were passed by himself and grant a certificate or revise the one issued by him under section 28.

30. *Certificate to be affixed at a conspicuous part of the vessel.*—The owner or master of every steam vessel for which a certificate of inspection in the form prescribed under the rules has been granted by the Inspector shall, on the receipt of the certificate and after obtaining the license under section 6, cause such certificate and the license to be affixed and kept affixed so long as it remains in force and the steam vessel is in use, on some conspicuous part of the vessel where they may be easily read by all persons on board thereof.

31. *Inspecting Officers may examine a vessel at any time and order its stoppage for such examination.*—Over and above such periodical examination for the granting of certificates, it shall be lawful for a Canal Officer or any Inspector appointed under this Chapter to examine any vessel or its boiler, engine or

equipment or any part thereof during the period for which a certificate may have been granted and to order the vessel to be stopped for such examination, and it shall be lawful for the Canal Officer or Inspector to order the working of the boiler, engine or other machinery to be suspended when that shall, in his opinion, be indispensable for the examination of the same.

32. *Terms of certificates of inspection.*—A certificate of inspection shall not be in force—

(a) after the expiration of one year from the date thereof;

(b) after the expiration of the period (if less than one year), for which the hull, boilers, engines or other machinery, or any of the equipments of the steam vessel to which the certificate relates have been stated in the certificate to be sufficient; or

(c) after notice has been given by the prescribed authority to the owner or master of such steam vessel that he has cancelled or suspended it.

33. *Renewal of certificates of inspection.* After a certificate of inspection has ceased to be in force, the same shall be renewed after a fresh inspection of the steam vessel to which the certificate relates has been held in accordance with the provisions of this Chapter, save so far as any relaxation thereof may be prescribed.

34. *Power to suspend or cancel certificate of inspection.*—A certificate of inspection may be suspended or canceled by the prescribed authority if he has reason to believe—

(a) that the certificate by the inspector as to the sufficiency and good condition of the hull, boilers, engines or other machinery or as to any of the equipments of the steam vessel has been fraudulently or erroneously granted; or

(b) that the certificate has otherwise been granted upon false or erroneous information; or

(c) that, since the granting of the certificate, the hull, boilers, engine or other machinery or any of the equipments of the steam vessel have sustained any material injury, or have otherwise become insufficient.

35. *Appointment of examiners for testing qualifications of masters, serangs, drivers, etc.*—Our Government may from time to time appoint examiners for the purpose of examining the qualifications of persons desirous of obtaining certificates (hereinafter called certificates of competency) to the effect that they are competent to act as masters or serangs or as engine-drivers, as the case may be on board steam vessel and may also fix fees to be paid by applicants for such examination.

36. *Grant of masters', serangs' or engine drivers' certificates of competency.*—The prescribed authority appointed in this behalf may grant to every person reported by the examiners to possess the necessary qualifications a certificate

of competency in such form as may be prescribed by the rules to be framed under this Act to the effect that he is competent to act as a master, serang, or engine driver, as the case may be, of a steam vessel.

37. *Grant of masters' serangs' and engine drivers' certificate of service.*—(1) The prescribed authority may, in his discretion, grant, without examination, to any person who has served as a master, serang or as an engine-driver of a steam vessel before the date of passing of this Act, a certificate (hereinafter called a certificate of service) to the effect that he is by reason of his having so served, competent to act as a master or serang or as an engine-driver, as the case may be, on board a steam vessel.

(2) A certificate of service so granted shall have the same effect as a certificate granted under this Act after examination.

38. *Certificates to be made in duplicate.*—Every certificate of competency or service granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the prescribed manner.

39. *Copy of certificates to be granted in certain cases.*—Whenever a master or serang, or an engine-driver, proves to the satisfaction of the authority which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which, according to the record kept under section 38, he appears to be entitled, shall be granted to him, and shall have the same effect as the original.

40. *Power to suspend or cancel certificates in certain cases.*—(1) Any certificate granted under section 36 or 37 may be suspended or cancelled by the prescribed authority—

(a) if the wreck or abandonment of, or loss or damage to, any vessel or loss of life has been caused by the wrongful act or default of the holder of such certificate, or if the holder of such certificate is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, or

(b) if the holder of such certificate is proved to have been convicted of any non-bailable offence, or

(c) if in the case of a person holding a certificate of competency or service, such person is, or has become, in the opinion of the prescribed authority, unfit to act as master or serang, or as an engine driver, as the case may be.

(2) The prescribed authority may at any time revoke an order of suspension or cancellation made under subsection (1), or grant without an examination to any person whose certificate was so cancelled, a new certificate.—

(3) A certificate granted under subsection (2) shall have the same effect as a certificate of competency granted under this Act after examination.

41. *Obligation to deliver suspended or cancelled certificate.*—Every certificate of inspection which has expired or which has been suspended or cancelled under section 34 and every certificate of competency or service which has

been suspended or cancelled under section 40 shall be delivered up by the owner, master serang or engine-driver, as the case may be, to the prescribed authority or to any officer empowered by him in this behalf.

42. *Occurrence of accident or casualty to a vessel, boiler, machinery or any part thereof to be reported.*—Whenever—

(a) any accident to a steam vessel or to the boiler or machinery or to any apparatus attached thereto which is calculated to weaken the strength of such vessel, boiler, machinery or apparatus, is caused, or

(b) by reason of any casualty happening on board of any steam vessel death or grievous hurt has been caused to any person, or

(c) any steam vessel has caused loss or material damage to any other vessel, or

(d) any steam vessel has been wrecked, abandoned or materially damaged,

it shall be the duty of every master or other person in charge of a steam vessel to report in writing, within twelve hours of the occurrence, such accident, casualty, death hurt, wreck, abandonment or damage, to the nearest Canal or Police Officer.

CHAPTER VIII

Penalties

43. *Penalty for navigating a public canal or establishing or working a ferry in contravention of section 6 or 11.*—The owner and master of any vessel navigating a public canal in contravention of section 6 of this Act shall each be punishable with fine not exceeding one hundred rupees, and any person establishing or working a ferry in contravention of section 11 of this Act shall be punishable with fine not exceeding five hundred rupees.

44. *Penalty for evasion of toll or fee.*—Any person who fails, refuses or evades payment of any toll or fee payable under this Act shall be punishable with fine not exceeding fifty rupees.

45. *Penalty for unauthorised levy of toll etc.*—Any person who without authority levies any toll or fee under colour of this Act, or being empowered to collect tolls or fees under this Act collects or receives any sum in excess of the lawful due, shall be punishable with imprisonment for a term not exceeding two months, or with fine not exceeding two hundred rupees, or with both.

46. *Penalty for having counterfeit marks of figures painted on vessels.*—The owner or the master of a vessel who shall for the purpose of deception use any fraudulent mark or have in any vessel counterfeit letters or figures resembling or intended to resemble any letters or figures affixed under this Act or any rule framed thereunder shall be punishable with fine not exceeding two hundred rupees, or with imprisonment for a term which may extend to two months, or with both.

47. *Penalty for using expired licenses or certificates etc.*—(1) The owner and the master of a vessel who shall use or fraudulently retain any expired license shall each be punishable with fine not exceeding one hundred rupees, or with imprisonment for a term not exceeding one month, or with both.

(2) Any person who lends, gives away, pledges or sells any expired or unexpired license or certificate of inspection to any other person or vessel and every person who keeps or uses any license or certificate of any other vessel shall be punishable with fine not exceeding one hundred rupees, or with imprisonment for a term not exceeding one month, or with both.

48. *Penalty for breach of section 16.*—Whoever without the permission of the prescribed authority or in disregard of the conditions subject to which such permission is given does any of the acts prohibited in section 16 shall be punishable with fine not exceeding fifty rupees besides being evicted from such occupation, the cost of such eviction being recouped by the person or persons evicted.

49. *Penalty for failure to perform duties mentioned in section 19.*—The master or other person in charge of a vessel who fails to perform any of the duties mentioned in section 19 shall be punishable with fine not exceeding fifty rupees, or with imprisonment for a period which may extend to one month, or with both.

50. *Penalty for breach of section 25.*—If any steam vessel navigates a public canal or is used for any service in contravention of section 25, the owner and the master of the steam vessel shall each be punishable with fine not exceeding five hundred rupees.

51. *Penalty for refusal to suffer inspection.*—The owner and the master of a vessel who refuse to suffer inspection of any vessel under section 31 shall each be punishable with fine not exceeding two hundred rupees.

52. *Penalty for having excessive number of passengers on board.*—If a vessel has on board thereof or in any part thereof a number of passengers which is greater than the number of passengers specified in the license or certificate of inspection, the owner and the master shall, for every passenger over and above that number, be each liable to a fine not exceeding ten rupees in the case of a steam vessel and two rupees in the case of any other vessel.

53. *Penalty for not affixing certificates at a conspicuous part of the vessel.*—If the certificate of inspection granted under this Act or the license is not kept affixed in any steam vessel as required by section 30 the owner and the master shall each be liable to a fine not exceeding fifty rupees.

54. *Penalty for failure to give notice of any structural alteration or renewal.*—The owner and the master in charge of a steam vessel who fail to give notice of any structural alteration or renewal thereof shall each be punishable with fine not exceeding three hundred rupees.

55. *Penalty for failure to produce certificate of competency or service on demand.*—Any master, serang or engine-driver of a steam vessel who refuses or fails to produce any certificate of competency or service when called on to do so by an Inspector or Canal Officer shall be punishable with fine not exceeding one hundred rupees.

56. *Penalty for failure to deliver up certificate under section 41.*—Any owner, master, serang or engine-driver of a steam vessel who fails to deliver up a certificate as required by section 41 shall be punishable with fine not exceeding one hundred rupees.

57. *Penalty for master failing to give notice of wreck or casualty.*—If any master wilfully fails to give notice as required by section 42 of any wreck, abandonment, damage, casualty or loss, he shall be punishable with fine not exceeding five hundred rupees, and in default of payment of such fine, with simple imprisonment for a term which may extend to three months.

58. *Penalty for serving or engaging a person to serve as master or engine-driver without certificate.*—If any person—

(a) proceeds on any voyage in a steam vessel as the master, serang, or engine-driver of such vessel without being at the time entitled to, and possessed of, a master's or serang's or an engine-driver's certificate, as the case may be, as required under this Act or

(b) employs as the master, serang or engine-driver of a steam vessel any person without ascertaining that he is at the time entitled to, and possessed of, such certificate,

he shall be punishable with fine which may extend to five hundred rupees.

59. *Penalty for misconduct, endangering a vessel or life or limb of any person on board thereof.*—If any person employed or engaged in any capacity on board a steam vessel, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness—

(a) does any act tending to the immediate wreck, destruction or material damage of the vessel, or tending immediately to endanger the life or limb of any person belonging to, or on board, the vessel, or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate wreck, destruction or material damage, or for preserving any person belonging to or on board of, the vessel from immediate danger to life or limb,

he shall be punished with fine which may extend to five hundred rupees, and with imprisonment for a term which may extend to one year, or with both.

60. *Penalty for breach of any provision of Act or rules or orders not otherwise provided for.*—Any person who acts in contravention of any of the provisions of this Act or of any rule or order made under this Act not otherwise provided for in this Act shall be punishable with fine not exceeding

one hundred rupees in case of a single offence, and, in case of a continuing offence, not exceeding ten rupees for every day during which such offence continues. If the offence is such as to endanger human life, the punishment may extend to imprisonment of either description for one year, or to a fine of five hundred rupees, or both.

61. *The Court may order confiscation of a vessel, etc.*—On conviction of any offence under this Act, the Court may order that any vessel or other thing used in the commission of such offence shall be confiscated.

62. *Fine to be levied by distress and sale of the vessel.*—Where the owner or master or other person in charge of a steam vessel is convicted of an offence under this Act or the rules made under this Act committed on board of or in relation to that steam vessel and sentenced to pay a fine, the Magistrate may, in addition to any other power he may have for the purpose of compelling payment of the fine, direct the amount thereof to be levied by distress and sale of the vessel and the tackle, apparel and furniture thereof, or so much thereof, as is necessary.

CHAPTER IX Of Prosecution

63. *Prosecution not to be instituted without sanction.*—No prosecution under this Act shall be instituted without the previous sanction of Our Government or the prescribed authority or of any officer empowered by our Government in this behalf either by name or by virtue of his office.

64. *Prosecution not excused on the ground of fines, suspension etc.*—The imposition of a penalty or the suspensions, or cancellation of the license, registration or certificate issued, effected or granted under any section of this Act, shall not be held to prevent the prosecution of the owner or master or other person in a vessel or any part thereof for any offences committed under this Act :

Provided, however, that, if any penalty has been levied under section 9, the Court may take the same into consideration in awarding the sentence.

65. *Operation of other Acts or laws not barred*—Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence or from being liable under such other law to any higher punishment or penalty than that prescribed by this Act or the rules made thereunder; provided that no person shall be punished by a Magistrate twice for the same offence.

Rules

66. *Rules.*—Our Government may make rules in respect of any public canal or public ferry for the following among other purposes—

(i) declaring the powers to be exercised by any person employed under this Act,

(ii) providing for the registering of the grant of license to and the inspection of, vessels using a public canal, their maintenance in good condition and their efficient control and management;

(iii) regulating the dimensions and free-board of vessels using such canal or ferry, the equipment of the same and the number of passengers and the nature and quantity of cargo to be carried therein;

(iv) defining the line of navigation and regulating the navigation of vessels to prevent danger to other vessels or to the banks, channels, navigation marks or any property, movable or immovable, in or abutting on navigable channels;

(v) defining the limits within which certain vessels may navigate;

(vi) regulating the speed at which vessels shall be moved, the lights to be exhibited by vessels moving or at anchor, the working of locks, the mooring of vessels, and the construction and the use of landing places, cranes, wharves, piers, jetties, docks, lie-byes, basins, sidings, sheds or warehouses;

(vii) the disposal of vessels or other things confiscated or seized under this Act;

(viii) for the convenience and safety of passengers and their property, and the protection of Government interests; and

(ix) generally for the purpose of this Act not otherwise specifically provided for.

67. *Power for Government to make rules as to inspection.*—(1) Our Government may make rules to regulate the making of inspections under Chapter VII.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the times and places at which, and the manner in which, inspections of steam vessels are to be made;

(b) the duties of the Inspector making such inspection, and where two inspectors are employed, the respective duties of each such Inspector and their mutual relation;

(c) the form in which certificates of inspection are to be framed, and the nature of the particulars to be stated therein under section 28;

(d) the rates according to which the fees payable in respect of inspections are to be calculated in the case of all or any of the places of inspection within the State; and

(e) the cases in, and the extent to, which an inspection may be dispensed with before the grant of a new certificate.

68. *Power for Government to make rules as to grant of certificates of competency.*—(1) Our Government may make rules to regulate the granting of certificates of competency under Chapter VII.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the times and places of holding and the mode of conducting examination of persons desirous of obtaining certificates of competency;

(b) the qualifications to be required of persons desirous of obtaining such certificates;

(c) the examination fee to be paid by such persons; and

(d) the forms in which such certificates are to be framed, and the authority by which and the manner in which, copies are to be kept and recorded under section 38.

69. *Power for Government to make rules as to grant of certificates of service.*—Our Government may make rules to regulate the granting of certificates of service under section 37 and may by such rules prescribe in particular—

(a) the fees to be paid for such certificates; and

(b) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 38.

70. *Power for Government to make rules for protection of steam vessels from accidents.*—(1) Our Government may also make rules for the protection of steam vessels against explosion, fire, collision and other accidents.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the conditions on and subject to which dangerous goods may be carried on board steam vessels;

(b) precautions to be taken to prevent explosions or fires on board steam vessels; and

(c) the apparatus which is to be kept on board steam vessels for the purpose of extinguishing fires.

71. *Power for Government to make rules as to carriage of passengers in steam-vessels.*—(1) Our Government may make rules to regulate the carriage of passengers in steam vessels.

going power, such rules may—

(a) prescribe the cases in which passengers may be refused admission to, or may be required to leave, steam vessels;

(b) provide for the payment of fares, and the exhibition of tickets or receipts (if any) showing the payments of their fares by passengers in steam vessels; and

(c) regulate generally the conduct of passengers in steam vessels.

(3) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to twenty rupees.

(4) The master or any other officer of a steam vessel, and any person called by him to his assistance may arrest any person who has committed a breach of any rule made under this section, if the name and address of such person are unknown to the master or such other officer.

(5) The procedure prescribed by section 40 of the Code of Criminal Procedure (Act V of 1067) in the case of arrest by private persons shall apply to every arrest made under this section.

72. *Power to make rules to provide for appeals and revisions from orders made by any person other than a Magistrate.*—Our Government may make rules—

(1) to provide for appeals and revisions from orders made under this Act by any person other than a Magistrate.

(2) prescribing the time within which such appeals ought to be preferred; and

(3) regulating the powers of the appellate authority and the procedure to be followed by such authority.

73. *Rules or orders to have force of law.*—All rules made under this Chapter shall be published in Our Government Gazette and thereupon have the force of law. Such rules may be amended, cancelled or varied by like notification;

74. *Penalty for breach of rules.*—Any rules made under this Chapter may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to three hundred rupees.

CHAPTER XI

Miscellaneous

75. *Mode of recovery of moneys other than fines and penalties.*—All moneys other than fines and penalties recoverable under this Act shall be treated as arrears of public revenue within the meaning of Act I of 1068 and be recovered as such.

76. *Investing officers with powers.*—Our Government may invest either temporarily or permanently any officer appointed under this Act and drawing a salary of not less than one hundred rupees with the following powers and may withdraw the same, *viz*,

the powers of a Civil Court to compel the attendance of witnesses and the production of documents ;

powers to investigate or hold enquiries into the offences under the Act or the infringement of the rules thereunder and in the course of such enquiries to receive and record evidence from any other person supposed to be acquainted with the facts and circumstances of the case, and such person shall be bound to answer truly all questions relating to such case put to him by such officer.

Any evidence recorded under this section shall be admissible in any subsequent trial before a Magistrate of the alleged offender, provided that it has been taken in the presence of the accused person and recorded in the manner provided for in the Criminal Procedure Code.

77. *Police and other officers to give information of offences and otherwise assist the canal officers.*—It shall be the duty of all police officers to give immediate information to the canal officer of any offence against the provisions of the Act and they shall be legally bound to assist the canal officers, when required to do so, in carrying out the provisions of this Act.

78. *Jurisdiction of Magistrates.*—Except in the case of an offence against any rule made under section 71, no Magistrate shall try an offence relating to steam vessels under this Act, or any rule made thereunder, unless he is a Magistrate whose powers are not less than those of a Magistrate of the First Class.

79. *Place of trial.*—If any person commits an offence against this Act or any rule made thereunder he shall be triable for the offence in any place in which he may be found or which our Government, by Notification in our Government Gazette, appoints in this behalf, or in any other place in which he might be tried under any other enactment for the time being in force.

80. *Exemption from the operation of certain specified sections.*—(1) Our Government may, by Notification in our Government Gazette, and subject to such conditions as they may deem fit, exempt from the operation of sections 6, 25, 36 or 37 of the Act any vessels or class of vessels using a public canal or a portion of a public canal.

(2) For breach of any of the conditions referred to in subsection (1), it shall be competent to our Government to withdraw such exemption.

81. *Refusal to give name and residence.*—Any officer appointed under this Act and specially empowered by our Government in this behalf, may, without orders from a Magistrate, and without a warrant, arrest any person

reasonably suspected of having committed an offence under this Act, if such person refuses to give his name and residence or gives a name or residence which there is reason to believe to be false or if there is reason to believe he will abscond.

Every officer making an arrest under this section shall, without unnecessary delay take or send the person arrested to the nearest Police Station and the officer in charge of the station shall then act according to law.

82. *Power to accept bail.*—Any officer appointed under this Act and drawing a salary of not less than one hundred rupees who or whose subordinate has arrested any person under the provisions of section 81, may release such person on his executing a bond to appear if and when so required before the Magistrate having jurisdiction in the case or before the officer in charge of the nearest Police Station.

83. *Bar of actions.*—No suit or other proceeding shall lie against any public servant for any act done or ordered to be done in good faith in pursuance of this Act.

REVISED RULES
UNDER THE TRAVANCORE PUBLIC CANALS
AND PUBLIC FERRIES ACT
SIGN MANUAL