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 Ratanshaw Nusserwanji Todiwalla vs Geoffrey William Mcelhinny on 18 April, 1941  
 Parmeshwar Choudhury And Ors. vs State Of West Bengal And Ors. on 8 March, 1982

## Central Government Act

### The Hackney- Carriage Act, 1879

THE HACKNEY- CARRIAGE ACT, 1879

ACT NO. 14 OF 1879 1 [ 5th September, 1879.]

An Act for the regulation and control of hackney- carriages in certain Municipalities and Cantonments.

Preamble.- WHEREAS it is expedient to provide for the regulation and control of hackney- carriages in certain municipalities and cantonments; It is hereby enacted as follows

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1. Short title.- This Act may be called the Hackney- carriage Act, 1879 2[ 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.

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.- 3[ The State Government concerned may, by notification in the Official Gazette, apply this Act to any municipalities in Uttar Pradesh, 4[ Punjab as it existed immediately before the 1st November, 1956 ], the Central Provinces, Assam, 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 5[ Commissioner] and published for such time and in such manner as the [ Commissioner] may, from time to time, prescribe, have the force of law: Power of Commissioner to rescind rules. Provided that the 5 [ Commissioner] may at anytime, rescind any such rule.

4. [ Power to make rules for cantonments.] Rep. by the A. O. 1937 .

5. Power to extent operation of rules beyond limits of municipality or cantonment.- The authority making any rules under this Act may [ 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 7[ concerned.

1. This Act has been amended in- Coorg by Coorg Act 6 of 1940; and Ajmer- Merwara by Act 6 of 1945. C. P. by C. P. and Berar Act 15 of 1941. The Act has been repealed in Punjab by Punjab Act 16 of 1960.

2. The words " and it shall come into force at once; but " rep. by Act 1 1 of 1914, s. 3 and Sch. 11.

3. The original paragraph has been successively amended by the A. O. 1937, the A. O. 1948 and the A. O. 1950 to read as above.

4. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for " Punjab".

5. Sub 3. by Act 4 of 1914, s. 2 and Sch., Part 1, for " L. G. ".

6. Ins. by the A. O. 1937. 7, The words, or cantonment" omitted, Ibid.

8. The second paragraph (Proviso) and third paragraph omitted, ibid.

1879

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 license granted in that behalf;
- (b) direct that no person shall act as driver of a hackney- carriage except under a license granted in that behalf;
- (c) provide for the issue of the licenses 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 therefore;
- (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 sun set 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 such licenses 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 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.

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 2[ be credited and debited respectively to the municipal fund 3[ .

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. 4 The decision of any Magistrate or Bench in any case under this section shall be final.

1. The words and figure" or section 4" omitted, *ibid*.

2. The words" in any municipality" omitted by the A. O. 1937.

3. The words" and in any cantonment where there is a cantonment- fund, to such fund" omitted, *ibid*,

4. As to recovery of fines, see the General Clauses Act, 1897 (10 of 1897) . s. 25.

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.

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**THE HACKNEY-CARRIAGE ACT, 1879 ACT NO. 14 OF 1879 1\* [5th September, 1879.]**

An Act for the regulation and control of hackney-carriages in certain Municipalities and Cantonments.

Preamble.-WHEREAS it is expedient to provide for the regulation and control of hackney-carriages in certain municipalities and cantonments; It is hereby enacted as follows

1. Short title.-This Act may be called the Hackney-carriage Act, 1879

2 \* \* \* \* \* 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.

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. -3[The State Government concerned may, by notification in the Official Gazette, apply this Act to any municipalities in Uttar Pradesh, 4[Punjab as it existed immediately before the 1st November, 1956], the Central Provinces, Assam, 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 5[Commissioner] and published for such time and in such, manner as the [Commissioner] may, from time to time, prescribe, have the force of law: Power of Commissioner to rescind rules. Provided that the 5 [Commissioner] may at anytime, rescind any such rule.

4. [Power to make rules for cantonments] Rep. 4.[Power to make rules for cantonments.] Rep. by the A. O. 1937.

5. Power to extent operation of rules beyond limits of municipality or cantonment. 5.Power to extent operation of rules beyond limits of municipality or cantonment.-The authority making any rules under this Act may '[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 7\* \* \* concerned. -----

1.This Act has been amended in-Coorg by Coorg Act 6 of 1940; and Ajmer-Merwara by Act 6 of 1945. C. P. by C. P. and Berar Act 15 of 1941. The Act has been repealed in Punjab by Punjab Act 16 of 1960.

2.The words "and it shall come into force at once; but" rep. by Act 1 1 of 1914, s. 3 and Sch. 11.

3. The original paragraph has been successively amended by the A. O. 1937, the A. O. 1948 and the A.O. 1950 to read as above.

4.Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "Punjab".

5.Sub3. by Act 4 of 1914, s. 2 and Sch., Part 1, for "L.G.". 6.Ins. by the A. O. 1937.

7, The words ,or cantonment" omitted, Ibid.

8.The second paragraph (Proviso) and third paragraph omitted, ibid. -----

----- 348 6. What rules under section 3 may provide for. 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 license granted in that behalf; (b) direct that no person shall act as driver of a hackney-carriage except under a license granted in that behalf; (c)provide for the issue of the licenses 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 therefore; (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 sun set 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 such licenses 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 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.

7. Penalty for breach of rules. 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. 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 2\* be credited and debited respectively to the municipal fund 3\* \* \*. 9. Power of magistrate to decide disputes regarding fares. 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. 4 The decision of any Magistrate or Bench in any case under this section shall be final. ----- 1. The words

and figure "or section 4 " omitted, *ibid*. 2. The words "in any municipality" omitted by the A. O. 1937.

3. The words "and in any cantonment where there is a cantonment-fund, to such fund" omitted, *ibid*.

4. As to recovery of fines, see the General Clauses Act, 1897 (10 of 1897). s. 25. -----

----- 349 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. 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. 350 1. Short title. 1. Short title. This Act may be called the Hackney-carriage Act, 1879: 2\* \* \* \* \* 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. 2. Interpretation clause. 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. 3. Application of Act to municipalities. 3[The State Government concerned may, by notification in the Official Gazette, apply this Act to any municipalities in Uttar Pradesh 4[Punjab as it existed immediately before the 1st November, 1956] the Central Provinces, Assam, 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 such municipality, in the manner in which, under the law for the -

----- 1 This Act has been amended in- Coorg by Coorg Act 6 of 1940 ; and Ajmer-Merwara by Act 6 of 1945. C. P. by C. P. and Berar Act 15 of 1941. 2 The words "and it shall come into force at once ; but" rep. by Act' 17 of 1914, s. 3 and Sch. II. 3 The original paragraph has been successively amended by the A. O. 1937, the A. O. 1948 and the A. O. 1950 to read as above. 4 Sub.s. by the Adaptation of Laws (No. 2) Order, 1956, for "Punjab". Rep. in Punjab by pun. Act 16 of 1960. ----- 12 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 1[Commissioner] and published for such time and in such manner as the 1[Commissioner] may, from time to time, prescribe, have the force of law: Power to Commissioner to rescind rules. Provided that the 1[Commissioner] may, at any time, rescind any such rule. 4. Power to make rules for cantonmentS. 4. [Power to make rules for cantonmentS.] Rep. by the A. O. 1937. 5. Power to extend operation of rules beyond limits of municipality or cantonment. 5. Power to extend operation of rules beyond limits of municipality or cantonment. The authority making any rules under this Act may 2[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 3 \* concerned. 4\* \* \* \* \* 6. What rules under section 3 may provide for. 6. What rules under section 3 may provide for. The rules to be made under section 3 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 license granted in that behalf ; (b) direct that no person shall act as driver of a hackney- carriage except under a license granted in that behalf ; (c) provide for the issue of the licenses 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 ;

----- 1 Subs. by Act 4 of 1914, s. 2 and Sch., Part I, for "L. G.". 2 Ins. by the A. O. 1937. 3 The words "of cantonment" omitted, *ibid.* 4 The second paragraph (Proviso) and third paragraph omitted, *ibid.* 5 The words and figure "or section four" omitted, *ibid.* ----- 13 (f) fix the time for which such

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licenses 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 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.

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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. -----

----- 1 As to recovery of fines, see the General Clauses Act, 1897 (10 of 1897), s. 25. -----