

HACKNEY-CARRIAGE ACT, 1879

14 of 1879

[5th September, 1879]

CONTENTS

1. Short title
2. Interpretation clause
3. Application of Act to municipalities
4. Power to make rules for cantonments
5. Power to extend operation of rules beyond limits of municipality or cantonment
6. What rules under section 3 may provide for
7. Penalty for breach of rules
8. Disposal of fees and payment of expenses
9. Power of Magistrate to decide disputes regarding fares
10. In case of dispute, hirer may require driver to take him to Court

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STATEMENT OF OBJECTS AND REASONS "The want of law to regulate Hackney Carriages in towns and cantonments in the interior of India has long been felt and has lately been pressed upon the notice of the Government of India by the Lieutenant-Governor of the Punjab and His Excellency the Commdander-in-Chief. The present Bill has been prepared to supply this want in the case of municipalities in those parts of India which have no local Legislatures, and in all cantonments, whether in British India or in Native States. It gives power to the Municipal Committee, in the case of a municipality, and to the Local Government, in the case of a cantonment, to make rules (subject, in the former case, to the sanction of the Local Government, and in the latter to that of the Governor-General in Council) to ensure that carriages offered for hire and the animals and harness used with them, shall be in proper condition; that fit persons shall be employed as drivers; that the fares charged shall be reasonable, and that the carriages shall not be overladen. It further provides that breach of these rules

shall be punishable with fine which may extend to fifty rupees, and that disputes between the hirer and owner of a carriage as to the amount of fare, shall be determinable by a Magistrate."-Gazette of India, 1879, Part V, page 52.

1. Short title :-

This Act may be called the Hackney, Carriage Act, 1879; ¹ [* * * * * * * *] Saving.- Nothing herein contained shall affect any power conferred by any law relating to municipalities, or any rule made in exercise of any such power.

1. The words "and it shall come into force at once; but" were repealed by the Second Repealing and Amending Act, 1914 (17 of 1914), section 3 and Sch. II.

2. Interpretation clause :-

In this Act-- "hackney-carriage" means any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept, or offered, or plies, for hire; and "committee" means a municipal committee, or a body of municipal commissioners, constituted under the provisions of any enactment for the time being in force.

3. Application of Act to municipalities :-

¹[The State Government concerned may, by notification in the Official Gazette, apply this Act to any municipalities in Uttar Pradesh, ²[Punjab as it existed immediately before the 1st November, 1956], the Central Provinces, ³Assam, Ajmer or Coorg.] Power of committees to make rules.- When this Act has been so applied to any municipality, the committee of such municipality may, from time to time, make rules for the regulation and control of hackney-carriages within the limits of such municipality, in the manner in which, under the law for the time being in force, it makes rules or bye-laws for the regulation and control of other matters within such limits. Confirmation and publication of rules.- Every rule made under this section shall, when confirmed by the ⁴[Commissioner] and published for such time and in such manner as the ⁴ [Commissioner] may, from time to time, prescribe, have the force of law; Power of Commissioner to rescind rules.- Provided that the [Commissioner] may, at any time, rescind any such rule.

1. Original paragraph has been successively amended by A.O., 1937, A.C.A.O., 1948 and the A.L.O., 1950 to be read as above.
2. Substituted for "Punjab" by 2 A.L.O., 1956. The Act has now been repealed in Punjab by Punj. Act 16 of 1960.

3. This Act was extended to Berar by the Berar Laws (Provincial) Act, 1941 (15 of 1941), Section 2(1) and Schedule (1-8-1941). Thus, it continued to apply up to 13-10-1958 on which date it was, so far as the Vidharbha region of the State of Bombay (now Maharashtra) is concerned, repealed by section 3 of the Bombay Public Conveyances (Unification and Amendment) Act, 1958 (86 of 1958), read with the Bombay Public Conveyances Act, 1920 (7 of 1920), section 39.

4. Substituted for "Local Government" by the Decentralization Act, 1914 (4 of 1914).

4. Power to make rules for cantonments :-

Repealed by the A.O., 1937.]

5. Power to extend operation of rules beyond limits of municipality or cantonment :-

The authority making any rules under this Act may ¹[with the sanction of the Commissioner] extend their operation to any railway station, or specified part of a road, not more than six miles from the local limits of the municipality ²[* * *] concerned. ³ [* * * * *]

1. Inserted by the A.O., 1937.

2. Words "or cantonment" were omitted, Inserted by the A.O., 1937.

3. Second paragraph (Proviso) and third paragraph were omitted, Words "or cantonment" were omitted, Inserted by the A.O., 1937.

6. What rules under section 3 may provide for :-

The rules to be made under section 3 ¹ [* * *] may, among other matters,-

(a) direct that no hackney-carriage, or no hackney-carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a licence granted in that behalf;

(b) direct that no person shall act as driver of a hackney-carriage except under a licence granted in that behalf;

(c) provide for the issue of the licences referred to in clauses (a) and (b), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(d) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

- (e) provide for the inspection of the premises on which any such carriages, animals, harness and other things are kept;
- (f) fix the time for which licences shall continue in force, and the events (if any) upon which within such time they shall be subject to revocation or suspension;
- (g) provide for the numbering of such carriages;
- (h) determine the times at which, and the circumstances under which, any person keeping a hackney-carriage shall be bound to let or refuse to let such carriage to any person requiring the same;
- (i) appoint places as stands for hackney-carriages, and prohibit such carriages waiting for hire except at such places;
- (j) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage; and prescribe the minimum speed at which such carriages when hired by time shall be driven;
- (k) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;
- (l) require the owner or person in charge of any of any such carriage to keep a printed list of fares, in English and such other language as may be prescribed, affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;
- (m) require drivers to wear a numbered badge or ticket, and to produce their licenses when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges; and
- (n) provide for the deposit of property found in such carriages, and the payment of a fee by the owner of such property on the delivery thereof to him.

1. The words and figure "or Section 4" were omitted by A.O., 1937.

7. Penalty for breach of rules :-

Any person breaking any rule made under this Act shall be punished with fine which may extend to fifty rupees.

8. Disposal of fees and payment of expenses :-

The amount of any fees received and the amount of any expenses

incurred in giving effect to this Act shall ¹[* *] be credited and debited respectively to the municipal fund ² [* * *].

1. Words "in any municipality" were omitted by A.O., 1937.
2. Words "and in any cantonment where there is a cantonment-fund, to such fund" were omitted, Words "in any municipality" were omitted by A.O., 1937.

9. Power of Magistrate to decide disputes regarding fares :-

If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Act, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit. Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine. The decision of any Magistrate or Bench in any case under this section shall be final. When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

10. In case of dispute, hirer may require driver to take him to Court :-

If, at the time any dispute mentioned in Section 9 arises, any Magistrate or Bench of Magistrates having jurisdiction in respect of such dispute is sitting within the local limits to which the rules apply, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate or Bench for the purpose of making an application under that section. Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.