



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

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PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

THE following Bill, which it is intended to introduce into the Council of the Governor of Bombay for the purpose of making Laws and Regulations, is, together with the Statement of Objects and Reasons accompanying it, published for general information :—

*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, and every Boat or other Vessel plying 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 conveyance within the meaning of this Act.

II. No person shall keep or let for hire as aforesaid any Public conveyance within the said jurisdiction, without having a License in force for the same granted by the Commissioner of Police for the said Town and Island, nor unless there shall be painted on such parts of such conveyance, as the said Commissioner may direct, a number corresponding with that of the License granted. And in the case of a conveyance licensed to carry passengers, the number of passengers such conveyance is licensed to carry shall also be painted thereon, as follows :—“ Licensed to carry () passengers only;” and any person keeping or letting for hire any such conveyance without such License as aforesaid, or without such number and inscription being legibly painted 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; if a Palkee, the number of Hamals attached to it; or if a Boat or other vessel, the number of persons composing the 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 shall 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 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 to keep or let for hire any conveyance as aforesaid, shall be given under the hand of the Commissioner of Police and shall usually be granted on the 1st January in each year, but the Commissioner 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 upon a conspicuous part of every such public conveyance, such number and inscription as required by the last Section, provided that the said Commissioner may, in his discretion, refuse to grant any such License to any applicant who, from his youth, bad character, or for other reason he may consider unfit to be entrusted with the same, or if he consider the conveyance to be insufficiently found or otherwise unfit for the conveyance of the public.

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 5 persons, Rs. 2 per year.

Omnibuses, Shigrams, and other vehicles on four wheels licensed to carry not more than 5 persons, whether drawn by one or more horses, 1 Rupee per year.

Buggies, Cabs, or similar vehicles, on two wheels, licensed to carry three persons only, 8 Annas per year.

Bullock riding Carts on two or more wheels, licensed to carry four persons with two bullocks, 4 Annas per year.

Do. on two wheels, licensed to carry two persons, with 1 bullock, 4 Annas per year.

Palkee with four Hamals, 4 Annas per year.

Palkee with more than 4 Hamals, 8 Annas per year.

Bunderboats, licensed to carry () persons, with a crew of (), 1 Rupee per year.

Ferryboats, licensed to carry () persons, with a crew of (), 1 Rupee per year.

Dhingies, licensed to carry () persons, manned by (), 8 Annas per year.

Tonies or Canoes, licensed to carry () persons, manned by (), 2 Annas per year.

Labor Carts to carry goods only, 4 Annas per year.

Cotton or Cargo boats to carry goods only, 6 annas per year.

The balance of such fees, after all necessary contingent expenses shall have been defrayed, shall from time to time be paid by the Commissioner of Police into the Bank of Bombay to the credit of the Municipal Commissioners of Bombay.

VII. The Commissioner of Police shall, on Licenses shall be renewed annually. 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 nothing herein contained shall prevent the Commissioner of Police 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 the conveyance of the public, 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 the driver or attendant appearing unfit to be trusted with the charge of the public conveyance, or of its being drawn, carried, or manned by a greater number of men or animals, or a larger crew than are licensed for it, or being used for passengers when licensed only

for labor or cargo, the Commissioner of Police may, in his discretion, suspend or revoke the License, and order to be erased the number of such conveyance; and the owner of any conveyance, the License of which shall have been suspended, or the number of which has been ordered to be erased as aforesaid, who shall again permit the same to ply for hire before an order for the restoration of the License and the number thereof shall have been obtained from the Commissioner, shall, on conviction before a Magistrate of Police, be liable to the penalty imposable under 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
Licenses to be returned the Commissioner under to Commissioner. the authority of the preceding Section, shall be delivered up to the Commissioner 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 and in default of payment thereof, 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 on censes may be issued. proof of the License granted for any public conveyance being lost or mislaid, or that the particulars written in such License have been accidentally obliterated or defaced; and he may also renew or restore the numbers or inscriptions on public conveyances which shall have become obliterated; a Fee of 4 Annas being previously paid for each License or number renewed or restored under this Section, or under Section VII. of this Act.

XI. No License issued under this Act shall Licenses not transfer- be transferred by or on rable without sanction of account of the Licensee Commissioner endorsed to any other person, with- thereon. out the sanction of the Commissioner of Police, and without such sanction being duly endorsed on the reverse of such License. Provided that any transfer without such sanction endorsed renders the License null and void, but all responsibilities of the original Licensee after such sanction endorsed as aforesaid attach to the transferee.

XII. The Commissioner of Police shall keep a Register containing the Register to be kept. 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 shall, Fares and stands for from time to time, fix the public Conveyances to be rates for the fare or hire fixed and appointed. of such public conveyances, specifying whether the hire or fare be for the whole conveyance or for one passenger only, and shall from time to time appoint stands or places, at which stands and places alone such public conveyances may stand and 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.

XIV. Any Licensee, Driver, or other attendant of any public conveyance, who shall suffer Not to carry passen- veyance, who shall suffer gers in excess of number or permit more passen- licensed to carry. gers 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 Penalty for concealing number or preventing conveyance, shall permit any person taking note or suffer the number or thereof. 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 forfeit for every such offence Rupees Twenty on conviction before a Magistrate of Police, 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 Persons not to be per- mitted to ride in public conveyance without the consent of the hirers. 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 exceeding Rupees Twenty, or in default be liable to

imprisonment as described in the preceding Section.

XVII. Every Licensee, Driver, or other attendant in charge of any public conveyance shall have with him, when plying for hire, a clear and legible list in English and such Vernacular Language or Languages as the Commissioner of Police 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, or in default 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 office of the Commissioner of Police, and 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, Refusing to give way or obstructing another Driver, 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 Drivers, &c., always to be sober, clean, and respectful, and to keep their conveyances clean. 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. shall demand prepayment of his fare, or shall refuse to go with or 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, four miles an hour for every carriage drawn by bullocks, three miles an hour for every palkee, or shall exact or demand, without being able to exact, for the hire thereof more than the regulated sum, or shall 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 no Driver or attendant of any public conveyance shall be required to take a fare across the Causeway at Sion or across the Lady Jamsetjee Causeway at Mahim.

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 to proceed forthwith to the nearest Police Court where the dispute shall be determined by the Magistrate then sitting, without any summons. Should such Police Court be closed, the Driver or other such attendant may be required to proceed to the nearest European Police Officer, who shall, if necessary, arrange for the hearing of the complaint at the next sitting of the Court.

XXIV. But as it frequently happens that disputes arise upon the Bunder Head, the complainant being about to leave the island, It shall in such case be competent for the nearest European Police Officer to settle the dispute if the parties agree to it, or in failure of agreement to reduce complainant's statement to writing, noting such parts of it as the accused admits, and on receiving the amount of hire or whatever is claimed from the hirer if the dispute be for hire, or a deposit of Rupees Five if the complaint be of misconduct, to report the case to the Magistrate sitting at the nearest Police Court, and in the event of the accused not being able to exonerate himself, he shall be liable to the punishment to which under Sections XIX., XX., XXI., XXVII. and XXVIII. of this Act his misconduct would subject him.

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 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 awarded, may be levied by distraint and sale of the offender's moveable property. And if any Driver or other attendant shall fail to pay any such fine, penalty, or award, for which commutation by imprisonment has not been awarded, the same may be levied on the Licensee of the public conveyance on which the offender was in attendance at the time of committing such offence by distraint and sale of the

Licensee's moveable property. And in those cases, wherever 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 such complaint being preferred, and upon proof of the facts made upon oath 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 the 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, 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, either in person or under Section II. of this Act, the Magistrate before whom such Driver or other 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 con-

veyance licensed under this Act, shall be forthwith deposited by the owner.

Driver or attendants, as the case may be, in the office of the Senior Magistrate of Police. Such property shall be returned to the person who, shall prove to the Senior Magistrate of Police that the same belonged to him, on payment of all expenses reasonably incurred and of such reasonable sum to the Driver or attendants as the Magistrate may award, and any Driver or other attendant of any public conveyance licensed under this Act, who shall neglect 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

Police Constable may arrest without 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, entitled, "an Act for regulating Public

Repeals Act IV. of 1841. Conveyances in the Islands of Bombay and Colaba, and in the Harbour of Bombay," shall be, and is hereby repealed, from and after the day last preceding that on which this Act shall come into effect.

XXXIII. The provisions of this Act may

This Act may be extended to any Town in the Presidency of Bombay by order of the Governor in Council.

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 () 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 to empower all or any Magistrates having jurisdiction at the place, to exercise the like powers as those 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

any Magistrate of Police or Magistrate contemplated in the above Section shall be open to appeal or reversion by any other Court.

XXXV. No complaint shall be entertained

by any Magistrate, under this Act, unless it shall be made by the Commissioner of Police or some person specially appointed by him, or by the person aggrieved, or under Sections XXII. or XXXI. of this Act.

XXXVI. Attendants on Public Conveyances licensed under this

Construction. Act, include Drivers, Conductors, Hamals, Tindals, Syrangs, and Boatmen.

XXXVII. This Act shall commence and

Commencement of Act. take effect from and after the

STATEMENT OF OBJECTS AND REASONS.

On the 20th September 1861, Mr. Erskine, the Legislative Councillor at Calcutta for Bombay, forwarded a copy of the amended Bill for "Regulating Public Conveyances in Cities and Towns in British India," and requested to be informed whether the Bill, or some modification of it, would be acceptable in Bombay and meet the wants of Kurrachee.

Inquiries were addressed to the Commissioner of Police, Bombay, and the Commissioner in Sind; in reply to which, Mr. Crawford, the Police Commissioner, reported that he considered the proposed Bill to be a very good one, and well calculated to secure the object in view as far as the public carriages referred to are concerned. But he pointed out that there are now about six thousand bullock carts used in the Town of Bombay for the carriage of goods only, and that more than half of these are let out on hire. He also pointed out that Act No. IV. of 1841, which it is proposed to repeal by the present Bill, provides also, for the regulation of conveyances used for the carriage of passengers and goods to and from the shipping in the Harbour. For the regulation of these two classes of conveyances (bullock carts and boats), no provision had been made in the proposed Bill. He considered that all these conveyances should be brought under proper control, and that unless some law were passed, the public would be subjected to much inconvenience and extortion.

The Commissioner in Sind expressed an opinion that the Bill might with advantage be extended to Kurrachee.

A Bill was accordingly framed by the Police Commissioner from the Calcutta Act, with the alterations and additions proposed by him. It was forwarded for opinion to the present Commissioner in Sind, who has replied that the Act appears in the main well suited to the requirements of Kurrachee.

The present Bill has been taken mostly from the one submitted by the Commissioner of Police, but many of the improvements introduced into the Calcutta Bill as amended by the Select Committee have been adopted in this.

(Signed) W. E. FRERE.

R. WEST,

Officiating Under Secretary to Government.

Bombay Castle, 8th January 1863.