

**GOVERNMENT OF ASSAM  
INLAND WATER TRANSPORT DEPARTMENT**

**CONTROL AND MANAGEMENTN OF FERIES  
RULES -1968**



**(As modified up to July,1969)**

## The 14<sup>th</sup> February'1968

No. TWT-62/66/185, - Under the power conferred on the Director of Inland Water Transport, Assam the Government of Assam Public works department Notification No. CFS. 32/64 /67, Dated 6<sup>th</sup> November'1967, the following rules for the six major ferries specified in Schedule A under the Transport Department on the river Brahmaputra have been made by the Director of Inland Water Transport under section 12 of the Northern India Ferries Act, 1878 (Act XVII of 1878), as amended by Act III of 1886 and are published for general information .

1. (1) These rule may be called Control and Management of Ferries Rules ,1968.  
( 2)These rules shall come into force with effect from 1<sup>st</sup> Aril, 1968.
2. In these rules unless there is anything repugnant in the subject or context:-
  - (a) "Lessee" shall mean a person to whom a 'ferry' is settled and shall be deemed to include any agent, boatman or servant employed by the lessee.
  - (b) Ferry" shall mean a ferry specified in Schedule a appended to these rules.
  - (c) Executive Engineer of Inland Water Transport shall include a Sub-divisional Officer and Sectional officer of the Inland Water Transport.
  - (d) "Director" means the Director of Inland Water Transport, Assam. .

### **PART -I**

- (a) For the control and management of, and for the regulating the traffic at all the ferries.
3. All ferries shall be under the control of the Executive Engineer, Inland Water Transport, provided that if he shall see fit and necessary he may make over the control of any ferry to any Sub-divisional officer of the Inland Water Transport in charge of the sub-division.
4. (1) All ferries which are let by public auction or by calling for tenders shall be managed by the lessee subject to these rules and the conditions entered in the lease granted for each ferry . Ferries which could not be settled either by public auction or by calling for tenders shall be managed by the Executive Engineer or Sub-divisional officer, as the case may be, with the approval of Government

### **(Vide Notification No. TWT-49/68/18 Dt26-12-68)**

4. (2) The Secretary to the Govt. of Assam in the Transport Deptt. may settle any ferry directly or by negotiation, if so required under section 8 of the Northern India Ferries Act for any term after taking the technical and Administrative opinion of the Director Inland Water Transport & Chief Ship Surveyor Assam , if necessary.

5. For each ferry suitable Steamer / motor driven ferry vessel / Engined mar boats / Engined single boats / mar boats / single boat as the case may be supplied at the expenses of the Inland Water Transport. The lessee shall be responsible as bailee for Steamer/ motor driver ferry vessel / mar boats / single boats / Engines and shall on the expiry or earlier termination of his lease return them to the Executive Engineer / sub-divisional officer as the case may be in good condition, allowance being made for fair wear and tear.
6. The Executive Engineer / sub-divisional officer, shall see that all mar boats and single boats are marked with a free board line. This line shall be of a breadth of not less than two inches and run round the boats from steam to stern at 12` distance below the level of the gunwale. The Steamer / motor driven ferry vessel shall be marked as per survey certificate
7. The lessee shall not sublet, encumber or transfer in any other way the ferry leased to him.
8. (i) The lessee shall be bound to cross over the ferry on tender of payment in cash of the agonized tolls or on production of a season ticket or pass, all persons who can be safely accommodated on the steamer /motor driven ferry vessel / Engine mar boat / Engine single boat / mar boat / single boat desiring to cross within the hours for which the ferry, according to the terms of lease is open subject to such timing regulations as per prescribed from time to time by Executive Engineer / sub divisional officer of Inland Water Transport during the tenure of the lessee. The lessee shall have no claim for refund or remission 1 any portion of the ferry rent on this ground.
8. ii) In addition to the persons, animals , vehicles and other things employed or transmitted on the public service which under section 15 of the Northern India Ferries Act, 1878 (At XVII of 1878) or section 3 of the Indian Tolls (army Act 1901 ) ++ or Appendix B are exempted from the payment of tolls, the lessee shall cross over free of tolls all such persons, animals, vehicles, or other things as may be specified in a declaration made by the State Government even +(vide Notification No. TWT- 49/68/18, Dt. 26-12-68 & No. TWT-49/68/49, Dt. 17-3-69)+ (Vide Notification No. TWT -42/68/18, dt. 26-12-68.) during the tenure of the lease, within the hours of which the ferry is open.
- iii) The lessee shall not cross over persons whom he may know or suspect to be fugitives from justices or to be sent upon an unlawful purpose. But this rule shall not warrant him in arresting labours or other persons on the ground that he knows or suspect them to be absconding from service.

- iv.) In crossing vehicles preference will be given to Governor's and Minister's care to all kinds of vehicles, Inland Water Transport officer's vehicle on duty to public works Department officers vehicle on duty, public works department officers vehicles on duty to mail motors, mail motors to 1st class cars, 1<sup>st</sup> class cars to other passenger buses and cars, passengers buses and car to goods.
9. The lessee shall have in his possession and shall affix on a board where it may be read by all passengers, a schedule showing the rates which he is allowed to charge and the number of person, animals and vehicles and weight of other things which he is permitted to carry over at one time and a copy of part I of these rules in English and in Assamese; provided that nothing contained in this rule shall be construed as preventing the Government in the Transport Department during the continuance of the lease from including new items not covered by the existing schedule of tolls under section 15 of the Act at such rates as may be considered reasonable .
10. The lessee shall not carry over at one time in the steamer / motor driven ferry vessel / Engine mar boat / Engined single boat / mar boat / single boat more than the number of persons, animals , vehicles or things specified in his lease or when a Survey certificate is issued subsequently during the tenure of the lease which modifies such number, the numbers specified in the Survey Certificates as permitted to be so carried and notwithstanding tender of the fare, he shall not allow any person in excess of such number to enter upon the said vessel, boats, etc. Any person forcing his way on board the steam / motor driven ferry vessel / Engine mar boat. Engine single boat / mar boat / single boat in spite of the lessees / ferry man's warning or continuing on board after being requested to land is punished under section 25 of the Act with a fine which may extend to fifty rupees.
11. The lessee at his own expenses shall provide a shed 15 feet long by 15 feet broad on each side of the ferry for the temporary accommodation of persons wishing to cross.
12. A register in the form prescribed by the DIWT shall be kept in which all vehicles crossing the ferry shall be noted. The lessee shall furnish monthly to the Executive Engineer/ sub- divisional officer as the case may be, a return in the prescribed form supplied to him. He (the lessee) shall fill up every column of the said form properly and completely and shall submit the same in the 1<sup>st</sup> week of the month succeeding to which it relates to.
13. Approach roads to all transport ferries and low level bridges are constructed and maintained by the Inland Water Transport Department. The lessee is responsible for conveying immediate information of damage to approaches to the nearest Maharrae or the officer-in-charge

of the ferry (and for making temporary arrangement to prevent the interruptions of traffic, the cost of which will be paid by the IWT). The IWT provide sufficient means for embarking and disembarking all persons, animals, vehicles and things which the lessee is bound to cross over at his ferry. The lessee shall provide tying and towing ropes and posts for securing the steamer / motor driven ferry vessel / Engined mar boat / Engined single boat / mar boat / single boat and handle them at his own cost. Properly constructed landing stages are provided by the IWT on both sides of the ferry

## **PART – II**

- b) For regulating the time at which, the manner in which, the terms on which and the person by whom the tolls of ferries may be let either by putting into public auction or by calling tenders or by both.
  - c) For collecting the rent payable for the tolls of the ferry.
14. All ferries shall be let by the officer –in-charge of the ferry either by public auction or if the Government so direct by calling for tenders.
15. Letting of ferries by public auction or by calling tenders. The period for which the ferry shall be leased, shall be as fixed by the Director subject to the approval of the State Government in Transport department.
16. Auction sale shall be conducted on the date to be fixed by the office –in-charge of the ferry in consultation with the Deputy Commissioner / Sub divisional officer (Civil) concerned. Tender also shall be invited by the officer –in-charge of ferry if directed by the State Government in the Transport Department. At least one fortnight notice shall be given to the public before the date fixed for the auction sale and / or receiving tenders and the notices shall be widely circulated.

The bid list in the result of result of auction sale shall be submitted to the Director in the form in Appendix “C” not later than on the 31<sup>st</sup> December. The comparative statement of all the tenderers in the form in Appendix “C” along with all tenders in original shall also be submitted to the Director not later than on the 31<sup>st</sup> December. The Director shall submit the both as it is with his comments and recommendations taking into account the factors mentioned in Rule 19 to the Secretary to the Government of Assam in the Transport Department to reach on or before 20<sup>th</sup> January without fail. If the highest tender is not accepted then the reasons for not accepting shall be recorded in writing.

17. Bids or offered amount in tender need the approval of Secretary to the Govt. of Assam in transport department. No bid or offered amount in tender for any ferry provisionally accepted by the officer conducting the sale or calling for tenders shall be considered to be final unless it is approved by the Secretary to the Govt. of Assam in the transport department.

- 17 (A) The auction sale notice and notice for calling tender shall state-
- i) The name of the ferry to be leased out and the routes to be followed.
  - ii) The steamer/ motor driven ferry vessel / Engines ,mar boat/ Engine single boat / mar boat / single boat are to be supplied to the lessee together with necessary anchor, lifebuoys etc.
  - iii). The number of men to be employed on each of the ferry vessel, mar boats, etc.
  - iv.). That the term or period for which the lease will be given as fixed under Rule 14 subject to the provision of sections 10 and 11 of the Act.
  - v) The dates on which the installments of the purchases money are due.
  - vi). The rates if any at which any persons may compound for the tolls of the ferry as fixed by the State Government in the transport department under section 18 of the Act.
  - vii) That the ferry will pay by day only, but Director retains the right to order plying the ferry at night if it should become necessary under any special circumstances ; the number of such night journeys and timings to be fixed by the Director or any other officer deputed by him.
  - viii). That the lessee shall be bound to cross over at any time during the day and night beyond the schedule timings free of any charge, any Minister of the State of Assam, Indian Union, the Chief Minister and the Government of Assam, both the senior most commanding officers of Regional Army unit and Assam Rifles in Assam, the Prime Minister and the President of India wishing to cross with his conveyance, baggage's and animals if and when ordered by the Director / Executive Engineer / Sub-divisional officer as the case may be. The lessee shall be entitled to realize tolls for crossing traffic by such special trips from all concerned inclusive of Government employees irrespective of whether they are exempted or not from payment of tolls under condition 19 of the lease, but excluding those mentioned above, at the following rates
  - ix). That preferential treatment to individual belonging to schedule casts, schedule tribes & other backward classes and to the Co- operative societies.

At the usual rates as per schedule of rates subject to a maximum of Rs. 80 in case of steamer, Rs. 60 in case of motor driver ferry vessel, Rs. 50 in case of Engined mar boat, Rs. 40 in case of Engined Single boat, Rs. 30 in case of mar boat and Rs. 15 in case of single boat per trip from the passengers or from the total number of passengers proportionately so that the total collection comes up to the limit specified above. The lessee is bound to cross at each special trip, the number of passengers, animals, vehicles etc. desiring to cross the ferry at that time to the capacity of the steamer/ motor driven ferry vessel / Engined mar boat / Engined single boat etc, as the case may be.

18. The auction sale shall be held by the Deputy Commissioner/ subdivisonal officer (civil) or some other officer deputed by him for the purpose where the officer of the IWT , in-charge of the ferry shall also remain present.

+(vide Notification No . TWT-49 /68 /18, Dt. 26-12-68)

19. The sale by auction / tender shall generally be to the highest bidder / tenderer. The officer conducting the sale / calling for tender for sufficient reason recorded in writing under his hand may, refuse to accept the offer of the highest bidder / tenderer or any bid / tender. The officer shall in accepting the bid / tender consider the following factors among others-
- i) Whether the bidder / tenderer is indigenious of this state permanent resident or outsider.
  - ii) Whether the bidder / tender / tenderer has experience of ferry business.
  - iii). Whether the bidder / tenderer has periodic patta landed property of the value of not less than bid / tender money in his own name within the district or this State, can speak the regional language is financially sound, of good conduct etc. etc.
19. (a) In accepting the 1st installment of bid money of auction sale from the highest bidder or any other bidder whose bid is accepted by the officer conducting the sale, the bidder shall be informed in writing in the form shown in Appendix "E" by the officer conducting the sale that the sale is subject to the approval of the Secretary to the Govt. of Assam in the transport department.
- 19 (b) The Secretary to the Govt. of Assam in transport department shall consider the results of the auction sale or tender or both together as the case may be for the purpose of final settlements.

In doing so he shall consider among others whether the officer conducting the sale / calling for tenders and the Director have taken into account and considered all the factors mentioned in Rule 19 above. The Secretary to the Govt. of Assam in the transport department may for reasons recording in writing disapprove of the bid / tender or both as the case may be, accepted by the officer conducting the sale /calling or tendere and by the Director and may settle the ferry . With any bidder / tenderer or may disapprove the sale / tenderers or both. The decisions of the Secretary to the Government of Assam, in the transport Department will be final and binding on all concerned.

20. The person whose bid in the auction sale is accepted shall pay the purchase money if it exceeds Rs. 200 in the following installments-

One –fourth of the total bid mone subject to a minimum of Rs. 200 within three days from the date of sale. But this ist installment shall be treated as provisional until the bid is finally accepted by the Secretary to the Government of Assam in transport department.

Balance or one-fourth of the total bid money whichever is less on or before the 1<sup>st</sup> June.

Balance or one-fourth of the total bid money whichever is less or before the 1<sup>st</sup> September.

Balance or one-fourth of the total bid money whichever is less on or before the 1<sup>st</sup> December.

These rules shall apply in case of ferry / ferries settled by calling for tenders with only the exception that the 1<sup>st</sup> installment shall have to be deposited by the tenderer whose tender is accepted within seven days from the date of receiving orders for settlement .

The 1<sup>st</sup> installment of bid money paid by the bidder will be refunded to him by the Executive Engineer or Sub divisional officer as the case may be, if the ferry is not finally settled by the Secretary to the Government of Assam in the Transport Department.

21. When the 1<sup>st</sup> installment has been paid and after the sale / tender has been approved by the Secretary to the Government of Assam in transport department, a written lease signed by the Director “for and on behalf of the Governor of Assam” in the form in Appendix ‘D’ shall be drawn up . The lessee on being asked by the officer concerned to execute it after affixing adhesive stamp at his cost shall do so within 30 days from the date of asking him .
22. If the successful bidder / tenderer fails to comply with the stipulation made in Rule 20 and 21 above within the specified period mentioned therein the ferry may again be sold in auction or by calling for tenders or by both to some other and the full amount of loss shall be recoverable as arrear of land revenue from the former.
23. The lessee shall within 15 days of the date of final acceptance of the bid / tender and prior to being given the charge of the ferry and granted of a lease, furnish to the Executive Engineer or to the Sub-divisional officer as the case may be, a cash security amounting to 25 percent of the purchase money for punctual payment of purchase money and for efficient running of the ferry in addition to the installments of bid / tender money mentioned in Rule 20 above. Within the same period. The lessee shall furnish a cash security of Rs. 3,000 for each steamer/ motor driven ferry vessel Rs. 1000 for each motor boat with engine and Rs. 500 for each single boat with engine Rs. 300 for each motor boat and Rs. 100 for each single boat for safe custody and proper use of the steamer /motor driven ferry vessel / Engine motor boat / Engine single boat / motor boat/ single boat supplied only by the IWT to the lessee. The cash security and the security for steamer / motor driven ferry vessel/ Engine motor boat / Engine single boat / motor boat /single boat will be retained by Government free of interest and will be refunded to the lessee on the expiry of the lease subject to any deduction that may be made by the Executive Engineer /sub divisional officer as the case may be for making good any loss of or damage to any of the vessels mentioned above or for any fines and penalty imposed on him for the breach of the terms of the sale notice / tender notice and the lease .
24. The lessee shall provide and maintain light throughout the night on each side of the ferry ghats two incandescent lamps of not less than 200 candle powers each and of a type approved by the Executive Engineer / subdivisional officer as the case may be.  
The lamp shall be hung up in a suitable place to illuminate the landing place one on each bank of the river and shall be kept alight



throughout the night . The lessee shall also provide a lamp on each marboat and single boat when plying at night.

25. The lessee is required to employ and keep available always at his own expenses one licensed driver and three boatman for each engined driver mar boat and one licensed driver and two boatman for each engined driven single boat, three boatmen for each marboat and two boatmen for each single boat. He shall also employ and keep available always at his expenses two licensed / certificated drivers, one licensed / certificated master and other crew and persons as may be necessary for each steamer / motor driven ferry vessel, whether supplied by the lessee or by the Government .  
He shall immediately discharge any driver / master / other crew or person whose conduct or ability may not be considered as satisfactory and replace him / them without dislocation.
26. Petrol / Diesel / Coal / Mobile oil and grease shall be purchased by the lessee at his own cost .
27. In the event of loss or damage to the steamer / motor driven ferry vessel / Engines / Marboat / Single boat or any other property and appliances belonging to Government and in the charge of the lessee which is attributed to negligence on the part of the lessee, the Director / Executive Engineer / subdivisional officer as the case may be, shall assess such loss or damage and the amount so assessed shall be deducted from the security deposit . The amount assessed by any of the above officers will be final unless the Secretary to the Government of Assam in the transport department on a reference being made by the lessee within reasonable time modifies the amount on valid grounds. If the security does not cover the amount so assessed the balance may be recovered as an arrear of land revenue from the lessee.
28. All installments of rent due or other amounts payable if not paid on or before the date, be recovered from the lessee by any process by which area of land revenue may be recovered. Notwithstanding anything contained herein , if the lessee fails to pay any installment of the purchases money are required under rule 20 by the due date, the Executive Engineer / subdivisional officer as the case may be take over the ferry immediately and run it departmentally until the installment in default is paid. The lessee shall have no claim to toll collected during any such period, and shall be liable for any expenditure in excess of toll receipt which may be incurred, for which the certificate of the Executive Engineer /sub divisional officer under whom the ferry is operating shall be final and conclusive and during this period the steamer, motor driven ferry vessel, Engined mar boat, Engined single boat, marboats single boat and other appliances whether the property of Government or of the lessee including the sheds and lights and the master, Engined driver, crew, boatman etc. engaged by the lessee ( if they agree to serve) shall be placed at the disposal of Government for the period for which the ferry is run departmentally
29. Tickets for each item of the schedule of tolls shall be printed by the lessee at his own cost. No person, vehicle , animals ,or any other things and material shall be crossed without issuing printed tickets. Same procedure shall also be followed while running the ferry departmentally even through the period may be very short.

30. Government in the transport department retain the rights to include new items with rates not covered by the existing schedule of tolls during the tenure of the lease which the lessee shall have to accept without any objection whatsoever. But when any reduction in the rates of tolls leviable is made during the tenure of the lease, the lessee shall be entitled to such abatement of the rent payable in respect of the tolls as may be fixed by the officer as the State Government may from time to time appoint in this behalf.
31. In the event of the crossing being bridge permanently during the tenure of the lease, the lease will be cancelled on one calendar month's notice being given in writing to the lessee and no compensation will be payable for any loss sustained by the lessee or for any other reason due to such cancellation.
32. The lessee shall maintain a bound book which shall be produced on demand by any traveler for nothing any remarks.
33. If and when any passenger and or any other service is run by any Company / Department, etc. touching only one ghat and approach of a ferry, the lessee shall have no claim for remission or for compensation on this account
34. The lessee shall have no claim for compensation or remission or refund of any portion of kists money on account of closure of traffic for a continues period not exceeding 15 days due to any flood or any other reason.
35. Recognized non- transport ferry / ferries only can run within the distance of 3.2 k.m. on either side of the ferry . The lessee shall have no clam for compensation or remission or refund of kist money on that account.
36. (1) If t he lessee violates or fails to perform any of the covenants contained herein or in the lese , he shall in addition to any other liability be liable to have his lease cancelled by the Secretatry to the Government of Assam in the transport department and in that event shall not be entitled to any compensation or to the refund of any portion of the ferry rent, advance or security of any kind.  
(2) Whenever a lease is liable to cancellation under the preceding sub-rule, the secretary to the Government of Assam in the transport department may in lieu of canceling the lease , allow the lessee the option of retaining it subject to the payment to the Government of such sum not exceeding Rs. 200 for each breach or default as he deems proper

K. K. GOGOI  
Director of Inland Water Transport, Assam

## APPENDIX 'A'

The following major ferries on the Brahmaputra .

1. Jogighopa –Goalpara – Pancharatna.
2. Gauhati –North Gauhati
3. Neamati –Kamalabari
4. Dibrugrah – Sonari – Burisuti
5. Sadiya – Saikhowa
6. Tezpur(Bhomoraguri) Panpur –Silghat
7. Dhubri –Fakiraganj
8. Dibrugrah –Sissi- Machkhowa
9. Desanmukh- Matmora
10. Dibrugrah- Kacharighat-Oryamghat via Galighat –Morkongselek
11. Laikajan –Morkongselek

Schedule of tolls published separately.

(vide Notification No- TWT -49 /68/30-3-1-69) & No. TWT.-49/68. P.5.3.69)

## APPENDIX 'B'

### Rule 8(ii)

In addition to the persons, animals, vehicles and other things employed or transmitted on the public service which under section 15 Act XVII of 1878 (The Northern India Ferries Act ) under section 3 of Act II of 1901 (Indian Tolls ( Army )Act ) are exempted from the payment of tolls the lessee shall cross over free of tolls-

1. Any police officer travelling in uniform;
2. Any village watchman carrying a chapras;
3. Any Government peon when serving processes
4. The Government mails.

N.B. –Motor vehicles carrying or designed to carry passengers or goods in addition to the government mils are not exempted from payment of tolls.

5. Any persons, vehicle (whether full or empty) or stores employed for execution of any work (such as road, bridges, buildings, embankment or canals) which is being undertaken by or on behalf of the Government or any local fund provided that such person, vehicle or stores are employed solely in the execution of work at the time of transit and provided that a pass is produced signed by one of the following-
  - a) An Executive Engineer, a subdivisional officer;
  - b) A Chairman or Vice Chairman of Panchayat or Municipal Board or Town Committee;
  - c) An officer, not below the rank of Sub-Surveyor of Sub overseer in-charge of work
  - d) Executive engineer of Subdivisinal office, Public works Department

Such pass shall indicate as early as may be the nature, time and number of journeys for which the pass is given, and, in the event of any dispute as to the validity of the pass for a particular journey the matter shall be referred to the Executive Engineer / Subdivisional officer as the cease may be whose decision shall be final .

- 6) Any person or vehicle (whether full or empty or containing stores) employed on departmental work of the Forest Department including –
  - a) Construction or repairs of roads and bridges under taken departmentally;
  - b) Construction of repairs of building undertaken departmentally.
  - c) Cultural work in the forest undertaken departmentally;
  - d) Extraction work in the reserved unclassed state Forest, undertaken departmentally.

Provided that such person or vehicle is at the time of transit solely employed of the said work and the pass produced signed by a Divisional Forest officer, or an officer of forest departmental of the rank of Ranger or Extra Assistant Conservator of Forest.

7) Officers, vehicles stores and labours of Railway, if furnished with a certificate by a Railway officer, not below the rank of Gazzeted officer to the effect that the officers are employed or the vehicles and stores are transported on public service and not for commercial purpose of the Railway .

8) Any Gaonbura traveling on public duty, on production of his appointment parawansas:

9) Volunteer of Auxilliary Forces trading uniform;

10) All mauzadara or sarpanches of panchyats when travelling on duty and one mohori employed by each mauzadar, while travelling on duty and one mohori employed by each mauzadar, while travelling on public duty provided that he holds a certificate that he is so travelling signed by the mauzadar, and produces it when called upon to do so by the ferry man .

11) All collecting members of panchayats when travelling on duty;

12) Employees of Panchayats and Municipal boards or any local fund traveling on duty, this includes school employees of the aforesaid boards when travelling on duty;

13) Kala-azar patient with an attendant when required attending a hospital or centre for treatment on production of certificate signed by the medical officer who is treating him .

In such cases a bullock or buffalo cart with its driver and a pair of animals, or a dooli with three attendants, in which the patient may be travelling also be exempted from payment of tolls at ferries where facilities for crossing such vehicles exist.

14) A member of a Panchayat with his conveyance and one attendant when proceeding to or returning from a meeting of the Panchayat, provided that he produces the notice summoning him to the meeting and performs the journey within two days of the date thereof.

15) Private conveyances whether they are their personal property or not, of persons employed on the public service while on duty, but excluding a hired conveyance.

16) A leper with an attendant when required, attending a hospital or centre for treatment on production of a certificate signed by the medical officer who is treating him.

17) Members of the Legislative Assembly and Assam representative to both the Loka Sabha and the Rajya Sabha when travelling in a private conveyance whether their own property or not but excluding a hired conveyance subject to the register, where maintained being signed on each occasion.

18) All stockmen employed by the Live stock improvement Association, Assam on production of a copy of their appointment letter:

19) All supervisors of Central Co-operative Banks, Assam, on production of a copy of their appointment letter;

20) Any person, engaged on Red Cross work and required on such work to travel by road on production of certificate issued for a quarter for a year or other period of less duration signed by the Honorary Secretary of the district concerned and bearing the seal of the District Branch of the Indian Red Cross Society.

21) Motor vehicle, cars or carriages belonging to Government and also any motor vehicles belonging to a Government officer although travelling empty on production of a certificate from the office that the vehicle is travelling for his own use while on duty .

22) Members of Panchayat, while travelling on inspection duty, subject to the production, on each occasion of a definite letter or authority from the president,

chairman or the vice president concerned specifying the route and time within which the inspections to be made .

23) All persons in receipt of gratuitous relief from government on account of distress while going to or returning from relief centres to received doles or to work at a test relief centre on production of a certificate from the Relief officer;

24) A member of the debt conciliation board, when proceeding to or returning from a meeting of board, provided that he must produce the summons to the meeting and provided that the journey in performed within one day of the meeting.

25) The curator of the Assam State Museum at Gauhati while performing journeys on duty;

26) (1) Motor vehicles belonging to the state Government and employed with the organization known as the Assam Transport.

2) Persons employed by the state Government and travelling with the aforesaid vehicles on duty and (3) property borne on the aforesaid vehicle and at the disposal of the central or state government.

N.B. – Every person exempted from payment of toll when using the ferry shall entre his name and address in a book supplied and maintained by the lessee for the purpose.

K.K. GOGOI  
Director, Inland Water Transport  
and Chief Ship Surveyor, Assam, Guwahati

APPENDIX  
(Rule-15)

1	2	3	4	5	6	7	8	9	10	11	12
Serial No of Ferry	Name of the Ferry	Amount for which leased in the previous year	Details of bidding of every bidder	Period of which proposed to lease the ferry	Financial position, conduct previous records as lessee any other relevant date of each bidder	Whether each bidder has periodic landed property within the district or State of the value equal or more than the bid/tender money and can speak regional	Name of the bidder with whom the ferry is proposed to be settled.	Caste/creed of each bidder	Whether indigenous, permanent resident of Assam or outsiders	No. and date of the treasury challan depositing the 1 <sup>st</sup> Kist money by the bidder whose bid is provisionally accepted	Remarks

APPENDIX D  
(Rule 21 )  
FROM OF LEASE POWER DRIVEN MAJOR FERRIES

The ferry across the river Brahmaputra  
between..... in..... district  
is let.....  
to.....  
of..... from the 1<sup>st</sup> April to  
31<sup>st</sup> March on a total payment of Rs..... (Rupees  
.....) on the following conditions

1. The lessee off this ferry shall be bound to cross over at any time during the day or night any person wishing to cross with his animals, baggage and conveyance; butt may refuse to cross over any person, animals or conveyance until the toll leviabale thereon has been paid or a season ticket or a pass produced .

In crossing vehicles preference would be given to Governor's and Ministers cars to all kinds of vehicles, Inland Water Transport officers' vehicles on duty to public work Department officers vehicles on duty , public works Department officers vehicles on duty to mail motors, mail motor to ist class cars, ist class cars to other passengers buses and cars and passenger buses and cars to goods.

2. The lessee shall no levy tolls on persons, animals or conveyance crossing by a private boat not used for hire without using the approaches to the ferry . Un- recognized ferry will not, however, be allowed to ply within 3.2 km , of a public ferry under section 13 of the Northern India Ferries Act of 1878.
3. The full rates of tolls leviabale by the lessee shall be a specified in a schedule attach, subject to the exceptions hereinafter provided and to the provision that any person may compound for the tolls payable for the use of the ferry .
4. The Director with the approval of State Government retains the right to include new items with rates not covered by the existing schedule of tolls whenever in his opinion becomes necessary during the tenure of the lease or agreement .
5. The following ferry appliances will be provided and maintained good repair by the Executive Engineer Subdivisional officer.
  - a) Steamer of motor driven ferry vessels.
  - b) Engined driven Marboats.
  - c) Engined driven single boat.
  - d) Mar boats.
  - e) Single boats.

The lessee shall within 15 days of the date of the final acceptance of the bid / tender and prior to being given the charge of the ferry and granted lease furnish to the Executive Engineer / sub -divisional officer as the case may be a cash security amounting to 25 percent (twenty five percent ) of the purchase money for punctual payment of purchase money and for efficient operation of the ferry . In addition to the above the lessee shall furnish within the same period a cash security of Rs. 3,000



for each steamer /motor driven ferry service. Rs. 1000 each mar boat and Rs. 100 for each single boat for safe custody and proper use of the vessels boats and the engines. The security so furnished will be refunded to the lessee on the expiry of the lease subject to any deduction that may be made by the Executive Engineer / sub divisional officer as the case may be for making good any loss of or damage to any of the vessel; boats, engine or any other properties and appliances otherwise than by fair wear and use and for any fines and penalty imposed on him for the breach of the terms of the sale notice / tender notice and this lease.

6. The lessee is required to employ and keep available always at his own expense two licenced / certificated drivers, one liceneed / certificated master and other crews and persons as may be necessary for each steamer / motor driven ferry vessel whether supplied by the lessee or by the Government . He shall employ and keep available always at his own expenses one licensed driver and three boatman for each Engine driven Marboat, one licensed driver and two boatman for each Engine driven single boat, three boatmen foe each marboat and two boatmen for each single boat. He shall immediately discharge any driver / master other crews or person whose conduct or ability may not be considered as satisfactory and replace him / them without dislocation.
7. Petrol / diese /coal / mobile / and grease shall be purchases and supplied by the lessee at his own coast.
8. The ferry shall be operated by day only / day and night with the full complement of men provided for inclause 6. For this purpose the day will be rekoned from one hour before sunrise to one hour after sunset . But the Director retians the right to order plying the ferry at night if it should became necessary under any special circumstance without any extra payment.
9. The lessee shall during the period of lease mark with buoys or in other suitable manner, all submerged obstruction of dangerous rocks in the rivers within 0.8. km. of the landing ghats and shall be held responsible for any loss or damage caused to the steamer / motor driven ferry vessel /Engined marboat / Engined single boat , marboats / single boats striking against such submerged obstruction or dangerous rocks.
10. Approach roads to the ferry are constructed and maintained by the Inland Water Transport Department . The lessee is responsible for conveying immediate information of damage to approached to the nearest mohurir or the office in charge of the ferry and for making temporary arrangement to prevent the interruption of traffic the cost of which will be paid by the Inland Water Transport. The Inland Water Transport Department provides sufficient means for embarking and disembarking all persons, animals , vehicles and things, which the lessee is bound to cross over at the ferry . Properly constructed landing stages and provided by the Inland Water Transport Department on both sides of the ferry . The lessee will be responsible for all arrangement and appliances required to hold securely the steamer , motor driven ferry vessel / Engined marboat / Enigined single boat, marboats / single boats to the bank when embarking or disembarking all traffic.
11. The number of passengers , animals, vehicles and weight of other things carried at one time shall not be such as to submerge the white line which marks the minimum free board. This line is painted by the Inland Water Transport Department on all vessels supplied by the authority or by t he lessee. It is of a breadth of not less than two inches and runs round the marboats and single boats from stem to stern at 12` distance below the level of the gunwale . The steamer / motor driven ferry vessel shall be marked as per survey certificate .

12. The lessee at his own expense shall provide two sheds 15 feet by 15 feet for the temporary accommodation of travelers, one at each side of the ferry.
13. The lessee shall provide and maintain lighted throughout the night on each side of the ferry ghats two incandescent lamps of not less than 200 candle power each and of a type approved by the Executive Engineer / Subdivisional officer as the case may be.

These lamps shall be hung up in a suitable place to illuminate the landing places one on each bank of the river, and shall be kept alight throughout the night.

The lessee shall also provide a lamp on each marboat and single boat when paying at night.

14. The lessee shall not sublet the ferry.
15. The lessee shall hang up a copy of lease and copy of Part I of the ferry rules, in English and Assamese attached to a board on the outside of his shed at the ferry.
16. The lessee shall not refuse to give change for any silver coin or currency notes upto Rs. 5 in value offered to him.
17. A register in the form prescribed by the Director may be kept in which all vehicles crossing the ferry shall be noted.  
The lessee shall furnish monthly to the Executive Engineer / Sub-divisional officer as the case may be, a return in prescribed form supplied to him. He (the lessee) shall fill up every column of the said form properly and completely and shall submit the same in the 1<sup>st</sup> week of the month succeeding to which it relates to.
18. The lessee shall perform the duties of a village watchman as defined in section 45, code of criminal procedure.
19. In addition to the persons, animals, vehicles and other things employed or transmitted on the public services which under section 15 of Act XVII of 1878 and section 3 of Act II of 1901 are exempted from the payment of tolls, the lessee shall crossover of toll –

1. Any police officer traveling in uniform;
2. Any village watchman carrying a chapras;
3. Any Government peon when serving processes;
4. The Government mails.

N.B. Motor vehicles carrying or designed to carry passengers or goods in addition to the Government mails are not exempted from payment of tolls.

5. Any persons, vehicle (whether they are full empty) or stores employed for the execution of any work (such as roads, bridges, buildings, embankments or canals) which is being undertaken by or on behalf of Government or any local fund provided that such persons, vehicle or stores are employed solely in the execution of the work at the time of transit and provided that a pass is produced signed by one of the following –
  - a) Executive Engineer or Sub divisional officer.
  - b) Chairman or vice chairman of Panchayat or Municipal board or town committee.
  - c) An officer not below the rank of Sub Surveyor or Sub- over seer in- charge of a work.
  - d) Executive Engineer, or sub divisional officer, public works department.

Such pass shall indicate as nearly as may be the nature, time and number of journeys for which the pass is given; and in the event of any dispute as to the validity of the pass for a particular journey the matter shall be referred to the

Executive Engineer / sub divisional officer as the case may be whose decision shall be final .

- 6) Any person or vehicle (whether full or empty or containing stores) employed on departmental work of the Forest Department including-
  - a) construction or repairs of roads and bridges undertaken departmentally;
  - b) Construction or repairs of building undertaken departmentally;
  - c) Cultural work in the forest undertaken departmentally;
  - d) Extraction work in Reserves or unclosed State Forest undertaken departmentally.

Provided that such persons or vehicles at the time of transit solely employed for the said work and that a pass is produced signed by the Divisional Forest officer, or an officer of the Forest Department of the rank of Ranger or Extra Assistant Conservator of Forests.

- 7) Officers, vehicles stores and labours of the Railway if furnished with a certificate by a Railway officer, not below the rank of a Gazetted officer to the effect that the officers are employed or the vehicles and stores are transported on public service and not for commercial purpose of the Railway .
- 8) Any gaonbura travelling on public duty on production of his appointment parwana;
- 9) Volunteer of the Auxiliary Forest travelling in uniform;
- 10) All mauzadars or sarpanches of panchayat when traveling on duty and one mohurrir employed by each mauzadar while travelling on public duty, provided that he holds a certificate that he is also travelling signed by the mauzadar and produces it when called upon to do so by the ferryman;
- 11) All collecting members of panchayat when travelling on duty;
- 12) Employees of Panchayat and Municipal Board or any local fund travelling on duty this includes school employees of the aforesaid board when travelling on duty;
- 13) Kala-azar patient, with an attendant when required attending a hospital or centre for treatment on production of a certificate signed by the medical officer who is treating him.

In such cases a bullocks or buffalo cart with its driver and a pair of animals or a dooli with three attendants, in which the patient may be travelling shall also be exempted from the payment of tolls at ferries where facilities for crossing such vehicles exist;
- 14) A member of a Panchayat with his conveyance and one attendant when proceeding to, or returning from a meeting of the panchayat provided that he produces the notice summoning him to the meeting and performs the journey within two days of the date thereof.
- 15) Private conveyance, whether they are their personal property or not of persons employed on the public service while on duty but excluding a hired conveyance.
- 16) A leper with an attendant when required attending a hospital or centre for treatment on production of a certificate signed by the medical officer who is treating him.
- 17) Members of the Legislative Assembly and Assam Representative to both the Loka Sabha and the Rajya Sabha when travelling in a private conveyance whether their

- own property or not, but excluding a hired conveyance, subject to the register, where maintained being signed on each occasion.
- 18) All stockmen employee by the Live stock improvement Association, Assam on production of a copy of their appointment letter;
  - 19) All supervisors of Carnal Co-operative Banks, Assam on production of a copy of their appointment letter;
  - 20) Any person, engaged on Red cross work to travel by road on production of a certificate issued for a quarter of a year or other period of less duration signed by the Honorary Secretary of the district concerned and bearing the seal of the District Branch of the Indian Red cross Society;
  - 21) Motor vehicle, carts or carriages belonging to Government and also any motor vehicle belonging to Government officer although travelling empty, on production of a certificate from the officer that the vehicle is travelling for his own use while in duty;
  - 22) Members of Panchayat while travelling on inspecting duty subject to the production, on each occasion of a definite letter of authority from the President / Chairman or the vice-president concerned, specifying the route and time within which the inspection is to be made.
  - 23) All persons in receipt of gratuitous relief from Government on account of distress, while going to or returning from relief centers to receive doles or to work at test relief, centres, on production of a certificate from the relief officer;
  - 24) Members of the Deb't Conciliation Board, when proceeding to or returning from a meeting of the Board, provided that he must produce the summons to the meeting and provided that the journey is performed within one day of the meeting.
  - 25) The curator of the Assam State Museum at Guwahati while performing journeys on duty.;
  - 26)
    - (1) Motor vehicle belonging to the state Government and employed with the organization known as the Assam Transport;
    - (2) Persons employed by the Government and travelling with the aforesaid vehicle on duty' and.
    - 3) Property borne on the aforesaid vehicle and at the disposal of the central; or the state Government.
  - 27) The lessee must cross over dak runners carrying mails, member of the police force in uniform and doctors at and any time during the night or day.
- 20) Tickets for each item of the schedule of tolls shall be printed by the lessee at his own cost. No person, vehicle, animals or any other thing and material shall cross without issuing printed tickets.
  - 21) Every person exempt from payment of toll when using the ferry shall enter his name and address in a book supplied and maintained by the lessee for his purpose.
  - 22) The lessee shall not knowingly cross over bad characters, outlaws or fugitives from justice and he shall give every assistance to the police, and other government officers in the apprehension of offenders. But this clause shall not warrant him in arresting labourers or other persons on the ground that he knows or suspects them to be absconding from service.
  - 23). The lessee is liable to the following penalties-
    - a) The penalty for neglecting to affix or to keep in order his table of tolls or for willfully altering or defacing the table or for refusal to produce it on demand, is a fine which may extend to Rs. 50
    - b) The penalty for asking or taking more than the lawful toll or for delaying any person, animal, vehicle or other thing without the due cause is a fine which may extend to Rs. 100.

- c) The penalty for breaking any rule made under the order of the Government in respect of the management or working of ferries is imprisonment which may extend to six months or a fine which may extend to Rs. 200 or both .
- d) The penalty for default of payment of rent or for a second conviction of any one of the above named offences is cancellation of the lease in addition to any other legal penalty for the offence committed.
24. The lessee is authorized to draw the attention of traveler in the following provisions of the provisions of the law-
- The penalty of refusal to pay the [proper toll, for fraudulently or forcible crossing in order to avoid such payment, for obstruction the lessee in the execution of his duty, for entering in or taking any animals or other things in the ferry, after he has been warned animals or other things in the ferry, after he has been warned that it is not in a fit state for that purpose or so laden as to endanger life or property, is a fine which may extend to Rs. 50.
- 25) Every person breaking any rule under section 12 of section 19 of Act, XVII of 1878 shall be punished with imprisonment for a term which may extend to six months or with a fine which may extend to Rs. 200 or with both .
- 26) The lessee shall pay the purchase money in the following installment –  
¼ of purchase money within three days from the date of sale.  
Balance or ¼ th of purchase money whichever is less on or before 1<sup>st</sup> September.  
Balance or ¼ th of purchase money whichever is less on or before the 1<sup>st</sup> December.
- 27) (i) If the lessee violates or fails to perform any of the covenants herein contained he shall in addition to any other liability be liable to have his lease cancelled by the Secretary to the Government of Assam in the Transport Department and in that event shall not be entitled to any compensation or to the refund of any portion of the ferry rent , advance or security.
- ii) The Executive Engineer is the controlling authority for purpose of this lease and whenever the lease is liable to cancellation under the preceding clause the Secretary may, in lieu of cancelling the lease,,,,, allow the lessee the option of retaining it subject to the payment to Government of a sum not exceeding Rs. 200 for each breach or default as the Secretary may consider reasonable .
- iii) Notwithstanding anything contained herein if the lessee fails to pay any installment of the purchase money by due date under clause 26, the Executive Engineer/ sub divisional officer as the case may be take over the ferry immediately and run it departmentally until the installment in default is paid. The lessee shall have to claim to tolls collected during any such period but shall be liable for any expenditure in excess of toll receipt which may be incurred for which the certificate of the Executive Engineer / sub divisional officer shall be final and conclusive, and during the period vessels/ boats/Engines and other appliances ,whether the property of Government or of the lessee including the sheds and light provided under clauses 12 and 13 and the master, Engine driver , crew, boatman, etc. engaged by the lessee (if they agree to serve) shall be placed by him at the disposal of Government for the period for which the ferry is run departmentally.
- 28) The Executive Engineer may at his discretion deduct from the sum deposited as security such amount as may in his opinion be necessary to make good any damage or loss sustained by the vessels or other property and appliance otherwise than by fair wear and tear.

- But if the security does not cover the amount so assted the balance may be recovered as an arrear of land revenue from the lessee.
- 29) The lessee shall maintain a bound book which shall be produced on demand by any traveler for nothing any remarks.
  - 30) In the event of the crossing being bridged permanently during tenure of the lease, the lease will be cancelled on one calendar months notice being given in writing to the lessee and no compensation will be payable for any loss sustained by the lessee or for any other reason due to such cancellation.
  - 31) Any sum due to government under any clause of this lease may unless otherwise provided for, be recovered from security deposit of the lessee and in the event of such sum not being covered within the security deposit the balance be recovered as an arrear of land revenue from the lessee.
  - 32) The lessee will have no claim for compensation or remission or refund of any portion of kists money on account closure of traffic for a continuous period not exceeding 15 days due to flood or due to any bridge or a road having been damaged by flood earthquake or otherwise.
  - 33) Recognized non transport ferry / ferries only can run within the distance of 3.2 k.m... on either side of the ferry. The lessee shall have no claim for compensation or remission or refund of kist money on this account .

For and behalf of the Governor of Assam  
Director of Inland Water Transport ,  
Assam, Ulubari, Guwahati

Dated  
The  
Accepted

.....  
Lessee

APPENDIX-E

To

Shri.....

Sir,

I am to inform you that you bid amounting to Rs.....  
.....for .....ferry for the year .....has provisionally been accepted by  
me and challan No.....dated .....for the amount of the 1<sup>st</sup> installment of  
purchase money been received. This acceptance is however subject to the approval of the  
Secretary to the Government of Assam in the Transport Department who may or may not  
approve the settlement.

Yours faithfully

Auctioning officer  
Address.....

Copy forwarded to Director, Inland Water Transport, Assam, Ulubari, Gauhati  
The Secretary to the Government of Assam, Transport Department, Shillong, for information

Auctioning officer  
Address.....

Copy forwarded to the Secretary to the Government of Assam, Transport Department

Director,  
Inland Water Transport, Assam,  
Ulubari, Gauhati

পঞ্জীভুক্ত নং-ক-12

Registered No-A-12

অসম



ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃস্থৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

নং55 দিশপুৰ,মংগলবাৰ,25 মে,1976 4 জেঠ,1898 শক  
No. 55 Dispur, Tuesday, May 25, 1976, 4<sup>th</sup> Jyaistha, 1898 SE.

GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
DIRECTORATE, INLAND WATER TRANSPORT

NOTIFICATION  
The 18<sup>th</sup> May'1976

No. DWT. 17 /75 /92 – Under powers conferred on the Director of Inland Water Transport, Assam vide Transport Department Notification No. TWT. 62/66 /Part, dated 29<sup>th</sup> Feb'1968. Section 3 of the Assam Commissioner's( Transfer of power) Act, 1947( Act XII of 1947 ), the Director of Inland Water Transport is pleased to make, under section 12 of the Northern India Ferries Act(1), 1878 ( Act XVII of 1878), the following amendments to the Control and Management of Ferries Rules, 1968, namely :-

1. These Rules may be called the Control and Management of Ferries (Amendment) Rules, 1976 .
2. These Rules shall come into force with immediate effect.
3. For Rule 2(b), the following shall be substituted namely –
4. (b) “Ferry shall mean a ferry as defined and interpreted under Section 3 of the Northern India Ferries Act, 1878 and includes ferries specified from time to time in Appendix –A as appended to these rules”.



5. After clause (d) of Rule 2, the following new clauses shall be inserted as Rule 2(e) namely –

(e) “Recognized Non- transport ferry – means and includes a private ferry or private boat authorized by the competent authority which are not used on hire for crossing of persons, animals and goods belonging to the owner of the ferry or boat without using the approach of any public ferry” .

6. For Rule 16, the following shall be substituted, namely-

Rule 16 – Auction sale shall be conducted on a date to be fixed by the officer –in-charge of the ferry in consultation with the Government in the Transport Department. Tender shall be invited by the officer in-charge of the ferry if directed by the State Government in the Transport Department. At least 15 days notice shall be given to the public before the date fixed for the auction sale and or for receiving tenders and the notice shall be widely circulated

(I) A Bid / Tender must be accompanied by the following documents failing which it will be treated as invalid

(a) (i) Receipted Treasury Challan or Bank draft of any Branch of the State Bank of India or the Assam Co-operative Apex Bank, showing deposit of the earnest money noted against each ferry, pledged to the Executive Engineer, Inland Water Transport Division, Gauhati. Cash or money order receipt will not be accepted in lieu of Treasury challan or Bank Draft. Earnest money deposit made in respect of a previous sale, if any will not also be considered as valid deposit for the present sale, under consideration

(ii) No earnest money challan already released or old bank draft will be accepted as earnest money. A tenderer belonging to schedule Castes or Scheduled Tribes or other Backward Classes recognized by the State Government will be entitled to deposit 50(fifty) per cent of the amount as earnest money. He must mention in the tender the specific class to which he belongs. The earnest money of the unsuccessful tender will be released after issue of final order of settlement of the ferry and that of the successful tenderer will be retained until the lease period is over.

b) The Bidder / Tenderer shall sign a declaration in the following form –

“I agree that I will not withdraw the tender offered by me during the time that I will be required for intimation of acceptance of the tender for the ferry being given to me nor will I withdraw it afterwards should my tender be accepted. If I withdraw the tender then I am liable to pay the whole sum of the tender or such amount on account of deficiency as in the opinion of the authority may be considered necessary to make good the whole of the loss and damages that may be suffered by Government in consequence thereof and I shall pay the same and if I fail to pay it, then it will be recovered from me as an arrear of land revenue”

Signature of the Tenderer/Bidder.

(c) Up-to-date Income Tax and Sale Tax clearance certificate to be submitted in the prescribed form. When an Income Tax clearance certificate has been submitted by the tenderer in connection with another sale, no fresh certificate will be necessary so long as the certificate submitted is valid but a certified copy of such certificate must be enclosed with the tender under consideration

- d) If the tender is submitted on behalf of a co-operative Society or a Firm or a Joint Stock Company then in addition to the requirements of (a) and (b) above, the under mentioned documents should be enclosed .
- i) The original or certified copy of the Registration certificate of the society, the Firm or the Company given by the concerned authorities such as the Registration of Co-operative Societies etc.
  - ii) The copy of the resolution authorizing the person who signs the tender, to manage the business of such Society Firm or Company on its behalf.
  - iii) Certificate regarding authorized subscribed and paid-up capital of the concern.
  - iv) The original or certified copy of the partnership deed in case of partnership firm.
- (e) If the tender is submitted by a person belonging to any of the Schedule Caste, Scheduled Tribes or other Backward classes , then in addition to the requirements of (a),(b) and (c) above, a certificate in original or a certified copy thereof in support of his claim to belong to such community from the President of the Scheduled Castes, Scheduled Tribes and other Backward classes Association or from the Deputy Commissioner or the Additional Deputy Commissioner of the District / Sadar Sub-divisional officer or the Sub divisional officer of the Subdivision within whose territorial jurisdiction the tenderer permanently resides should be enclosed.
- (f) In case of a new tenderer, in addition to the above documents a certificate about the financial soundness of the tenderer from the Deputy Commissioner / Additional Deputy Commissioner / Sadar Sub divisional officer / sub divisional as the case may be or any officer of the District / Subdivision as the case may be or any nationalized Bank should be enclosed .
- (g) Certificate of experience of ferry business from the Deputy Commissioner /Additional Deputy Commissioner / Sadar sub divisional officer of the subdivision should be enclosed
- (h) Certificate in support of periodic patta land of value not less than the dib / tender money, in his own name within the District or the Subdivision from the Deputy Commissioner / Additional Deputy Commissioner/Sadar subdivision officer of the District or sub divisional officer of the Subdivision concerned should be enclosed .
- (i) Certificate that he can speak regional language from the Deputy Commissioner/Additional Deputy Commissioner/Sadar sub divisional officer or sub divisional officer concerned should be enclosed.
- (j) Certificate testifying to his good conduct from the Deputy Commissioner / Additional Commissioner / Sadar Sub-divisional officer or Sub divisional officer of the Sub divisional should be enclosed
- (k) Certificate that the bidder / tenderer is indigenous of this State having permanent resident or outsider from the Deputy Commissioner / Additional Deputy Commissioner / Sadar Sub-divisional officer or Sub divisional officer or Sub divisional officer concerned should be enclosed .
- (l) Land revenue clearance certificate from the concerned Mouzadar should be enclosed.
- (m) Current loan recovery certificate in respect of loan obtained from a Bank or any financial Institution granted under any scheme approved or sponsored by the State or Central Government.

(2) The bid list and the result of auction sale shall be submitted to the Director, IWT, Assam in for in Appendix “C” A Comparative Statement about all the tenderer in the form in Appendix “C” along with all tendered in original shall also be submitted to the Director by the Executive Engineer, IWT Division with his endorsement. The Director shall submit all these documents in original with his comments and recommendations taking into account the factors mentioned in Rule 16(i) and Rule 19, to the Secretary to the Government of Assam in the Transport Department

7. For Rule 17 (A) , (iii) the following shall be submitted , namely –

17 (A), (iii) – “ The number and category of staff allotted to each of the ferry boats / vessels by the Government”.

8. For Rule 19 (i) ,(ii),(iii) the following shall be substituted, namely :-

**Rule 19** – “The sale by auction / tender shall generally be to the highest bidder /tenderer. The officer conducting the sale/calling for tender may however, refuse to accept the bid / tender if any of the requirements of the bid/ tender is not satisfied. Or, for sufficient reasons to be recorded in writing under his own hand he may refuse to accept the offer of the highest bidder or Tenderer of any bid / tender . The officer shall in accepting the bid / tender consider the following factor amongst others:-

- (i) Whether the bid / tender amount is sufficient to earn approximately the revenue which could be normally expected from the ferry.
- (ii) Whether the bidder / tenderer is indigenous of the State or permanent resident of the State or outsider.
- (iii) Whether the Tenderer / Bidder suffers from moral turpitude or has been convicted by Court / Black listed or a defaulter of land and revenue.
- (iv) Whether the Tenderer / Bidder possesses periodic patta land of value not less than the bid / tender money in his own name within the District / Subdivision.
- (v) Whether the tenderer / bidder has sufficient experience to run the ferry efficiently

9. In Rule 21, for the words “within 30 days from the date of asking him” appearing in the last line the words “before handing over the ferry to him” shall be substituted.

10. For Rule 23, the following shall be substituted, namely :-

Rule 23 :- “The lessee shall immediately after the final acceptance of the bid / tender and prior to being given charge of the ferry and grant of the lease, furnish to the Executive Engineer or the Sub divisional officer as the case may be, cash security amounting to 25% of the bid money for punctual payment of bid kist money and for efficient running of the ferry in addition to the installments of bid / tender money mentioned in Rule -20. Further the lessee shall furnish cash security at the

following rate in respect of each ferry, vessels, boats that will be handed over to him, for their proper use and safe custody, before the ferry is handed over to him.

- |    |  |          |
|----|--|----------|
| a) | For each steamer / steel ferry vessel<br>/ motor driven ferry vessel ..... | Rs. 7500 |
| b) | For each Mar boat with engine-----   | Rs. 5000 |
| c) | For each single boat with engine-----                                      | Rs. 3000 |

The cash security and the security for Steamer / Motor driven ferry vessel / Engine Mar boat / Engine single boat will be retained by Government free of interest and will be refunded to the lessee on the expiry of the lease subject to any deduction that may be made by the Executive Engineer / Sub divisional officer as the case may be for making good any loss or damage to any of the vessels mentioned above or for recovering any fines or penalties imposed on him for breach of any of the terms or conditions of the sale notice / tender notice and the lease”

11. For Rule 25 the following shall be substituted namely :-

**Rule “25** The lessee shall bear the expenditure on pay and allowances of all floating staff allotted by the Department for any type of boat / vessel, placed at the disposal of the lessee during the period of lease. The lessee shall be required to deposit with the Executive Engineer the entire amount that will be due to the staff during the lease period, in advance, before the ferry is handed over”.

12. After Rule 26, the following new Rule may be inserted namely :-

**Rule 26 A:-** The lessee shall bear all expenditure on flushing oil , mobile oil , grease and any other lubricant oil , and any other expenditure that may be required in connection with the periodical servicing of the Engines and other machineries of the vessel / boats of the department place at his disposal during the period of lease . It will not at his disposal during the period of lease. It will not be open to the lessee to question the periodicity according to which such servicing is to be done”

13. In Rule 28, the words “and the Master, Engine Driver, Crew , Boatman etc. engaged by the lessee ( if they agree to serve )” appearing in the 15<sup>th</sup> and 16<sup>th</sup> lines in between the words “lights” and “shall” shall be deleted .

14. For Rule 35, the following shall be substituted namely :-

**Rule 35 –** No person shall establish, maintain or work a ferry to or from any point within a distance of 3.2 km from the limits of a public ferry without the prior approval of the competent authority declared by the Government under Section 13 of the Northern India Ferries Act 1878. Provided that recognized non transport ferry / ferries only can run within the distance of 3.2 km on either side of the ferry and no tolls shall be levied on recognized non-transport ferries or on persons, animals or conveyances crossing by a private boat not used for hire without using the approaches to the ferry. The lessee shall have no claim for compensation or remission or refund of kist money on this account.

Provided also that any private party allowed to operate his own boats on hire within 3.2 km of any of the points of a public ferry will be liable to pay for each

trip, to the lessee, an amount equal to the late fixed for the type of boat used by him, as if such boat had been supplied for special trips by the lessee himself, at the rate chargeable thereof as per the toll lists”.

15. After Rule -36, the following shall be inserted as Rules – 37, 38, 39 and 40:-

Rule 37 :- “On failure of the lessee to pay quarterly installment and other dues to the Government on the due date the lessee is liable to pay a fine at the rate of one percent of the defaulted amount for each days of default and the same shall be recovered from the security bid money and the lease shall also be liable to be cancelled.”

Rule 38 :- “If any vessel / boat is employed by the Directorate of Inland Water Transport, Assam for carrying cargo and or passengers for the Inland Water Transport Commercial Service or for relief or for any other purposes, within the jurisdiction of a ferry, the lessee shall not be entitled to charge any tolls or claim any remission or compensation for using the approach and routes of the said ferry”

Rule 39:- “No person shall cross a public ferry without paying the toll prescribed from time to time thereby the Government under Section 15 of the Northern Indian Ferries Act (Act XVII of 1878) unless exempted there from under any law for the time being in force:-  
Providing that any person found crossing by a public ferry as above may compound this offence on payment of an amount equal to ten times the toll Fixed for the ferry”.

Rule 40- “Any officer / staff of the Directorate of Inland Water Transport remaining in-charge of checking of tickets or collection of tolls shall not allow any passengers to cross any public ferry without paying the tolls fixed from time to time for the ferry by the Government under section 15 of the Northern Indian ferries Act (Act XVII of 1878) under such passenger is specifically exempted there under any law for the time being in force”

**K.K. GOGOI**  
Director  
Inland Water Transport,  
Assam, Guwahati -7