



## The Calcutta Hackney-Carriage Act, 1919

Act 1 of 1919

**Keyword(s):**

**Bearer, The Commissioner of Police, Hackney-Carriage, Horse, Palanquin, Rickshaw, Stage-Carriage**

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**Bengal Act I of 1919**  
(The Calcutta Hackney-Carriage Act, 1919.)<sup>1</sup>

REPEALED IN PART	...	Ben. Act I of 1939.
AMENDED	...	<div style="border-left: 1px solid black; padding-left: 5px;">           West Ben. Act XXXVI of 1948.            West Ben. Act XXII of 1980.            West Ben. Act XLV of 1981.            West Ben. Act X of 1986.         </div>
ADAPTED	...	<div style="border-left: 1px solid black; padding-left: 5px;">           (a) The Government of India            (Adaptation of Indian Laws)            Order, 1937.            (b) The Adaptation of Laws            Order, 1950.         </div>

(15th January, 1919.)

*An Act to consolidate and amend the law relating to hackney-carriages and palanquins and to make certain provisions with regard to rickshaws in Calcutta.*

WHEREAS it is expedient to amend the law relating to hackney-carriages and palanquins and to make certain provisions with regard to rickshaws in Calcutta;

It is hereby enacted as follows :—

**CHAPTER I**  
**Preliminary.**

1. (1) This Act may be called the Calcutta Hackney-carriage Act, 1919;

(2) It shall come into force on such date<sup>2</sup> as the <sup>3</sup>[State Government] may, by notification, direct; and

(3) It shall apply in the first instance only to Calcutta :

<sup>4</sup>Provided that nothing in this Act shall apply in Calcutta to any type of vehicle the driving or use of which has been prohibited with the previous sanction of the State<sup>5</sup> Government by the Commissioner of Police under section 61 A of the Calcutta Police Act, 1866, and section 38A of the Calcutta Suburban Police Act, 1866.

Short title,  
commence-  
ment and  
extent.

Ben. Act IV  
of 1866.  
Ben. Act II  
of 1866.

<sup>1</sup>For Statement of Objects and Reasons, see the *Calcutta Gazette* of 1918, Pt. IV, page 43; and for Proceedings in Council, see *ibid.*, Pt. IV A, pages 297-299 and 810-816 and 1026, 1027 and 1167-1188.

<sup>2</sup>The 15th July, 1919, see notification No. 1581 M., dated the 17th June, 1919, published in the *Calcutta Gazette* of 1919, Pt. IB, page 118.

<sup>3</sup>The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

<sup>4</sup>This proviso was added by s.2 of the Calcutta Hackney-carriage (Amendment) Act, 1948 (West Ben. Act XXXVI of 1948).

<sup>5</sup>The word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

## (Chapter I.—Preliminary.—Sections 2,3.)

*Explanation.*—In this proviso,—

(1) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866 ; and

Ben. Act IV  
of 1866.  
Ben. Act II  
of 1866.

(2) "streets" and "public places" have the same meanings as in the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866.

Further  
provisions  
as to extent.

2. The <sup>1</sup>[State Government] may, by notification,—

- (a) extend this Act, or any portion thereof, to any other town or local area ; or
- (b) exclude from, or include in, Calcutta, or any other town or local area to which this Act is extended under clause (a), any local area in the vicinity of the same and defined in the notification :

Provided that no notification under this section shall be published in respect of any area included in a Military Cantonment without the previous sanction of the <sup>2</sup>[Central Government] :

Provided also that, before finally publishing any notification under this section the <sup>1</sup>[State Government] shall publish a draft of the same in such manner as <sup>3</sup>[it] may think fit, and any rate-payer or inhabitant of the area affected by such draft may, if he objects to the draft, submit his objection in writing to the <sup>1</sup>[State Government] within six weeks from its publication and the <sup>1</sup>[State Government] shall take such objection into consideration.

Repeal.

3. (1) The Calcutta Hackney-carriage Act, 1891, is hereby repealed.

Ben. Act II  
of 1891.

(2) This repeal shall not affect the validity of anything done or suffered, or of any right, title, obligation or liability which may have accrued under the said Act ; and all registrations made, licenses issued, penalties incurred, and other things duly done under the said Act shall, so far as they are consistent with this Act, be deemed to have been respectively made, issued, incurred or done hereunder.

(3) All proceedings now pending, which may have been commenced under the said Act, shall be deemed to be commenced under this Act.

<sup>1</sup>See foot-note 3 on page 537, *ante*.

<sup>2</sup>These words were substituted for the words "Governor-General in Council" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup>This word was substituted for word "they" by paragraph 5(2), *ibid*.

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(Chapter I.—Preliminary.—Section 4.)

Definitions.

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

(1) "bearer" when used with reference to rickshaws includes any person employed to draw or push a rickshaw <sup>1</sup>[or, where the rickshaw is a cycle-rickshaw, any person employed to actuate the cycle-rickshaw];

(2) "Calcutta" means <sup>2</sup>[subject to the provisions of the proviso to sub-section (3) of section I and] subject to the exclusion or inclusion of any local area by notification under clause (b) of section 2, the area described in Schedule I to the Calcutta Municipal Act, 1899<sup>3</sup>;

Ben. Act III  
of 1899.

(3) "the Commissioner of Police" means the officer appointed under section 4 of the Calcutta Police Act, 1866 :

Ben. Act IV  
of 1866.

(4) "hackney-carriage" means any wheeled vehicle, drawn by horses and used for the conveyance of passengers, which is kept, offered or plies for hire by the hour or day or according to distance ;

(5) "horse" includes male and pony ;

(6) "notification" means a notification published in the <sup>4</sup>[*Official Gazette*] ;

(7) "palanquin" means a vehicle for the conveyance of passengers which is carried by men ;

(8) "rickshaw" means a two-wheeled vehicle for the conveyance of passengers which is drawn by a man or men <sup>1</sup>[and includes a three-wheeled vehicle for the conveyance of passengers, ordinarily known as a cycle-rickshaw, which is actuated by a man by means of a pedal-cycle mechanism] ; and

(9) "stage-carriage" means any hackney-carriage, the passengers in which pay or are charged separate and distinct fares, or pay or are charged at the rate of separate and distinct fares, for their respective place or seats therein or conveyance thereby.

<sup>1</sup>These words were inserted by s. 3(a) of the Calcutta Hackney-carriage (Amendment) Act, 1948 (West Ben. Act XXXVI of 1948).

<sup>2</sup>These words, brackets and figures were inserted by s. 3(b), *ibid.*

<sup>3</sup>Bengal Act III of 1899 was repealed and re-enacted by the Calcutta Municipal Act, 1923 (Ben. Act III of 1923), which Act was again been repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), which was further repealed and re-enacted by the Calcutta Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980) and this reference should now be construed as a reference to clause (9) of section 2 of the last mentioned Act.

<sup>4</sup>These words were substituted for the words "*Calcutta Gazette*" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

(Chapter II.—Registration of Hackney-carriages.—Sections 5—9.)

## CHAPTER II

### Registration of Hackney-carriages.

Hackney-carriages to be registered annually.

5. Every hackney-carriage in Calcutta shall be annually registered by a Registering Officer, on such date as the Commissioner of Police may direct.

Duties of Registering Officer.

6. (1) The Registering Officer shall be a Deputy Commissioner of Police specially appointed by the <sup>1</sup>[State Government] for this purpose, and he shall keep a register in which he shall enter every hackney-carriage under the class prescribed therefor by by-law made under section 71.

(2) Every act, matter or thing done by the Registering Officer, under or by virtue of this Act, shall be subject to the control of the Commissioner of Police.

Power to Registering Officer to delegate his functions.

7. The Registering Officer may, with the sanction of the Commissioner of Police by general or special order in writing, delegate to any police-officer, not below the rank of sergeant, all or any of the powers and duties conferred or imposed upon the Registering Officer by this Act or any by-law made thereunder, except those conferred or imposed upon him by sections 8, 9, 12, 24, 25, 30, 32 and 61.

Procedure for registration.

8. (1) Any person who is desirous of registering a hackney-carriage, shall apply to the Registering Officer, stating the class in which he desires that the carriage may be registered, and shall submit the carriage for the inspection of the Registering Officer.

(2) The Registering Officer shall satisfy himself that the municipal tax imposed upon such carriage for the current half-year has been paid, and decide whether the carriage is fit to be registered in the class applied for, and shall register it in that class or refuse to grant the application.

(3) The person in whose name any carriage is registered shall be deemed to be the owner of such carriage for the purposes of this Act.

License for carriage.

9. (1) The Registering Officer shall, at the time of registration, upon payment of such fee as may be fixed by by-law made under clause (f) of section 71, deliver a license, duly signed by him, to the owner of every hackney-carriage.

(2) Such license shall, if not cancelled or suspended, continue in force for one year from the first day of the month in which the carriage is registered.

<sup>1</sup>See foot-note 3 on page 537. *ante*.

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(Chapter II.—Registration of Hackney-carriages.—Sections 10—13.)

10. The following particulars shall be entered in the register, and shall be specified in the license to be given to the owner :—

Particulars of register and license.

- (a) the class, and the number assigned to the carriage in the register ;
- (b) the name and residence of the owner, the description of the carriage, and the place where such carriage is to be kept ;
- (c) the number and description of horses to be employed in drawing such carriage ;
- (d) the number of passengers the carriage is licensed to carry ;
- (e) the date on which the license was granted ; and
- (f) such other particulars as may be prescribed by by-law made under section 71 ;

and a certified copy of such particulars shall be furnished to every person applying for the same on payment of a fee of eight annas.

11. (1) The owner of every hackney-carriage registered under this Act shall, on receipt of a notice in writing in this behalf, produce the carriage before the Registering Officer, for inspection, at such time as may be specified in the notice within two weeks after the expiration of six months from the date of every such registration.

Production of carriages for inspection half-yearly.

(2) If the owner of any such carriage fails to produce the same for inspection in accordance with the provisions of sub-section (1), he shall be liable to a fine not exceeding five rupees for every day during which, after the expiry of the period specified in sub-section (1) and before the carriage is produced for inspection, the carriage is used as a hackney-carriage, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

12. The Registering Officer may cancel or suspend, for such period as he thinks fit, the registration of any carriage and the license granted to the owner under this Act, whenever it appears to him that such carriage is unfit for public use, or the horse used therewith is not licensed for that class of carriage, or the harness used with such horse is unfit for public use.

Registration of carriage and owner's license may be cancelled or suspended.

13. (1) Whenever any change takes place in the ownership of a hackney-carriage, if the person to whom such carriage is transferred desires to use it as a hackney-carriage, he shall, before so using it, give to the Registering Officer notice in writing of such transfer.

Notice to be given of change of ownership.

(2) Every such notice shall contain the particulars specified in clauses (a), (b) and (c) of section 10.

(Chapter II.—Registration of Hackney-carriages.—Sections 14—16.)

(3) If any such person, before giving such notice as aforesaid, uses such carriage as a hackney-carriage, he shall be liable to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

(4) Every owner of a hackney-carriage registered under this Act shall, within fourteen days of the transfer of such carriage to another person, or of the discontinuance of the use of the carriage as a hackney-carriage, give notice thereof to the Registering Officer, in the case of a transfer stating the name and residence of the transferee.

(5) If any such owner fails to give notice in accordance with the provisions of sub-section (4), he shall be liable to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Notice to be given of change of owner's residence or place where carriage is kept.

14. (1) Whenever the owner of a hackney-carriage registered under this Act changes his residence or the place where such carriage is kept, he shall, within one week from the date of such change, give to the Registering Officer a notice in writing thereof.

(2) Every such owner who neglects to give such notice shall be liable, for every such offence, to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Change of ownership or residence to be entered in register.

15. The Registering Officer, on receiving a notice under section 13, sub-section (1) or (4), or section 14, sub-section (1), or after a conviction under section 13, sub-section (3) or (5), or section 14, sub-section (2), shall make the necessary alteration in the register and in the license.

Penalty for using unregistered carriage.

16. (1) If any hackney-carriage is used as such without having been duly registered under this Act, the owner of such carriage shall be liable to a fine not exceeding one hundred rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding three months.

(2) Any police-officer, or any person duly authorized by the Commissioner of Police in that behalf, may seize such carriage together with the horses and harness thereof and remove the same to a police-station :

Provided that, if it be proved on arrival at the police-station or afterwards that any horse so removed has been duly registered under this Act with its harness, that horse and harness shall be released forthwith :

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(Chapter III.—Plate on Hackney-carriage.—Sections 17—19.)

Provided also that any carriage so removed shall be released on the owner thereof furnishing security to the satisfaction of the officer in charge of the police-station for the production of the carriage when required.

(3) Any carriage seized under sub-section (2) which is not released under the second proviso thereto, may be detained at the police-station or sent to the Registration Office and detained there, until any fine imposed by the Magistrate has been paid.

(4) If the hackney-carriage so seized be not claimed and if any fine imposed be not paid, together with any costs or charges incurred, within fifteen days of such seizure or imposition of such fine, respectively, such carriage may be sold by auction, after previous advertisement of such auction, and the sale proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale.

(5) The surplus, if any, if not claimed by the owner within a further period of one month, shall be credited and applied in the same manner as fees and fines realized under this Act.

CHAPTER III

Plate on Hackney-carriage.

17. Upon the registration of any hackney-carriage, the Registering Officer shall cause to be affixed on some conspicuous part of the outside of such carriage a plate, bearing the class and the number of such carriage in the register and the number of passengers which it is licensed to carry.

Plate to be affixed outside carriage.

18. If any hackney-carriage is let, used or plies for hire without having a proper plate affixed thereto under this Act, the owner thereof shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

Penalty for using carriage without plate.

19. If, during the year of registration, the words or figures on any plate affixed to a hackney-carriage become indistinct or obliterated, or if the plate is lost or stolen, the owner of such carriage shall produce the carriage before the Registering Officer and, after proving the loss of the plate or on delivering the defective plate, to the Registering Officer, as the case may be, shall be entitled to have a new plate affixed upon payment of a fee of eight annas :

Owner entitled to new plate on loss or obliteration of former one.

Provided that if any plate, in lieu of which a new plate has been affixed under this section, be afterwards recovered, the same shall forthwith be delivered to the Registering Officer.



*(Chapter III.—Plate on Hackney-carriage.—Sections 20—23.)*

Penalty for using obliterated plate or for failing to deliver lost plate when recovered.

20. Every owner of a hackney-carriage registered under this Act who uses or permits to be used any plate after the writing thereon has become indistinct or obliterated,

and every person into whose possession any plate which has been lost or stolen comes, and who refuses or wilfully neglects for three days to deliver the same to the Registering Officer as required by the proviso to section 19,

shall, for every such offence, be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Plate to be delivered on expiration of registration.

21. (1) Upon the expiration or other determination of the registration of a hackney-carriage, the owner of such carriage shall cause the plate affixed thereto under this Act to be delivered to the Registering Officer.

(2) Any person who, after the expiration of the period aforesaid, wilfully neglects for seven days to deliver the plate to the Registering Officer,

and every person who uses or retains any plate affixed in respect of a registration which is no longer in force,

shall, for every such offence, be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

Power to take possession of plate on cancellation or suspension of registration.

22. Whenever the Registering Officer cancels or suspends for any period, under section 12, the registration of any hackney-carriage he shall take possession of the plate affixed to such carriage under this Act.

Penalty for using or having counterfeit plate.

23. (1) Every person who, for the purpose of deception or with a view to avoiding any of the provisions of this Act,

(i) uses or has in his possession any plate resembling or intended to resemble any plate affixed under this Act, or

(ii) uses, affixes or has in his possession any plate issued under this Act,

shall, for every such offence, be liable to a fine not exceeding one hundred rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding one month.

(2) The Registering Officer or any police-officer may seize any plate used or had as aforesaid, wherever the same may be found.

(3) Whenever a police-officer seizes any plate under sub-section (2), he shall forthwith deliver it to the Registering Officer.

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(Chapter IV.—Registration and Identification of Horses.—  
Sections 24—26.)

#### CHAPTER IV

#### Registration and Identification of Horses.

24. Every horse used, or intended to be used, for drawing a hackney-carriage, together with the harness of such horse, shall be annually registered by the Registering Officer at the time and in the manner provided by Chapter II with respect to the registration of hackney-carriages :

Horses to be registered annually.

Provided that the Registering Officer may refuse to register any horse if such horse or its harness appears to him to be unserviceable or unfit for public use.

25. (1) The Registering Officer shall, at the time of registration, upon payment of such fee as may be fixed by by-law made under clause (f) of section 71, deliver a license, duly signed by him, to the owner of every horse.

License for horse.

(2) Such license shall, if not cancelled or suspended, continue in force for one year from the first day of the month in which the horse is registered.

26. (1) The following particulars shall be entered in the register, and shall be specified in the license to be given to the owner namely :—

Particulars of register and license.

- (a) the class of the hackney-carriage with which the horse is to be used, and whether it is to be used singly or in a pair ;
- (b) the name and residence of the owner ;
- (c) the number assigned to the horse in the register ;
- (d) the place where it is intended to keep the horse ;
- (e) the date on which the license was granted ; and
- (f) such other particulars as may be prescribed by by-law made under section 71 ;

and a certified copy of such particulars shall be furnished to every person applying for the same on payment of a fee of eight annas.

(2) All the provisions of this Act in any way relating to the notification to the Registering Officer of the change of ownership and of residence of the owners of hackney-carriages and of the place where such carriages are kept shall be applicable in like manner to the owners of licensed horses.

(3) The person in whose name a horse is for the time being registered shall be deemed to be the owner of such horse for the purposes of this Act.

(Chapter IV.—Registration and Identification of Horses.—  
Sections 27—29.)

Production  
of  
registered  
horses for  
inspection  
half-yearly.

27. (1) The owner of every horse registered under this Act shall, on receipt of a notice in writing in this behalf, produce the horse and harness used therewith before the Registering Officer, for inspection, at such time as may be specified in the notice within two weeks after the expiration of six months from the date of every such registration.

(2) If the owner of any such horse fails to produce the same with its harness in accordance with the provisions of sub-section (1) he shall be liable to a fine not exceeding two rupees for every day during which, after the expiry of the period specified in sub-section (1) and before the horse is produced for inspection, the horse is used to draw a hackney-carriage, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days :

Provided that, before prosecuting the owner under this sub-section, the Registering Officer shall consider any explanation for the failure to produce the horse with its harness that may be put forward by the owner.

Identifica-  
tion of  
horses.

28. Upon the registration of any horse, the Registering Officer shall cause to be attached or applied to such horse such mark of identification as may be prescribed by bye-law made under section 71.

Penalty for  
using horse  
not bearing  
identi-  
fication  
mark.

29. (1) If any horse is employed for drawing a hackney-carriage let or used or plying for hire without bearing a mark of identification attached or applied to it under this Act, the owner of such horse shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

(2) Any police-officer, or any person duly authorised by the Commissioner of Police in that behalf, may seize such horse with its harness and remove the same to a police-station :

Provided that any horse with its harness so removed shall be released on the owner thereof furnishing security to the satisfaction of the officer in charge of the police-station, for the production of the horse and its harness when required.

(3) Any horse with its harness seized under sub-section (2) which is not released under the provision thereto, may be detained at the police-station or sent to the Registration Office and detained there, until any fine imposed by the Magistrate has been paid.

(4) If the horse and the harness so seized be not claimed and if any fine imposed be not paid, together with any costs or charges incurred, within fifteen days of such seizure or imposition of such fine, respectively, such horse and its harness may be sold by auction, after

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(Chapter IV.—Registration and Identification of Horses.—Sections 30, 31.—Chapter V.—Driver's License and Ticket.—Sections 32, 33.)

previous advertisement of such auction, and the sale-proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale.

(5) The surplus, if any, if not claimed by the owner within a further period of one month, shall be credited and applied in the same manner as fees and fines realized under this Act.

30. The Registering Officer may cancel, or may suspend for such period as he thinks fit, the registration of any horse and the license granted to the owner under this Act, whenever it shall appear to him that such horse or the harness used therewith is unfit for public use.

Cancellation or suspension of registration of horse and owner's license.

31. All the provisions of this Act in any way relating to the renewing, producing, using, or taking possession of plates affixed to hackney-carriages shall, in like manner and so far as the same may reasonably be applied, be applicable to the marks of identification attached or applied to horses.

Application of certain provisions relating to hackney-carriages to horses.

CHAPTER V

Driver's License and Ticket.

32. (1) No person shall act as a driver of a hackney-carriage without a license granted by the Registering Officer.

Driver of hackney-carriage to have license.

(2) No person shall be so licensed unless the Registering Officer, after due inquiry, is satisfied—

- (a) that he is competent to drive a hackney-carriage, and has a sufficient knowledge of localities in Calcutta ;
- (b) that he is of sober habits, and has not been convicted of any offence which, in the opinion of the Registering Officer, is of such a nature as to render him unfit to hold a driver's license ; and
- (c) that he is not less than eighteen years of age.

33. (1) Every license granted under section 32, sub-section (1), shall contain—

Particulars and duration of license.

- (a) the number of the license ;
- (b) the name, father's name, place of abode and age of the person to whom such license is granted ;
- (c) the date on which the license was granted ; and
- (d) a summary of the more important statutory provisions and bye-laws affecting drivers of hackney-carriages ;

and shall bear the signature of the Registering Officer.

*(Chapter V.—Driver's License and Ticket.—Sections 34—38.)*

(2) Every license granted under section 32, sub-section (1), shall, if not cancelled or suspended, continue in force for one year from the first day of the month in which it is granted, and shall thereafter be renewed, provided that the Registering Officer is satisfied that the driver continues to fulfil the conditions prescribed by clauses (a) and (b) of sub-section (2) of that section.

(3) For every such license and for every renewal thereof there shall be paid a fee of two rupees.

Notice to be given of change of driver's residence.

34. (1) Whenever a driver licensed under this Act changes his residence, he shall, within one week from the date of such change, give to the Registering Officer a notice in writing thereof.

(2) Every such driver who neglects to give such notice shall be liable, for every such offence, to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Penalty for not having license, or lending it out.

35. If any person acts as the driver of a hackney-carriage, without holding a license in force for the time being,

or transfers, or lends his license, or allows the same to be used by any other person,

he shall, for every such offence, be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

Penalty for permitting unlicensed person to act as driver.

36. If any owner of a hackney-carriage permits any person, who has not obtained a driver's license, or whose license has either expired or been cancelled or suspended, to drive such carriage for hire, he shall be liable, for every such offence, to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days :

Provided that such owner and such licensed driver shall be subject to all the provisions of this Act, for any act done or omitted to be done by such driver during such employment, in like manner as if such driver had been duly licensed.

Particulars of license to be registered and copy given on payment of fee.

37. The particulars of every license which is granted under section 32 shall be entered in the register to be kept for that purpose at the office of the Registering Officer ; and a certified copy of such particulars shall be furnished to every person applying for the same on payment of a fee of eight *annas*.

Driver to wear metal ticket.

38. (1) The Registering Officer shall, at the time of granting a license to any driver of a hackney-carriage, deliver to him a metal ticket bearing the number of his license.

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(Chapter V.—Driver's License and Ticket.—Sections 39—41.)

(2) Every driver to whom such ticket is delivered shall, at all times while acting as driver or while attending before any Magistrate, carry such ticket exposed to view.

(3) In case any such driver omits to wear such ticket exposed to view while acting as driver or attending before a Magistrate, he shall be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

39. If, during the term of the license, the number on any ticket becomes indistinct or obliterated or the ticket is lost or stolen, the licensed driver shall produce his license before the Registering Officer, and on proving the loss of the ticket or on delivering the defective ticket to the Registering Officer, as the case may be, shall be entitled to have a new ticket upon payment of a fee of eight annas :

Driver entitled to new ticket on loss or obliteration of former one.

Provided that, if any ticket, in lieu of which a new ticket has been issued under this section, be afterwards recovered, the same shall forthwith be delivered to the Registering Officer.

40. Every driver licensed under this Act who uses or wears the ticket granted to him after the number thereon has become indistinct or obliterated,

Penalty for using obliterated ticket or for failing to deliver lost ticket when recovered.

and every person in whose possession any ticket which has been lost or stolen comes and who refuses or wilfully neglects for three days to deliver the same to the Registering Officer as required by the proviso to section 39,

shall, for every such offence, be liable to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

41. (1) Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver his license and ticket to the Registering Officer.

License and ticket to be delivered on expiry.

(2) Every driver who wilfully neglects for seven days to deliver such expired license and ticket to the Registering Officer,

and every person who uses, wears or retains any such expired license or ticket or any license or ticket other than such as shall have been delivered to him under the provisions of this Act,

and every person to whom any ticket has been delivered under this Act, who lends or transfers such ticket, whether current or expired, to any other person,

and every person who wears or uses the ticket of any other person, shall, for every such offence, be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

*(Chapter V.—Driver's License and Ticket.—Sections 42—46.)*

Power to take possession of driver's ticket on cancellation or suspension of registration.

42. Whenever the Registering Officer cancels or suspends for any period, under section 12 or section 30, the registration of any hackney-carriage or horse, as the case may be, shall take possession of the ticket which was delivered to the driver of such carriage under section 38 or section 39.

Penalty for using or wearing counterfeit ticket.

43. (1) Every person who, for the purpose of deception, uses or wears any ticket resembling or intended to resemble any ticket granted under section 38 or section 39 shall, for every such offence, be liable to a fine not exceeding one hundred rupees, and in default of payment of fine, to simple imprisonment for a period not exceeding one month.

(2) The Registering Officer or any police-officer may seize any such expired counterfeit ticket, wherever the same may be found.

(3) Whenever a police-officer seizes any expired or counterfeit ticket under sub-section (2), he shall forthwith deliver it to the Registering Officer.

Penalty for failing to produce license before Magistrate.

44. Whenever any driver is summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any driver who, on such requisition, fails to produce such license shall, for every such offence, be liable to a fine not exceeding five rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding five days.

Endorsement of conviction, warning or reprimand, on license.

45. Whenever a Magistrate convicts a driver of any offence punishable under this Act, or warns him of his liability to punishment for any such offence, or reprimands him in respect of his conduct as a driver, the Magistrate shall endorse on the driver's license—

- (a) the nature of the offence for which the driver was convicted, the date of the conviction and the penalty imposed, or
- (b) the warning or reprimand given, as the case may be, and shall inform the Registering Officer of every such endorsement.

Revocation or suspension of driver's license on conviction.

46. (1) Any Magistrate before whom any driver is convicted of any offence, whether under this Act or under any other Act, may cancel his license or may suspend the same for such period as the Magistrate thinks fit, and for that purpose may require the driver, or any other person in whose possession such license and the ticket thereto belonging shall then be, to deliver up the same.

(2) Every driver or other person who, on being so required, refuses or neglects to deliver up the license and ticket, shall be liable, for every such offence, to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

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(Chapter V.—Driver's License and Ticket.—Section 47.—Chapter VI.—Fares, Hiring and Plying for Hire.—Section 48.)

(3) The Magistrate shall forward every license and every ticket delivered to him under sub-section (1) to the Registering Officer, together with a memorandum of his sentence in the case.

(4) The Registering Officer shall enter the fact of such sentence in the register referred to in section 37, and if the license has been suspended, the Registering Officer shall, on application at the end of the period of suspension, re-deliver such license and ticket to the person to whom they were granted.

47. (1) If it appears to the Registering Officer that any licensed driver is not a fit person to drive a hackney-carriage, he may cause a notice to be served on such driver, requiring him to appear before the Registering Officer, at such time as may be specified in the notice, for re-examination. Every such notice shall state the reasons for such re-examination.

Power to Registering Officer to cancel or suspend driver's license.

(2) (a) If such driver fails to appear in pursuance of the notice served under sub-section (1), or

(b) if, upon his appearance, the Registering Officer finds that he is not a fit person to drive the hackney-carriage, or

(c) if the owner of the carriage or of the horse used therewith on being summoned to produce the driver to answer any charge preferred against him under this Act fails to do so,

the Registering Officer may cancel the driver's license or may suspend the same for such period as he thinks fit, and may for that purpose require the driver, or any other person in whose possession such license or the ticket thereto belonging may then be, to deliver up the same :

Provided that, before passing an order under clause (c), the Registering Officer shall consider any explanation for the failure that may be put forward by the driver or the owner, as the case may be.

(3) Every driver or other person who fails to comply with any requisition made upon him under sub-section (2) shall be liable, for every such offence, to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

#### CHAPTER VI

#### Fares, Hiring and Plying for Hire.

48. (1) The owner of every hackney-carriage registered under this Act shall cause to be put up, in such manner and in such position as may be directed by the Registering Officer, on the inside of such carriage, a list in such language or languages as the [State Government] may,

Owner to keep list of fares inside carriage.

<sup>1</sup>See foot-note 3 on page 537. ante.



(Chapter VI.—Fares, Hiring and Plying for Hire.—Sections 49—51.)

by notification, prescribe, showing the amount of fare according to distance and time which may be demanded and taken from the hirer of such carriage.

(2) Every owner who fails to comply with the provisions of this section shall, for every such offence, be liable to a fine not exceeding ten rupees, and, in default of payment of fine to simple imprisonment for a period not exceeding seven days.

Maximum distance to which driver is bound to drive.

49. (1) The driver of every hackney-carriage registered under this Act shall drive such carriage to any place which is not more than six miles from the place where the same has been hired, to which he shall be required by the hirer thereof to drive the same.

(2) When any carriage is hired by time, the driver thereof shall drive the same at a rate not less than six miles an hour in the case of first and second class carriages, and five miles an hour in the case of any other class of carriage.

(3) Any such driver who, without sufficient excuse (the burden of proving which excuse shall lie upon him), fails to comply with the provisions of this section shall be liable to a fine not exceeding twenty rupees, and in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

Penalty for refusing to let a carriage for hire.

50. Any owner, driver, or person in charge of any hackney-carriage registered under this Act, who, without sufficient excuse (the burden of proving which excuse shall lie upon him), refuses to let such carriage for hire, shall, on the complaint of the aggrieved party or of any public officer or servant, be liable, for every such offence, to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days; and shall also pay to the party complaining such compensation as the Magistrate thinks fit.

Penalty on driver and attendant for certain offences.

51. Every driver or attendant of a hackney-carriage who—

- (a) is drunk during his employment;
- (b) makes use of insulting or abusive language or gesture during his employment;
- (c) stands (elsewhere than at some stand or other place appointed for the purpose) or loiters, for the purpose of being hired, in or upon any public street, road or place;
- (d) suffers his carriage to stand for hire across any street or alongside of any other carriage;
- (e) refuses to give way (when he reasonably and conveniently may do so) to any other carriage;

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(Chapter VI.—Fares, Hiring and Plying for Hire.—Section 52.)

- (f) wilfully obstructs or hinders the driver of any other carriage in taking up or setting down any passenger into, or from, such other carriage ;
- (g) wrongfully prevents or endeavours to prevent the driver of any other carriage from being hired ;
- (h) demands or takes more than the proper fare to which he is legally entitled ;
- (i) refuses to admit and carry in his carriage the number of passengers which such carriage is licensed to carry ;
- (j) carries more than such number of passengers ;
- (k) refuses to carry by his carriage such quantity of luggage as is prescribed by bye-law made under section 71 ;
- (l) being hired, permits or suffers any person to be carried in, or upon, or about such carriage during such hire without the consent of the person hiring the same ;
- (m) drives in the carriage any animal which is not so secured as to be under the control of the driver ;
- (n) refuses to let a carriage on hire by time or distance as the hirer may require ;
- (o) being hired by time or distance, before he has been discharged by the hirer, wilfully deserts from the hiring ;
- (p) plies for hire with any carriage or horse which shall be at the time unfit for public use ;
- (q) disobeys any direction given by a police-officer for the regulation of traffic and the control of carriages on hackney-carriage stands ;
- (r) leaves his carriage unattended in any street or public place ;
- (s) allows his carriage to be used by any person for the purpose of soliciting any other person to immorality,

shall be liable to a fine not exceeding one hundred rupees or to imprisonment for a period not exceeding two months.

52. Any licensed driver, employed as a driver by the owner of any hackney-carriage registered under this Act, who, without sufficient excuse, refuses or neglects to attend at the premises where such carriage is kept for the purpose of driving any such carriage, whereby such owner is prevented from letting out the same, shall be liable, for each offence, to a fine not exceeding ten rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding seven days.

Penalty on driver for refusing to attend at premises of owner.

*(Chapter VI.—Fares, Hiring and Plying for Hire.—Sections 53—56.)*

Owner may be summoned to appear before Magistrate and to produce driver or attendant.

53. (1) When a complaint is made before a Magistrate against the driver or attendant of a hackney-carriage registered under this Act for any offence committed by him against the provisions of this Act, or any bye-law made thereunder, such Magistrate may, if the driver or attendant fails to appear, forthwith summon the owner of the carriage or of the horse used therewith, or both such owners, as he may consider necessary, personally to appear and to produce the driver or attendant of such carriage to answer the complaint.

(2) If any such owner, without reasonable excuse, neglects or refuses to appear personally, or to produce the driver or attendant in compliance with a summons issued under sub-section (1), he shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days, and so from time to time, as often as he shall be so summoned, until such driver or attendant shall be produced by him :

Provided that if such owner, without reasonable excuse, neglects or refuses to appear personally, or to produce such driver or attendant on the second or any subsequent summons requiring him so to do, the Magistrate may proceed to hear and determine the complaint in the absence of the owner and the driver or attendant, as the case may be, or any of them.

procedure on refusal to pay fare.

54. (1) If any person who has hired a hackney-carriage registered under this Act, and who, without sufficient excuse, refuses to pay to the owner or driver thereof, on demand, the proper fare to which he is entitled, the Magistrate may order payment of such fare, and also of such compensation for loss of time as shall seem reasonable.

(2) If any person who has used any such carriage attempts to evade payment of the fare, or any portion of the same, he shall be liable to a fine not exceeding fifty rupees, or to simple imprisonment for a period not exceeding fourteen days in addition to the payment of such fare and compensation, as hereinbefore mentioned.

Penalty for destroying carriage-plate, etc.

55. Any person who maliciously or knowingly tears, destroys, defaces, obliterates or removes any plate, table of fares, driver's ticket or mark of identification which has been affixed, put up, granted, attached or applied under the provisions of this Act, shall be liable for every such offence to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

Penalty for wilful injury to carriage.

56. Any person using a hackney-carriage registered under this Act who wilfully injures the same, shall be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprison

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(Chapter VI.—Fares, Hiring and Plying for Hire.—Sections 57—60.)

ment for a period not exceeding ten days ; and shall also pay to the owner of the carriage such compensation for the injury, as the Magistrate may direct.

57. (1) In case of any dispute between the hirer and driver of any hackney-carriage registered under this Act,

Disputes how to be settled.

the hirer may require the driver to drive to the Court of the nearest Magistrate or to the Registering Officer ;

and, if any driver refuses to obey such requisition, the hirer may give such driver into the custody of the nearest police-officer.

(2) The police-officer shall thereupon take the driver and the hirer, together with the carriage and horse, to such Court or Registering Officer,

and the Magistrate or Registering Officer, as the case may be, may hear and determine the dispute in a summary way.

58. In the case of disputes as to the fare to be calculated according to the distance, any table or book signed by the Registering Officer, shall, on proof of such signature, be taken to be conclusive evidence of the distances therein stated.

Table of distances signed by Registering Officer conclusive.

59. (1) Any hackney-carriage registered under this Act may ply for hire as a stage-carriage.

Hackney-carriage may ply for hire as stage-carriage.

(2) The owner or driver of a carriage so plying for hire or hired as a stage-carriage shall not be subject to any bye-law made under clause (g) of section 71, but shall be entitled to demand and take for the hire of such carriage such fares as shall be agreed upon between him and the several hirers, respectively, subject to any maximum which may be prescribed by the <sup>1</sup>[State Government] by an order in writing.

(3) All the other provisions of this Act shall be applicable to the case of a hackney-carriage plying as a stage-carriage, so far as the same may be applicable in each case.

60. (1) The Corporation of Calcutta shall, in consultation with the Commissioner of Police, from time to time, appoint the places in Calcutta that are to be used as public stands for hackney-carriages.

Stands to be appointed.

(2) Every public stand so appointed shall have a board placed in a conspicuous place on the same, containing a notice in such language or languages as the <sup>1</sup>[State Government] may, by notification, prescribe, stating that the stand is a public stand under this Act and specifying the number of carriages that may stand upon it.

<sup>1</sup>See foot-note 3 on page 537, ante.

(Chapter VII.—Palanquins.—Sections 61—64.)

## CHAPTER VII

### Palanquins.

7.  
Palanquins  
to be  
registered  
annually.

61. Every palanquin plying for hire in Calcutta shall be registered annually by the officer appointed for registering hackney-carriages, at the time and in the manner provided by Chapter II with respect to the registration of hackney-carriages :

Provided that the Registering Officer may refuse to register any palanquin, or may cancel or suspend for such period as he thinks fit, the registration thereof, whenever such palanquin appears to him to be unfit for public use.

License for  
palanquins.

62. (1) The Registering Officer shall, at the time of registration, deliver a license, duly signed by him, to the owner of every palanquin.

(2) Such license shall, if not cancelled or suspended, continue in force for one year from the first day of the month in which the palanquin is registered.

Particulars  
of register  
and license.

63. (1) The following particulars shall be entered in the register and shall be specified in the license to be given to the owner, namely :—

- (a) the number of the palanquin ;
- (b) the name and residence of the owner, and the place where the palanquin is to be kept ;
- (c) the number of persons the palanquin is licensed to carry ;
- (d) the date on which the license was granted ;
- (e) such other particulars as may be prescribed by by-law made under section 71.

(2) All the provisions of this Act in any way relating to the notification to the Registering Officer of the change of ownership or of residence of the owners and drivers of hackney-carriages shall be applicable in like manner to the owners and bearers, respectively, of palanquins.

Plate to be  
affixed  
outside  
palanquins.

64. (1) Upon the registration of any palanquin the Registering Officer shall cause to be affixed on some conspicuous part of the outside of such palanquin a plate bearing the number of such palanquin in the register and the number of persons it is licensed to carry.

(2) If any palanquin is let, used or plies for hire without having a proper plate affixed thereto under sub-section (1), the owner thereof shall be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

of 1919.]

(Chapter VII.—Palanquins.—Sections 65—68.)

(3) The person in whose name a palanquin is for the time being registered shall be deemed to be the owner thereof for the purposes of this Act.

65. All the provisions of this Act in any way relating to the cancellation or suspension of the registration of hackney-carriages and to the renewing, producing, using or taking possession of plates affixed to hackney-carriages, shall be applicable in like manner to palanquins.

Application of certain provisions relating to hackney-carriages to palanquins.

66. The owner of every palanquin registered under this Act shall cause to be put up, in such manner and in such position as may be directed by the Registering Officer, on the inside of such palanquin, a list in such language or languages as the [State Government] may, by notification, prescribe, showing the amount of fare according to distance and time which may be demanded and taken from the hirer of such palanquin.

Owner to keep list of fares inside palanquins.

67. (1) No person shall act as the bearer of a palanquin registered under this Act unless such person has obtained a license from the Registering Officer in the manner prescribed by Chapter V for drivers of hackney-carriages.

License for bearers of palanquins.

(2) All the provisions of this Act in any way relating to the taking out, granting, renewing, producing or using the licenses, or to the issuing, granting, wearing, using or taking possession of tickets granted to drivers of hackney-carriages, shall be applicable in like manner to the bearers of palanquins.

(3) For every license to act as a palanquin-bearer granted under this Act, there shall be paid a fee of four *annas*; and for every renewal thereof there shall be paid a fee of two *annas*.

68. (1) The bearers of every palanquin registered under this Act shall carry such palanquin to any place which is not more than five miles from the place where the same has been hired, to which they shall be required by the hirer thereof to carry the same.

Maximum distance to which palanquins are to be carried.

(2) When any such palanquin is hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour.

<sup>1</sup>See foot-note 3 on page 537, *ante*.

## (Chapter VII.—Palanquins.—Section 69.—Chapter VIII.—Rickshaws.—Sections 70, 70A.)

Provisions regarding owners and drivers of hackney-carriages applicable to owners and bearers of palanquins.

69. All the provisions of this Act as to offences committed by or against the owners and drivers of hackney-carriages and the penalties in respect of the same and recovery thereof, and all the remedies given to or against hirers, owners or drivers of hackney-carriages, except the provisions contained in section 53, shall be applicable, so far as the same may reasonably be applied, to the owners and bearers of palanquins.

## CHAPTER VIII

## Rickshaws.

Rickshaws.

70. All the provisions contained in this Act, relating to palanquins, and the hirers, owners and bearers thereof, shall be applicable, *mutatis mutandis*, and so far as the same may reasonably be applied, to all rickshaws plying for hire in any town or place in which this Act is in force, and to the hirers, owners and bearers of such rickshaws :

<sup>1</sup>Provided that the Registering Officer may cancel, or suspend for such period as he thinks fit, the registration of a rickshaw if in his opinion the type of the rickshaw has been so altered as to render it different from that in respect of which registration was made :

<sup>1</sup>Provided further that in any area included in Calcutta under clause (b) of section 2, the functions of the Registering Officer shall be performed by an officer appointed by the Commissioners of the Municipality comprising such area and the said officer shall forward to the Deputy Commissioner of Police referred to in sub-section (1) of section 6 all papers relating to registration for record after they have been duly dealt with.

Special provision for unlicensed rickshaws.

<sup>2</sup>70A. <sup>3</sup>(1) Notwithstanding anything to the contrary contained elsewhere in this Act, if any rickshaw, other than a cycle-rickshaw, is used as such without having a license under this Act, the owner of such rickshaw shall be liable to a fine not exceeding five hundred rupees but subject to a minimum of fifty rupees and, in default of payment of fine, to simple imprisonment for a period not exceeding three months. Any

<sup>1</sup>Added by s. 4 of the Calcutta Hackney-carriage (Amendment) Act, 1948 (West Ben. Act XXXVI of 1948).

<sup>2</sup>Section 70A was inserted by s. 2 of the Calcutta Hackney-carriage (Amendment) Act, 1980 (West Ben. Act XXII of 1980).

<sup>3</sup>Section 70A was renumbered as sub-section (1) of that section and after section 70A as so renumbered, the words within the square brackets were substituted for the words "and the Magistrate may, in addition to the imposition of fine, order confiscation of the rickshaw" by s. 2(1) of the Calcutta Hackney-carriage (Amendment) Act, 1981 (West Ben. Act XLV of 1981).

of 1919.]

*(Chapter VIII.—Rickshaws.—Section 70A.)*

police officer or any person duly authorized by the Commissioner of Police in that behalf may seize such rickshaw and produce the same before the Magistrate <sup>1</sup>[and the Magistrate shall, in addition to the imposition of fine, order confiscation of the rickshaw].

<sup>2</sup>(2) Rickshaws confiscated under sub-section (1) shall be destroyed in such manner as the State Government may by general order direct.

<sup>3</sup>(3) A police-officer or a person duly authorised by the Commissioner of Police in that behalf may seize any rickshaw, other than a cycle-rickshaw, without having a license under this Act and found in the public thoroughfare, with or without its owner, or the owner of which is unknown or the whereabouts of the owner of which cannot be ascertained with reasonable diligence, and produce the same before the nearest Magistrate having jurisdiction and the Magistrate shall make an order for interim custody of the rickshaw.

<sup>3</sup>(4) After an order has been made under sub-section (3) for interim custody of the rickshaw, the Magistrate shall, by proclamation, make a declaration to the effect that the said rickshaw shall be confiscated and destroyed on the expiry of a period not exceeding thirty days from the date of issue of the proclamation unless the owner or the person in possession of the rickshaw appears before him and satisfies that the rickshaw was neither used nor intended to be used for carrying passengers or goods in a public thoroughfare till a license under this Act was granted by the Registering Officer.

<sup>3</sup>(5) Unless the contrary is proved, a rickshaw without having a license under this Act shall be deemed to have been used or intended to be used for carrying passengers or goods in a public thoroughfare, and the Magistrate shall order confiscation of the rickshaw.

<sup>3</sup>(6) A rickshaw confiscated under sub-section (5) shall be destroyed in such manner as the State Government may by order direct and such order shall be deemed to be a final order.

<sup>3</sup>(7) Provisions of sub-sections (3) to (6) shall be in addition to, and not in derogation of, the provisions of sub-sections (1) and (2).

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<sup>1</sup>See foot-note 3 on page 558, *ante*.

<sup>2</sup>Sub-section (2) was added by s. 2(2) of the Calcutta Hackney-carriage (Amendment) Act, 1981 (West Ben. Act XLV of 1981).

<sup>3</sup>These sub-sections were added by s. 2 of the Calcutta Hackney-carriage (Amendment) Act, 1986 (West Ben. Act X of 1986).



(Chapter IX.—Bye-laws.—Section 71.)

## CHAPTER IX

## Bye-laws.

Power to  
State  
Govern-  
ment to  
make bye-  
laws.

71. (1) The <sup>1</sup>[State Government] may make bye-laws generally for carrying out the provisions and intentions of this Act; and in particular, and without prejudice to the generality of the foregoing power, they may make bye-laws—

- (a) regulating the examination and qualification of drivers of hackney-carriages and bearers of palanquins and rickshaws, and the conditions under which they may be employed;
- (b) prescribing the uniforms to be worn by drivers and attendants of hackney-carriages;
- (c) specifying the description of horses, harness, or other things to be used in hackney-carriages, palanquins and rickshaws, the dimensions and colours of such carriages, palanquins and rickshaws, and prescribing the conditions in which such carriages, palanquins and rickshaws and the horses, harness and other things used therewith, shall be kept;
- (d) prescribing the mark of identification of horses to be used in any hackney-carriage and the manner in which the mark is to be used;
- (e) providing for the division of hackney-carriages into classes (if any);
- (f) prescribing the fees to be paid for the registration of carriages, horses, palanquins and rickshaws, respectively, under this Act, and for alterations to be made in any register kept thereunder;
- (g) prescribing the fares to be paid for the hire of hackney-carriages, palanquins and rickshaws, respectively;
- (h) regulating the quantity of luggage to be carried by hackney-carriages;
- (i) for the inspection of the premises on which any such carriages, palanquins, rickshaws, horses, harness and other things are kept;
- (j) for the protection of weak, lame or sickly horses and the prevention of their use in hackney-carriages;

<sup>1</sup>See foot-note 3 on page 537, ante.

of 1919.]

(Chapter IX.—Bye-laws.—Section 72.— Chapter X.—Prosecutions.—Sections 73—76.)

- (k) for the regulation of the use of horses in hackney-carriages ;
- (l) for the publication of a table of distances ;
- (m) for regulating or preventing the placing of advertisements on or in hackney-carriages, palanquins or rickshaws ; and
- (n) prescribing particulars to be entered in the registers and licenses under this Act.

(2) Bye-laws made under this section shall be published in such manner as the <sup>1</sup>[State Government] may direct.

72. Whoever infringes any bye-law made under this Act shall be liable to a fine not exceeding twenty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding ten days.

Penalty for infringement of bye-laws.

#### CHAPTER X

##### Prosecutions

73. A summons against a driver of a hackney-carriage registered under this Act for any offence against this Act may be served either on the person accused, or on the owner of the carriage, or on the owner of the horse used therewith, and the service on the owner shall be as effectual as if it had been made on the driver personally.

Effect of substituted service of summons.

74. If, in any prosecution under this Act, the person charged does not appear as directed by the summons, the Magistrate may, upon proof of service, and if no sufficient cause be shown for the non-appearance, proceed to hear and determine the case in his absence.

Ex parte disposal of criminal charges.

75. (1) No person shall be liable to prosecution for any offence under this Act, unless the complaint respecting such offence be made within one month from the commission of such offence.

Liability to fine when incurred.

(2) For the purposes of this section every omission punishable under this Act shall be deemed to be a continuing offence so long as the omission continues.

76. (1) If, through any act, neglect or default on account whereof any person is fined under this Act, any damage to any property has been committed by such person, he shall be liable to make good such damage to the owner of such property as well as to pay such fine.

Damage to property to be paid for.

(2) The amount of such damage shall be determined by the Magistrate by whom such person has been fined ; and in default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

<sup>1</sup>See foot-note 3 on page 537, ante.

(Chapter XI.—Miscellaneous.—Sections 77—79.)

CHAPTER XI

Miscellaneous.

Property left in carriage, palanquin or rickshaw to be deposited in police-station.

77. (1) If any property is left by any person in a hackney-carriage, palanquin or rickshaw, the driver or bearer thereof, as the case may be, shall, within twenty-four hours, carry such property, if not sooner claimed by the owner thereof, to the nearest police-station, and shall there deposit it with the officer-in-charge.

(2) The said officer shall forthwith enter in a book to be kept for that purpose—

- (a) the description of such property :
- (b) the name and address of the driver or bearer who brings it :
- (c) the day and hour when it is brought :
- (d) the name and address of the owner of the hackney-carriage, palanquin or rickshaw in which the property has been left and the registered number of such carriage, palanquin or rickshaw :

and shall grant a receipt for the same.

(3) The said officer shall also send a copy of every such entry to the Registering Officer.

Penalty for neglecting to deposit property.

78. Any driver or bearer who fails to deposit any property left in a hackney-carriage, palanquin or rickshaw within the time prescribed in section 77, sub-section (1), shall be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days.

Property to be returned to owner.

79. The property entered under section 77, sub-section (2), shall be returned to the person who proves to the satisfaction of the Commissioner of Police or such other police officer, not below the rank of Inspector, as he may appoint in this behalf, that the same belonged to him, on payment of all costs incurred, together with such reasonable sum to the person who brought the same as the Commissioner or such other officer may determine :

Provided that, if within six months from the date of such deposit no person satisfies the Commissioner or such other police officer that he is the owner of the property, the Commissioner may cause the property to be sold, or otherwise disposed of : and the proceeds, after deducting therefrom the expenses, together with a reasonable sum to the driver or bearer shall be credited and applied in the same manner as fees and fines realized under this Act.

of 1919.]

(Chapter XI.—Miscellaneous.—Sections 80—84.)

80. (1) Every owner of a hackney-carriage or palanquin or the driver or bearer thereof, not providing for disinfection of the carriage or palanquin, at a place appointed by the Registering Officer, immediately after it has, with his knowledge, conveyed any person suffering from any dangerous infectious disorder, or after it has been used for conveying a corpse, and which fact had been previously notified by the hirer to the owner, driver or bearer shall, for every such offence, be liable to a fine not exceeding fifty rupees, and, in default of payment of fine, to simple imprisonment for a period not exceeding fourteen days :

Disinfection of hackney-carriage or palanquin after conveying a patient or corpse.

Provided that no such owner, driver or bearer shall be required to convey any person so suffering or any corpse until he has been first paid a sum sufficient to defray the loss and expenses incurred thereby, such sum not to exceed ten rupees in the case of a hackney-carriage and five rupees in the case of a palanquin.

81. If a police-officer has cause to arrest a driver of a hackney-carriage or a bearer of a palanquin for any offence under this Act or any other bailable offence, or to seize a hackney-carriage or palanquin or a horse employed in drawing such carriage for a breach of any of the provisions of this Act or of any bye-law made thereunder, when such carriage or palanquin is being used for the conveyance of a passenger, such a police officer shall, if so required by the passenger, permit the carriage or palanquin to proceed to the place to which the passenger desires to proceed, and shall thereafter complete the arrest.

Provision for passenger in case of seizure of hackney-carriage or palanquin.

82. [Fees and fines how to be dealt with.]— Omitted by para. 3 and Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

83. No suit shall be maintainable against the Commissioner of Police or any municipal authority, officer or servant or any police-officer or any person acting under the direction of the Commissioner of Police or of any municipal authority, officer or servant or of a Magistrate, or of any person appointed under section 84, sub-section (1) of this Act, in respect of anything lawfully and in good faith and with due care and attention done under this Act or any bye-law made thereunder.

Indemnity.

84.(1) Whenever this Act is extended to any other town or local area outside Calcutta under clause (a) of section 2, the [State Government] may, by notification, appoint persons, or local authorities, to exercise and perform in such town or area the same powers and duties as are conferred or imposed by this Act on the Corporation of Calcutta and the Commissioner of Police, respectively.

Effect when Act extended outside Calcutta.

<sup>1</sup>See foot-note 3 on page 537. *ante*.

*(Chapter XI.—Miscellaneous.—Section 85.)*

(2) In each town or local area to which this Act may be extended, for the word "Calcutta" in sections 5, 32, 60, <sup>1</sup>[and 61], <sup>2</sup>\*\* shall be read the name of such town or area. <sup>3</sup>\*\*\*\*.

Hackney-carriage outside Calcutta to ply within certain radius.

85. (1) Notwithstanding anything contained in this Act, a hackney-carriage registered under this Act in any town or local area outside Calcutta may ply for hire in any place outside Calcutta within a radius of six miles from such town or local area.

(2) All the provisions of this Act shall be applicable to the case of a hackney-carriage plying within such radius so far as the same may be applicable in each case.

<sup>1</sup>These word and figures were substituted for the figures and word "61 and 82" by para.3 of, and Sch. IV to, the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup>The word and figure "sub-section (2)" were repealed by s.3 and the Second Sch. of the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).

<sup>3</sup>The words "and for the words 'Calcutta Municipal Fund' in section 82, sub-section (1), shall be read the fund of the local authority for such town or area" were omitted by para. 3 of, and Sch. IV to, the Government of India (Adaptation of Indian Laws) Order, 1937.