

Bill Summary

The Bihar Ferryghat Settlement and Management Bill, 2023

- The Bihar Ferryghat Settlement and Management Bill, 2023 was introduced in the Bihar Legislative Assembly on March 28, 2023. The Bill repeals the Bengal Ferries Act, 1885 as applicable in the state. The Bill provides for the settlement and management of public ferryghats, and the devolution of certain powers to rural and urban local bodies.
- **Public ferryghats:** Ferryghat refers to a ladder made of various materials used to access water bodies and banks alongside such bodies. It is commonly used for activities including: (i) religious rituals, (ii) bathing, (iii) loading and unloading goods and materials by a boat/ferry. The Bill empowers the District Collector to declare, establish, define, and discontinue public ferryghats. This includes the power to: (i) register and declare which ferryghat will be a public ferryghat, (ii) take possession of a private ferryghat and declare it a public ferryghat, (iii) determine the limits of a public ferryghat, and (iv) declare temporary ferryghat. These actions must be done with the prior approval of the authority designated by the state government. The selection of a new site for a public ferryghat and any construction at the site will be subject to clearance from the Department of Water Resources.
- **Toll Collection:** A toll will be levied on all persons, animals and cattle, vehicles, goods, and materials crossing over any water body by a boat or ferry. The District Collector may fix the toll rate with the prior approval from the authority designated by the state government. The toll will not be charged on those employed and transported on public purpose. Further, the government may exempt any person, animal and cattle, vehicle, goods, and material from paying the toll. The table of tolls, written or printed in Hindi, must be displayed near public ferryghats.
- **Management of public ferryghats:** The settlement, control, and management of public ferryghats will be vested in the District Collector, Additional Collector, or Urban or Rural Local Body, as prescribed by the state government. The responsibility to settle, control, and manage inter-state and inter-district public ferryghats will be vested with the Collector/Additional Collector of the district. The operation of boats regarding their registration, load capacity, and timing will be regulated in a manner prescribed by the Department of Transport. Inspections of the ferryghat/boat's operation and control will be conducted by an officer of the revenue officer rank or higher.
- **Appeals against settlements:** Any person or settlement holder aggrieved by a lease settlement of a public ferryghat may appeal in the court of the: (i) Commissioner of the Division where the competent authority is the Collector/Additional Collector, or (ii) the Sub-Divisional Officer in other cases.
- **Private ferries:** The state government may make rules for the operation and control of private ferries to ensure the maintenance of order and safety of passengers and property.
- **Remission of settlement amount:** With regard to losses due to a natural calamity or any other reasons, the state government may prescribe rules regarding the remission of the settlement amount for the applicable period.
- **Penalties:** If any settlement holder or person is guilty of violating or neglecting the rules and conditions of the settlement, he will be liable to be punished with: (i) simple imprisonment for three months, (ii) a fine up to Rs 50,000, or (iii) cancellation of settlement, or all of the three. Further, if a person crossing over a public ferry violates or neglects the rules for the management and operation of a public ferry, he may be punished with one month of simple imprisonment or a fine up to Rs 5,000, or both.
- Appeals against penalties may be filed to the Collector within 30 days. If a person is not satisfied with the order passed by the Collector, he may file an appeal to the Commissioner of the Division within 30 days of the order.

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