

THE HACKNEY-CARRIAGE ACT, 1879.
(Act No. XIV of 1879.)

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¹. Repealed vide A.O 1937.

THE HACKNEY-CARRIAGE ACT, 1879.
(ACT XIV 1879).

[5th September, 1879]

An
ACT

*for the regulation and control of hackney-carriage in certain
Municipalities and Cantonments.*

WHEREAS it is expedient to provide for the regulation and control to hackney carriages in certain cantonments; It is hereby enacted as follows:

Preamble.

1. This Act may be called the Hackney-Carriage Act, 1879:

Short title.

2. ¹[Repealed]

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. In this Act

Interpretation clause.

"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. ²[The Provincial Government concerned may, by notification in the official Gazette, apply this Act to any municipalities in the, ³[Province:]

Application of Act to municipalities.

When this Act has been so applied to any municipality, 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 for bye-laws for the regulation and control of other matters within such limits.

Power of committees to make rules.

¹.Repealed vide Act.17 of 1914, Sch-II.

².Substitute vide A.O 1937..

³. Sub vide Khyber Pakhtunkhwa A.O 1975.

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 ²[Commissioner] may, from time to time, prescribe, have the force of law:

Provided that the ³[Commissioner] may, at any time, rescind any such rule.

Power of Commissioner to rescind rules.

4. ⁴[Repealed]

5. The authority making any rules under this Act may ⁵[with the sanction of the Commissioner] extend their operation to any railway-station, or specified part of road not more than six miles from the local limits of the municipality ⁶[* * *] concerned:

Power to extend operation of rule beyond limits of municipality or cantonment.

⁷[* * *]

6. The rules to be made under section 3 ⁸[* * *] may, among other matters,—

What rule under section 3 may provide for.

- (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 there for;

¹. Substituted vide Act No.4 of 1914.

². Substituted vide Act No.4 of 1914.

³. Substituted vide Act No.4 of 1914.

⁴. Repealed vide A.O.1937

⁵. Inserted vide the A. O, 1937

⁶. Repealed Vide Act. *ibid*.

⁷. Repealed Vide Act. *ibid*.

⁸. Repealed Vide Act. *Ibid*.

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

Penalty
for
breach of
rules.

8. 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[* * *].

Disposal of fees and payment of expenses.

9. 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.

Power of Magistrate of decide disputes regarding fares.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a ³fine.

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. 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.

In case of dispute hirer may require driver to take him to Court.

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. Repealed Vide A.O.1937.

². Repealed Vide ibid.

³.As to recovery of fines, see." the General Clauses Act, 1897 (10 of 1897), section 25