

**GOVERNMENT OF INDIA.LEGISLATIVE DEPARTMENT.**

**THE RANGOON TRAMWAYS ACT, 1883.**

**ACT NO. XXII OF 1883.**

**18th December, 1883.**

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th December, 1883, and is hereby promulgated for general information:—

WHEREAS the Municipal Committee of the town of Rangoon, by an agreement dated the 22nd day of June, 1882, a copy whereof is set forth in the schedule annexed to this Act, granted, for the considerations therein expressed, to John William Darwood, his heirs, executors, administrators and assigns, hereinafter called the Grantee, the right to construct, maintain and use a tramway or tramways in Rangoon upon the terms, subject to the conditions and in the manner mentioned in the said agreement, but the said agreement was made subject to the confirmation thereof by the Chief Commissioner of British Burma and to the recognition thereof by an Act of the Governor General in Council; and whereas the said agreement was, on the 13th day of November, 1882, confirmed by the Chief Commissioner of British Burma; and it is now expedient to recognise it and give effect to it, subject to the provisions and limitations hereinafter contained; It is hereby enacted as follows:—

**A. - Preliminary.**

Short title.

1. This Act may be called **the Rangoon Tramways Act, 1883**; and

**Commencement.**

it shall come into force at once.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

“**Committee**” means the Committee for the town of Rangoon appointed under the British Burma Municipal Act, 1874:

“**tramway**” means a tramway, or any part of a tramway, or any siding, turnout, connection line or track belong to a tram way:

“**street**” means the way of any street, road, thoroughfare, passage or place along or across which any tramway authorized by this Act is or is intended to be laid, and includes the surface-soil and sub-soil of any such street, and the foot-way and drains of any such street, and any bridge, culvert or causeway forming part of any such street.

**B.- Powers of Grantee generally.**

Powers to make, maintain and use tramways.

3. Subject to the provisions of this Act, and to the terms and conditions of the said agreement so far as the same are not inconsistent with this Act, the Grantee may make, maintain and use any of the tramways for the construction, maintenance and use of which provision is made in the said agreement:

Provided that any such tramway shall not be opened for public traffic until it has been inspected and certified by the engineer to the Committee to be fit for such traffic.

**C.-Construction and Maintenance of Tramways and of Streets on which they are laid.**

Power to Grantee to break up streets and lay rails, &c.

4. Subject to the terms and conditions of the said agreement, the Grantee may, from time to time, for the purpose of constructing, maintaining or renewing any tramway under this Act, open or break up any street, and therein or thereon lay sleepers and rails, and repair, alter or remove the same; and may, for the purposes aforesaid, do in and on any such street all other acts which may, from time to time, be necessary for constructing, maintaining or renewing the tramway:

Provided that he shall not, without the consent of the Committee, open or break up at any one time a greater length than one hundred yards of any street which does not exceed a quarter of a mile in length; and, in the case of any street exceeding a quarter of a mile in length, he shall leave an interval of at least a quarter of a mile between any two places at which he may open or break up the street, and shall not open or break up at any such place a greater length than one hundred yards.

Grantee to keep tramways and adjoining part of street in repair.

5. The Grantee shall, at his own expense, at all times maintain and keep in good condition and repair, in such manner as the Committee from time to time direct, all tramways constructed by him under this Act, and so much of any street as lies between the rails of any such tramway; and, in the case of double lines or turnouts or sidings, the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway.

Obligations of Grantee when he has broken up street.

6. When the Grantee has, for the purposes of section 4 or section 5, opened or broken up any portion of a street, he shall be under the following further obligations, namely:—

(a) he shall, with all convenient speed, and in all cases within six weeks at the most, unless the Committee otherwise consent in writing, complete the work for which the street has been opened or broken up, fill in the ground and make good the surface, and, to the satisfaction of the Committee, restore the street to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby;

(b) he shall, in the meantime, cause the place where the street is opened or broken up to be fenced and watched, and to be properly lighted at night, and

(c) he shall make good all damage done to drains, sewers, water-pipes and gas-pipes, and to the wires or other materials or things used for any system of lighting, and whether belonging to the Committee, to the Government or to private persons, and shall make compensation for any other damage done in the execution of the powers granted to him.

Reservation of power of Committee and Government over streets.

7. (1) Nothing in this Act shall prevent the Committee or any Government officers from opening, breaking up, widening, altering, diverting or improving any street traversed by a tramway for the purposes for which they might otherwise under the law for the time being in force lawfully open, break up, widen, alter, divert or improve such street:

Provided that-

- (a) they shall cause as little detriment or inconvenience to the Grantee as circumstances admit, and
- (b) before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Grantee not less than eighteen hours previous notice of their intention to commence the work, specifying the time at which they will commence it.

(2) The Committee or officers aforesaid or the Secretary of State for India in Council shall not be liable to pay to the Grantee any compensation for injury done to the tramway by the execution of any work referred to in sub-section (1), or for loss of traffic occasioned by the reasonable use of any power lawfully exercised in connection with the same.

**D. - Rights over Tramways and Streets on which they are Laid.**

Grantee's exclusive right over tramways.

8. The Grantee shall, subject to the provisions of this Act and to the terms and conditions of the said agreement, have the exclusive use of his tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail:

Provided that nothing in this Act shall affect-

- (a) the right of the public to pass along or across any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable to run on a grooved rail, or
- (b) the right of the Commissioners for the port of Rangoon, or of any other body or person entitled at the time of the commencement of this Act to work and maintain a tramway, to pass across any tramway constructed under this Act with carriages having flange wheels or wheels suitable to run on a grooved rail.

Grantee to have right of user only.

9. Notwithstanding anything in this Act or in the said agreement, the Grantee shall not acquire any right other than that of user over any street along or across which he lays any tramway.

Power of Committee and Government officers to regulate traffic on streets.

10. Nothing in this Act shall affect the powers of the Committee or of any Government officers to regulate the passage of any traffic along or across any street along or across which any tramway is laid down, and the Committee or officers aforesaid may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Grantee as to the traffic of other persons.

**E. - Traffic on Tramways.**

Rates of fares and charges.

11. The Grantee may, from time to time, by a notice published in such languages and in such manner as the Chief Commissioner may prescribe, fix the rates of fares and charges for carrying passengers and goods in his carriages:

Provided that the rates of passenger fares shall not exceed one anna per mile for each passenger in the lower class and two annas per mile for each passenger in the higher or first class.

Mode of payment of fares and charges.

12. The fares and charges by this Act authorized shall be paid to such persons, at such places upon or near to the tramways, and in such manner and under such regulations as the Grantee may, by a notice published as aforesaid, from time to time prescribe.

Carriage of dangerous or offensive goods.

13. (1) No person shall be entitled to carry or to require to be carried on any tramway constructed under this Act any goods of a dangerous or offensive nature.

(2) Every person taking such goods with him on any such tramway shall, before entering the carriage, give notice of their nature to the servant of the Grantee in charge of the carriage.

(3) Every person sending such goods by any such tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the book-keeper or other servant of the Grantee with whom they are left at the time of such sending.

(4) The Grantee may refuse to take any parcel which he may suspect to contain goods of a dangerous or offensive nature, or require it to be opened to ascertain the fact.

**F. - Offences and Penalties.**

Penalty for failure of Grantee to comply with certain provisions of Act and agreement.

14. If the Grantee—

(a) constructs or maintains any tramway, or runs any car or carriage thereon, otherwise than in accordance with the said agreement;

(b) opens any tramway for traffic before it has been inspected and certified in manner required by section 3;

(c) opens or breaks up any street otherwise than as permitted by this Act, or having opened or broken up a street fails to discharge any of the obligations imposed on him by section 6, clauses (a) and (b); or

(d) fails to keep the rails of any tramway and the portions of the street adjoining the same in repair as required by section 5-

he shall (without prejudice to the enforcement of specific performance of the requirements of this Act or of the said agreement or to any other remedy against him), on complaint of the Committee or of any person injuriously affected thereby, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for each day after the first day during which the offence continues to be committed.

Penalty for obstructing Grantee in the exercise of his powers.

15. Any person who without lawful excuse (the proof whereof shall lie on him) wilfully obstructs any person acting under the authority of the Grantee in the lawful exercise of his powers in constructing, repairing or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

16. Any person who without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely:—

- (a) interferes with, removes or alters any part of a tramway constructed under this Act, or of the works connected therewith;
  - (b) does anything in such a manner as to obstruct any carriage using any such tramway; or
  - (c) abets within the meaning of the Indian Penal Code the doing of anything mentioned in clause (a) or clause (b),-
- shall be punished with fine which may extend to one hundred rupees.

Penalty for taking or sending dangerous or offensive goods without giving notice.

17. Any person taking or sending by any tramway any goods of a dangerous or offensive nature without giving the notice required by section 13 shall be punished with fine which may extend to fifty rupees.

Penalty for avoiding payment of proper fare.

18. If any person travelling or having travelled in any carriage of the Grantee avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional fare for the additional distance or attempts to avoid payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit the carriage, he shall be punished with fine which may extend to ten rupees.

Power of servant of Grantee to arrest persons avoiding payment of fare.

19. Any servant of the Grantee, and any person called in by him for his assistance, may arrest and take to the nearest police-station any person who is discovered either in or after committing or attempting to commit an offence punishable under section 18 and whose name and residence are refused by him and are unknown to such servant or person, and the police-officer in charge of the police-station, on receiving a complaint that such an offence has been committed, shall adopt such legal measures as may be necessary to cause the accused person to be taken before a Magistrate with the least possible delay.

#### **G.- Powers to make Rules.**

Powers to make rules.

20. (1) The Committee in special meeting may, with the sanction of the Chief Commissioner, from time to time, make such rules consistent with this Act as to the rate of speed, number of passengers and mode of use of the tramways, and as to the licensing and control of drivers, conductors and other persons having charge of the carriages of the Grantee, as the convenience and safety of the public may, in the opinion of the Committee, require.
- (2) The Grantee may, with the like sanction, from time to time, make rules consistent with this Act for preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to him, and for regulating the travelling in any carriage belonging to him.
- (3) The authority making any rule under this section may prescribe as a punishment for the breach of it a fine which may extend to twenty rupees.
- (4) All rules made under this section shall be published in the British Gazette.

#### **H. Miscellaneous**

Construction of clause 15 of agreement.

21. For the purpose of clause 15 of the agreement set forth in the schedule annexed to this Act, the want of sufficient funds shall not be deemed to be a circumstance beyond the control of the Grantee.

Exemption from certain municipal taxation.

22. The plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depots of the Grantee shall, for a period of five years from the passing of this Act, be exempt from all municipal taxation except such lighting and water-rates as may, from time to time, be payable in respect of the yards, workshops, engine-sheds and depots.

Provisions as to general Acts.

23. Nothing in this Act shall exempt the Grantee or any tramway constructed by him under this Act from the provisions of any general enactment relating to tramways now in force or which may hereafter be passed.

And whereas the agreement set forth in the schedule annexed to this Act was executed by the parties thereto under a belief that all the streets specified in the first article thereof as streets along which the construction of tramways was authorized were situate within the Municipality of Rangoon, and it now appears that some portion of those streets is not so situate; It is hereby enacted as follows:—

Certain streets to be deemed within the Municipality.

24. All streets specified in the first article of the said agreement as streets along which the construction of tramways is authorized shall, for the purposes of the agreement and of this Act, be deemed to be, and to have been, on and from the date of the agreement, situate within the limits of the Municipality of Rangoon.

D. FITZPATRICK,  
Secretary to the Government of India.

[ ATTACH LIST 1 ] 01 SCHEDULE.