



S U P P L E M E N T
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

MONDAY, 16TH MARCH 1863.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay for the purpose of making Laws and Regulations, together with the Bill as altered by them, is published for general information :—

The Committee have carefully considered the Bill for the Regulation of Public Conveyances, and have made several alterations in it.

They have divided the Public Conveyances into two heads; viz. Public Land Conveyance, and Public Water Conveyance; the former they have placed under the Commissioner of Police; and the latter under the Master Attendant, it appearing unwise to give the Commissioner of Police, who may have no knowledge of the Harbour or Shipping, control over the Boats in the Harbour.

The Committee have struck out the differential charge for fee according to the number of persons to be carried in Boats, and have made one fee for all licenses of Bunder-boats and Ferry-boats.

Objections have been raised to the provisions in Section XXI. against demanding prepayment of fare, but on full consideration, the Select Committee determined to retain it, the only alternative that occurred to them being to enact that no agreement for extra fare should be binding, an arrangement which though recognized in some Acts is objectionable, and with the provisions in the first part of Section XXIII. the Committee hope, that they secure the Licensee from the injury which might arise from the passenger escaping without payment of fare, while by those in the latter part they hope, that the annoyance to which persons about to leave the Island, are frequently subjected, will be remedied.

Section XXIV. has been added to meet cases of a general strike among the drivers and proprietors of Public Conveyances, and in Section XXX. "the Commissioner of Police" has been substituted for the "Senior Magistrate" as the person to whose office derelicts in Public Conveyances should be taken.

With these remarks and the few verbal alterations in arrangement which are almost self-evident, the Committee recommend the Bill to be passed into an Act.

(Signed) W. E. FRERE.

(") M. H. SCOTT.

Bombay, 14th March 1863.

PROCEEDINGS—77

A Bill for the Regulation of Public Conveyances in the Town, Island, and Harbour of Bombay.

WHEREAS it is expedient that arrangements be made for the better regulation and control of public conveyances plying for hire for the conveyance of persons or goods within the Town, Island, and Harbour of Bombay, and for the conduct of the Licensees, Drivers, or other attendants of such public conveyances; It is hereby enacted as follows:—

I. Every Carriage with two or more wheels which shall be used for the purpose of plying for hire within the jurisdiction of the Commissioner of Police of Bombay, of whatever form or construction, or by whatever number of horses or other animals the same shall be drawn, and every Palkee which shall be let for hire, shall be deemed and taken to be a public land conveyance, and every Boat or other Vessel carrying passengers for hire within the said jurisdiction, whatever be the means by which the same may be propelled, shall be deemed and taken to be a public water conveyance within the meaning of this Act.

II. No person shall keep or let for hire any public conveyance within the said jurisdiction, without having a License in force for the same granted in the case of a land conveyance by the Commissioner of Police, and in the case of a water conveyance by the Master Attendant, nor if such conveyance be ordinarily let for hire for periods of less than one whole day, unless there be painted or branded on such parts of the said conveyance, as the Commissioner of Police or Master Attendant may respectively direct, a number corresponding with that of the License granted for such conveyance, together in the case of a land conveyance licensed to carry passengers with the number of passengers, it is licensed to carry as follows:—"Licensed to carry () passengers only;" and any person keeping or letting for hire any public conveyance without such License as aforesaid, or without such number or inscription being legibly painted or branded thereon, shall be liable, on conviction before a Magistrate of Police, to a penalty not exceeding Rupees One Hundred, or to simple or rigorous imprisonment for a period not exceeding three months.

III. Every License shall contain and specify the full name and address of the Licensee, the number and class of conveyance for which the License has been issued, the number of horses or other animals by which the conveyance shall be

drawn; or the number of persons composing crew, the number of passengers such conveyance is licensed to carry, and whether it be licensed to ply for hire on fixed stands only or to take up passengers on any and what roads, or places, and between any and what points, the date on which such License was granted, and that on which it will by efflux of time lapse and expire.

IV. As often as any Licensee shall change his residence he shall give notice thereof in writing signed by himself to the Commissioner of Police, or the Master Attendant, as the case may be, or in failure to give that notice for one week after his change of residence, he shall be liable to a penalty of Rupees Twenty.

V. Licenses issued under Section II. of this Act shall usually be granted on the 1st January in each year, but the Commissioner of Police or Master Attendant may, at any other time, grant Licenses, and shall always at the time of granting every License, and at all other times when necessary cause to be painted or branded upon a conspicuous part of every such public conveyance, such number and inscription as are required by Section II. Provided that the said Commissioner or Master Attendant may, in his discretion, refuse to grant any such License for any conveyance which he may consider to be insufficiently found or otherwise unfit for the conveyance of the public, or to any applicant whom he may consider from youth, bad character, or for other reason unfit to be entrusted with the same.

VI. For every such License there shall be levied a fee in accordance with the class of License granted, as shown in the following scale:—

Omnibuses and other vehicles on four wheels to be drawn by two or more horses, and licensed to carry more than 6 persons, including the driver, Rs. 2.

Omnibuses, Shigrams, and other vehicles on four wheels licensed to carry not more than 6 persons, including the driver, whether drawn by one or more horses, 1 Rupee.

Buggies, Cabs, or similar vehicles, on two wheels, licensed to carry three persons only, including the driver, 8 Annas.

Bullock Carts on two or more wheels, drawn by two bullocks, and licensed to carry five persons including the driver, 4 Annas.

Bullocks Cart on two wheels, drawn by two bullocks and licensed to carry three persons including the driver, 4 Annas.

Palkee, 4 Annas per year.

Bunderboats and Ferry-boats, 1 Rupee.

Dhingies, 8 Annas.

Tonies or Canoes, 2 Annas.

Labor Carts to carry goods only, 4 Annas.

The balance of such fees, after all necessary contingent expenses shall have been defrayed, shall, from time to time, be paid into the Bank of Bombay by the Commissioner of Police to the credit of the Municipal Commissioners of Bombay, and by the Master Attendant to the credit of the Port Fund, standing in the name of the Commissioner of Customs.

VII. The Commissioner of Police and Master Attendant shall, on or as soon as possible after the first day of January in each year, renew the Licenses and numbers of the said public conveyances on payment of the regulated fee by the Licensee. Provided that

Proviso.

nothing herein contained shall prevent the Commissioner of Police or Master Attendant from altering or changing the number of any such conveyance, or from refusing absolutely to renew the License of any conveyance which he may consider to be insufficiently found, or otherwise unfit for its intended purpose, or the owner of which he may consider unfit to be entrusted with such renewed License.

VIII. In the event of any such licensed public conveyance being at any time insufficiently found or appointed, or of any driver or attendant of any such

Power of Commissioner to suspend or revoke Licenses.

public conveyance appearing unfit to be trusted with the charge of the same, or of such conveyance being used for passengers when licensed only for labor, the Commissioner of Police or Master Attendant may, in his discretion, suspend or revoke the License, and order the number of such conveyance to be erased; and the owner of any conveyance, the License of which shall have been suspended, or the number of which shall have been ordered to be erased as aforesaid, who shall again permit the same to ply for hire before he shall have obtained a restoration or renewal of such License from the Commissioner of Police or Master Attendant, and affixed a corresponding number and inscription to such conveyance, shall on conviction before a Magistrate of Police, be liable to the penalty prescribed by Section II. of this Act, for keeping or letting for hire an unlicensed public conveyance.

IX. All Licenses which shall have been suspended or revoked by the Commissioner or Master Attendant under the authority of the preceding Section, shall be delivered up to the said Commissioner or Master Attendant by the Licensee within twenty-four hours after the suspension or revocation thereof, under penalty, on conviction before a Magistrate of Police, of a fine of Rupees Twenty, failing payment of which the Licensee shall be liable to either rigorous or simple imprisonment for a period not exceeding two months.

X. Duplicate Licenses may be granted by Supplementary Li- the Commissioner or censes may be issued. Master Attendant on proof of the License granted for any public conveyance having been lost or mislaid, or of the particulars written in such License having been accidentally obliterated or defaced; and the said Commissioner or Master Attendant may also renew or restore the numbers or inscriptions on public conveyances which shall have become obliterated; a Fee equal to one-half the Fee leviable under Section VI. being previously paid for each License or number renewed or restored under this Section, or under Section VII. of this Act.

XI. Licenses issued under this Act may be transferred by or on account of the Licensee to any other person, with the sanction of the Commissioner of Police or Master Attendant respectively, such sanction being duly endorsed on the reverse of such License: and all responsibilities of the original Licensee after such sanction endorsed as aforesaid shall attach to the transferee; Provided that any transfer without such sanction endorsed shall forthwith render the License null and void.

XII. The Commissioner of Police and Master Attendant shall keep Registers containing the full particulars of each public conveyance as entered in the License thereof, and any person using or authorizing the use of a License, number, or inscription, other than for the particular conveyance for which it has been issued, as apparent from the Register, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Rupees One Hundred, or in default, to rigorous or simple imprisonment for a period not exceeding three months.

XIII. The Commissioner of Police may, subject to the approval of the Governor in Council, make and publish subsidiary rules not inconsistent with the provisions of this Act for Fares and Stands for public Conveyances to be fixed and appointed.

promoting the objects of the same and for the better regulation of public land conveyances, and the said Commissioner shall, from time to time, fix the rates for the fare or hire of such public land conveyances, specifying whether the hire or fare be for the whole conveyance or for one or more passengers, and shall from time to time appoint stands or places, at which stands and places alone such public conveyances may stand to ply for hire, and the rate so settled, and stands or places so appointed shall, when sanctioned by the Governor of Bombay in Council, be published in the *Bombay Government Gazette*, and shall thereafter or until such rates and places shall be again altered by the authorities as aforesaid, be held and taken to be legally fixed and appointed; the Master Attendant having the same power subject to the same restrictions over public water-conveyances as the Commissioner of Police has by this Section over public land conveyances.

XIV. Any Licensee, driver, or other attendant of any public conveyance, who shall suffer or permit more passengers to be carried by the same than it is licensed to carry, or shall, in any other way, infringe or violate any of the conditions of his License, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Fifty Rupees, or in default to imprisonment, either simple or rigorous, for a period not exceeding two months.

XV. If any Licensee, driver, or other attendant of any public conveyance, shall permit or suffer the number or inscription thereof to be in any manner or by any means concealed from public view, or if any such Licensee, driver, or other attendant as aforesaid, shall, in any way, attempt to prevent or obstruct any person taking or noting the number of such public conveyance, he shall on conviction before a Magistrate of Police, forfeit for every such offence Rupees Twenty, or in default be liable to either simple or rigorous imprisonment for a period not exceeding two months.

XVI. If the Licensee, driver, or other attendant of any public conveyance, the whole of which has been hired or taken by one or more persons shall permit or suffer any person to ride or be carried in, upon, or about such public conveyance, without the express consent of the person or persons hiring the same, such Licensee, Driver, or other attendant shall, for every such offence, on conviction before a Magistrate of Police, forfeit a sum not exceed-

ing Rupees Twenty, or in default be liable to imprisonment as prescribed in the last preceding Section.

XVII. Every Licensee, driver, or other attendant in charge of any public conveyance shall have with them a list of fares, &c. have with him, when plying for hire, a clean and legible list in English and such Vernacular Language or Languages as the Commissioner of Police or Master Attendant may order, bearing the name in full of the Licensee, and showing the rates and fares fixed and appointed to be taken for the fare or hire of his conveyance, with an abstract of the laws relating to public conveyances, and shall, on demand, produce the same for the information of any hirer of, or passenger by, such public conveyance, under penalty, on conviction before a Magistrate of Police, of a fine not exceeding Rupees Twenty, and in default he shall be liable to imprisonment, either simple or rigorous, for a period not exceeding two months.

XVIII. The above lists, as also lists of the rates and fares fixed and appointed for public conveyances, and of the stands or places at which the same ply for hire, with an abstract of the law relating to such conveyances and to the Licensees and attendants thereof, shall be prepared in the offices of the Commissioner of Police and Master Attendant, and shall be issued to all applicants on payment of a fee of Four Annas for each copy.

XIX. If any driver or other attendant of any public conveyance shall refuse or neglect to give way, if he conveniently can, to any private conveyance, or shall obstruct or hinder the driver or other attendant of any other public conveyance, in taking up or setting down any person into or from any such other public conveyance, every such driver or other attendant so offending, shall, on conviction before a Magistrate of Police, forfeit a sum not exceeding Rupees Twenty, or in default thereof be liable to imprisonment, either simple or rigorous, for a period not exceeding two months.

XX. Every driver and other attendant of any public conveyance shall at all times during such employment, be perfectly sober, clean in his person, and of decent apparel, and every such driver or other attendant shall obey the reasonable orders of the person or persons hiring or using his conveyance, and shall otherwise conduct himself in a civil and respectful manner, and shall on all occasions when plying for hire,

keep the inside of his conveyance free from any dirt, or offensive matter, under penalty, on conviction before a Magistrate of Police, of a fine not exceeding Rupees Twenty, or in default thereof shall be liable to imprisonment as prescribed in the preceding Section.

XXI. If the driver or other attendant of any public conveyance refusing fare, loitering, demanding more than legal fare, and plying for hire off the public stands.

plying for hire not being a labor cart shall demand prepayment of his fare, or shall refuse to convey any person desirous of hiring his conveyance, or shall refuse or delay to proceed with reasonable expedition, that is to say, at the rate of six miles an hour for every carriage drawn by horses, three miles an hour for every carriage drawn by bullocks, and for every palkee, or shall exact or demand for the hire thereof more than the regulated sum, or shall stand to ply for hire at any place or places other than the stands or places appointed for that purpose, he shall, for every such offence, on conviction before a Magistrate of Police, forfeit a sum not exceeding Rupees Twenty, or in default thereof be liable to imprisonment, either rigorous or simple, for a period not exceeding two months. Provided that it shall not be compulsory on any driver or

Proviso.

attendant of any public conveyance to take a fare across the Causeway at Sion or across the Lady Jamsetjee Causeway at Mahim, except under special agreement.

XXII. The driver or other attendant of any public conveyance

In case of hurt or damage, negligently or wilfully occasioned by Driver, &c., Magistrate may award compensation.

who shall by negligence or misconduct cause any hurt or damage, may be arrested by any person who shall see such offence committed, and be by him made over to a Constable or Police Officer for arraignment before a Magistrate, and in addition to such punishment as may thereupon be inflicted under the law in that case made and provided, the offender shall pay such reasonable compensation to the complainant as the Magistrate shall see fit to award, and in default thereof be liable to rigorous imprisonment for a period not exceeding six months.

XXIII. In case of any dispute the hirer of a public conveyance may require the driver or other attendant thereof, and the driver or attendant may require the hirer thereof, to proceed forthwith to the nearest Police Court, where the dispute shall be determined by the Magistrate then sitting. Should such Police Court be closed, either party may require the other to proceed to the nearest

In cases of disputes Driver, &c. may be required to proceed to a Police Court.

European Police Officer, who shall, if necessary, arrange for the hearing of the complaint at the next sitting of the Court; but if the dispute or complaint take place at a Landing Pier or a Railway Station, and the hirer be about forthwith to leave the island of Bombay, it shall be competent to the said European Police Officer, after hearing both parties, to determine what sum may be due by the hirer, and to demand and receive the same, together with, in the case of any sum due for compensation under Section XXVIII. of this Act, an additional sum of Rupees Ten, on payment of which such Police Officer having taken the name and address of the hirer and permitted him to depart, shall thereupon make a report of the dispute or complaint, and deliver the money received by him, to a Magistrate of Police, who, if the claim or complaint of the driver or attendant shall not have been excessive or unjust, may award and pay to the said driver or attendant thereof, not being in excess of the amount received and delivered by the Police Officer; but if any offence has been committed against the driver or attendant, the owner and driver or attendant shall have no claim to hire or compensation, and the Police Magistrate shall likewise inquire into such offence, and on proof of the same shall adjudge punishment or otherwise proceed according to law, and in either case the Magistrate of Police having given notice to such hirer, shall on demand return to him the sum paid by such hirer to the Police Officer, or such surplus as may remain thereof.

Or to nearest European Police Officer.

XXIV. Every Licensee of any public conveyance under this Act shall be bound whenever required by a Police Officer to do so, to cause the same to ply for hire, and every driver or attendant shall, when so required, continue to exercise his calling in the customary manner, and for any refusal or failure to comply with such requisition without reasonable cause proved, such Licensee, driver, or attendant, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Rupees Fifty.

XXV. When any information or complaint shall be made before any Magistrate against the driver or other attendant of any public conveyance, for any offence committed by him, in the exercise of his vocation, against any of the provisions of this Act, such Magistrate may forthwith and from time to time summon the Licensee of such public conveyance to appear and produce such driver or other attendant to answer such information or complaint; and if any such Licensee shall

Police Officer may require a public conveyance to ply for hire.

Licensee may be summoned to produce Driver, &c., and in the event of his failing to appear, the Magistrate may decide *ex-parte*.

shall be made before any Magistrate against the driver or other attendant of any public conveyance, for any offence committed by him, in the exercise of his vocation, against any of the provisions of this Act, such Magistrate may forthwith and from time to time summon the Licensee of such public conveyance to appear and produce such driver or other attendant to answer such information or complaint; and if any such Licensee shall

neglect or refuse personally to appear or to produce such driver or other attendant according to such summons, without a reasonable excuse, to be allowed by the Magistrate before whom he ought to appear according to such summons, he shall be liable to fine not exceeding Rupees Fifty, and it shall be lawful for such Magistrate to hear and determine the said information or complaint in the absence of the said Licensee, driver, or other such attendant as aforesaid, and upon satisfactory proof of such offence to give judgment against such person for the penalty incurred by reason of such offence.

XXVI. Pecuniary fines, penalties, or awards, levied, imposed, or made under this Act, for which no commutation by imprisonment is herein provided may be levied by distraint and sale of the offender's property. And to pay any fine, or to have his property released by distraint and sale of the property of the Licensee of the public conveyance of which the offender was an attendant. And in cases wherein imprisonment shall have been adjudged in commutation, the offender shall at any time be released upon paying such proportion of the fine as shall equal the proportion of his whole term of imprisonment still unexpired.

XIV. Any Licensee shall not have been awarded, an fine levied by distraint and sale of the property of the Licensee of the public conveyance of which the offender was an attendant. And in cases wherein imprisonment shall have been adjudged in commutation, the offender shall at any time be released upon paying such proportion of the fine as shall equal the proportion of his whole term of imprisonment still unexpired.

XXVII. If any person shall refuse or omit to pay to the driver or other attendant of any public conveyance, the lawful fare due to him for the hire or fare of such public conveyance, it shall be lawful for any Magistrate of Police, upon complaint of the same being preferred, and upon proof of the facts made upon oath or solemn affirmation before him, to award reasonable satisfaction to the party so complaining for his fare, and also a reasonable compensation for his loss of time in attending to make and establish his complaint, and in default of payment, to sentence the defaulter to rigorous imprisonment for a period not exceeding one month.

XXVIII. If any person using a public conveyance under this Act shall wilfully or negligently injure the same, he shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees, and shall also pay to the owner of the public conveyance compensation for the injury, the amount of the compensation to be fixed by the Magistrate and to be recovered as a fine.

XXIX. If the driver or other attendant of any public conveyance not having previously offered his conveyance for hire to the person desirous of hiring it shall, in civil and explicit terms, declare to such person that his conveyance is actually hired, and shall afterwards, notwithstanding his reply, be proceeded against for his refusal to carry such person in his said conveyance, and shall upon the hearing of the complaint produce sufficient evidence to prove that such conveyance was at the time actually and *bona fide* hired, and it shall not appear that he used any uncivil language, or that he had offered his conveyance for hire to, or improperly conducted himself towards, the party by whom he shall be so proceeded against, or if the person who has proceeded against him shall not appear to prosecute his complaint, the Magistrate before whom the attendant shall be brought, may order such person to make the driver or other attendant such compensation for his loss of time in attending to make his defence to such complaint as the Magistrate may deem reasonable, and in default of payment, may sentence him to rigorous imprisonment for a period not exceeding one month.

XXX. All property left in any public conveyance licensed under this Act, shall be forthwith deposited by the driver or attendant, as the case may be, in the office of the Commissioner of Police. Such property shall be returned to the person who shall prove to the Commissioner of Police that the same belonged to him, on payment of all expenses reasonably incurred, and of such reasonable sum to the driver or attendant as the Commissioner may award, and any driver or other attendant of any public conveyance licensed under this Act, who shall neglect so to deposit all property left in a public conveyance, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Rupees Fifty, and in default to rigorous imprisonment for one month, or to both.

XXXI. Any Police Officer or Constable may arrest without a warrant any person committing in his view any offence against this Act, and may seize and detain in any place of safety until judgment shall be given in the case, any conveyance which, for the better fulfilment of the true intent and meaning of this Act, it may be necessary so to seize and detain.

XXXII. Act IV of 1841, intituled, "an Repeals Act IV. of 1841. Act for regulating Public Conveyances in the Islands of Bombay and Colaba, and in the Harbour of Bombay," shall be, and is hereby repealed, from and after the 30th June 1863.

XXXIII. The provisions of this Act may be extended to any Town or place in the Presidency of Bombay, by an order to that effect of the Governor in Council published in the *Government Gazette*, not less than (30 days) before such extension. And it shall be lawful in any such case for the Governor in Council to alter the scale of fees as may seem necessary, and to appoint any person to perform the duties by this Act assigned to the Commissioner of Police and Master Attendant, and to empower all or any Magis-

trates having jurisdiction at the place, to exercise the powers by this Act conferred on the Magistrates of Police, and any such order may be in like manner revoked or altered.

XXXIV. No conviction under this Act by Decisions under this Act final. any Magistrate of Police or Magistrate contemplated in the above Section, shall be open to appeal or reversal by any other Court.

XXXV. Attendants on Public Conveyances licensed under this Act, include Drivers, Conductors, Hamals, Tindals, Syrangs, and Boatmen. Words expressed in the singular number shall be held to include the plural.

XXXVI. This Act shall commence and take effect from and after the 1st day of July 1863.

By order of the Honourable the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.

तचे

वना) स-

मुंबई