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SECRET

(TAMIL NADU) ACT No. V OF 1911<sup>1</sup>.[THE <sup>1</sup>(TAMIL NADU) HACKNEY CARRIAGE ACT, 1911.]

(Received the assent of the Governor on the 16th June 1911 and that of the Governor-General on the 7th July 1911; the assent of the Governor-General was first published in the Fort. St. George Gazette of the 8th August 1911.)

An Act to amend and declare the Law for the Regulation of Hackney Carriages.

Preamble.

WHEREAS it is expedient to amend and declare the law relating to the regulation of hackney carriages; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

Title.

1. (1) This Act may be called the <sup>1</sup>(Tamil Nadu) Hackney Carriage Act, 1911.

<sup>4</sup>[(2) It extends to the town of Madras.

<sup>1</sup> These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette*, 1911, Extraordinary, p. 37; for Report of Select Committee see *ibid*, 1911, Pt. IV, p. 285; for Proceedings in Council, see *ibid*, 1911, Pt. IV, pp. 84 and 463.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), which came into force on the 1st April 1961 repealing the corresponding law in force in that territory.

<sup>3</sup> The words "in the Town of Madras" were omitted by section 3 of the Madras Stage Carriages and Hackney Carriage (Amendment) Act, 1924 (Madras Act III of 1924).

<sup>4</sup> Sub-sections (2) and (3) were substituted for the original sub-sections by section 4 of the Madras Stage Carriages and Hackney Carriage (Amendment) Act, 1924 (Madras Act III of 1924).

(3) (i) The <sup>1</sup>[State Government] may, by Local notification, extend to such other parts of the <sup>2</sup>[State of extent. Tamil Nadu] as it may think fit all or any of the provisions of this Act from a date to be specified in the notification, which shall not be less than three months from the date of the notification :

Provided that no such notification shall be issued unless notice of the proposed extension inviting objections thereto shall have been published not less than two months previously.

(ii) The <sup>1</sup>[State Government] may, by notification, cancel or modify any such notification as is referred to in clause (i)].

2. The Madras Hackney Carriage Act, 1879, is Repealed. hereby repealed.

3. In this Act, unless there be something repugnant Definitions. in the subject or context,—

(1) "Commissioner" means the Commissioner of Police appointed <sup>3</sup>[for the City of Madras]. "Commissioner."

<sup>4</sup>[(1-A) "Deputy Commissioner" means the Deputy Commissioner of Police (Traffic and Licensing) in the City of Madras.] "Deputy Commissioner."

(2) "Magistrate" means any magistrate having local jurisdiction in any area to which this Act extends. "Magistrate."

<sup>1</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

<sup>2</sup> This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1970.

<sup>3</sup> These words were substituted for the words and figures "under the Madras City Police Act, 1888," by section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

<sup>4</sup> This clause was inserted by section 3 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

“Hackney Carriage.”

(3)<sup>1</sup> [“Hackney carriage” means—

(a) any hand-cart, not owned by the State Government ;

(b) any wheeled vehicle (including a cycle-rickshaw), not owned by the State Government, which—]

(i) is drawn, pushed or propelled by a man, or is drawn by a horse, bullock or other animal;

(ii) is used for the conveyance of any person; and

\*[(iii) stands or plies for hire by the hour or day or according to distance,

but does not include a hand-rickshaw ;]

\*[\* \* \* \* \*].

“Driver.”

\*[(4)] “Driving” includes “[drawing, pushing or propelling] and “driver” includes any person who drives, “[draws, pushes or propels] any hackney carriage.

“Horse.”

\*[(5)] “Horse” includes mule or pony.

“Year of registration.”

\*[(6)] “Year of registration” means the year ending with the thirty-first day of March.

<sup>1</sup> These words, letters and brackets were substituted for the words and brackets “Hackney carriage” means any wheeled vehicle (including a cycle-rickshaw), not owned by the State Government, which—” by section 3 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> This sub-clause was substituted for the original sub-clause (iii) by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1973 (Tamil Nadu Act 41 of 1973).

<sup>3</sup> Sub-section (4) was omitted and sub-sections (5), (6) and (7) were re-numbered as sub-sections (4), (5) and (6) respectively by section 5 of the Madras Stage Carriages and Hackney Carriage (Amendment) Act, 1924 (Madras Act III of 1924).

<sup>4</sup> These words were substituted for the words “dragging or pushing” by section 2 (i) (b) of the Madras Hackney Carriage (Amendment) Act, 1949 (Madras Act XXXIII of 1949).

<sup>5</sup> These words were substituted for the words “drags or pusher” by *ibid.*

## [CHAPTER I-A.

## PROHIBITION OF HAND-RICKSHAW.

3-A. Notwithstanding anything contained in this Act, no person shall, with effect from the date specified in a notification issued in this behalf by the State Government, draw or push any hand-rickshaw.

Prohibition of drawing or pushing hand rickshaw.

3-B. Any person who contravenes the provisions of section 3-A shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both and the hand-rickshaw used in contravention thereof shall be liable to confiscation.]

Penalty.

## CHAPTER II.

## REGISTRATION AND NUMBERING OF HACKNEY CARRIAGES.

4. Every hackney carriage shall be annually registered by the \*[Deputy Commissioner].

Annual registration compulsory.

5. (1) Any person who is desirous of having any vehicle registered as a hackney carriage shall apply to the \*[Deputy Commissioner], and shall submit such vehicle for such inspection as the \*[Deputy Commissioner] may direct.

Application for registry.

(2) The person in whose name any carriage is registered shall be deemed to be the owner of such carriage for the purposes of this Act.

<sup>1</sup> This chapter was inserted by section 3 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1973 (Tamil Nadu Act 41 of 1973).

\* These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

Right to  
registry.

6. Every applicant under section 5 shall be entitled to registration unless the <sup>1</sup>[Deputy Commissioner] is of opinion that the vehicle is not fit for public use :

Provided that no vehicle shall be registered in the name of a minor :

<sup>2</sup>[Provided further that the <sup>1</sup>[Deputy Commissioner] shall have power—

(i) to limit the number of vehicles of any description which may be registered annually, in which case no vehicle of that description shall be registered in any year in excess of the number so limited ;

(ii) to refuse to register vehicles of a particular description, in which case no vehicle of that description shall be registered.]

Grant of  
carriage licence.

7. (1) The <sup>1</sup>[Deputy Commissioner] shall at the time of registration deliver a licence duly signed by him to the applicant.

Currency of  
licence.

(2) A licence granted under this section shall be in force for the year of registration.

Form of licence.

8. The following particulars shall be entered in the register and in the licence to be given to the applicant :—

*First.*—The number in the register of the hackney carriage.

*Second.*—The name and residence of the owner and the place where the carriage is kept.

<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> For the proviso added by section 2 of the Madras Hackney Carriage (Amendment) Act, 1941 (Madras Act I of 1941), the present proviso was substituted and re-enacted permanently by section 3 of, and the Second Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).

*Third.*—A description of the carriage.

*Fourth.*—The number of horses or other animals to be employed in drawing such carriage and, if the carriage is drawn <sup>1</sup>[pushed or propelled] by men, the number of men to be so employed.

*Fifth.*—The number of passengers such carriage is licensed to carry, licensed under the

<sup>2</sup>[*Sixth.*—The minimum laden weight of a hand-cart.

*Seventh.*—The date of the licence.]

<sup>3</sup>[9. A fee shall be paid to the Deputy Commissioner for each licence in accordance with the following scale :—

	RS. P.
(a) for every four-wheeled carriage drawn by two or more horses licensed to carry more than six passengers.	10-00
(b) For every other four-wheeled carriage drawn by two horses.	5-00
(c) For every other four-wheeled carriage drawn by one horse or by bullocks.	2-00
(d) For every two-wheeled carriage drawn by one horse.	1-00

<sup>1</sup> These words were substituted for the words "or pushed" by section 2 (ii) of the Madras Hackney Carriage (Amendment) Act, 1949 (Madras Act XXXIII of 1949).

<sup>2</sup> These words were substituted for the words "*Sixth.*—The date of the licence." by section 4 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1984 (Tamil Nadu Act 21 of 1984).

<sup>3</sup> This section was substituted for the original section 9 by section 5, *ibid.*

RS. P.

- (e) For every two-wheeled carriage drawn by one or more bullocks. 0.5
- (f) For every <sup>1</sup>[ \* \* \* ] cycle-rickshaw, perambulator or other carriage drawn, pushed or propelled by a man. 0.25
- (g) For every hand-cart . . . . 0.25]

Suspension of licence by <sup>2</sup>[Deputy Commissioner.]

10. The <sup>2</sup>[Deputy Commissioner] may suspend for such period as he thinks fit the licence of any hackney carriage, whenever it appears to him that such carriage or any animal or harness used therewith is unfit for public use.

Transfer of registry.

11. On any transfer of a hackney carriage the transferee shall, if he desires to use it as such, within one week of the date of the transfer, apply to the <sup>2</sup>[Deputy Commissioner] for transfer of the registry giving him the particulars specified in the first three clauses of section 8.

Notice of change of residence, etc., to be given by licensee.

12. (1) Whenever the owner of a hackney carriage changes his residence, or the place where such carriage is kept, he shall within one week from the date of such change forward his licence and give to the <sup>2</sup>[Deputy Commissioner] a notice in writing signed by him specifying the new residence or place.

Penalty.

(2) Every such owner who neglects to forward his licence and give such notice shall be liable to a fine not exceeding twenty rupees.

<sup>1</sup> The word "Rickshaw" was omitted by section 4 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1973 (Tamil Nadu Act 41 of 1973).

<sup>2</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

13. The <sup>1</sup>[Deputy Commissioner], on receiving the application or notice specified in either of the two last preceding sections, shall make the necessary alteration in the register and the licence and return the licence; and a fee of <sup>2</sup>[fifteen paise] shall be payable in respect thereof.

Transfers and change of residence to be registered.

<sup>3</sup>14. Whoever keeps any hackney carriage, which has not been duly licensed under this Act, shall, on conviction, be punishable—

Penalty for keeping unlicensed hackney carriage.

(a) for the first offence with fine which may extend to fifty rupees, and

(b) for the second or any subsequent offence with fine which may extend to fifty rupees and the hackney carriage in respect of which the second or any subsequent offence has been committed may be confiscated to the State Government.]

15. (1) Upon the registration of any hackney carriage the <sup>1</sup>[Deputy Commissioner] shall cause to be painted on some conspicuous part of the carriage or on a plate to be affixed on some conspicuous part of the carriage its number in the register

Numbering of hackney carriage.

<sup>4</sup>[and—

(i) in the case of any hackney carriage other than a hand-cart, the number of passengers such carriage is licensed to carry;

(ii) in the case of any hand-cart, the maximum laden weight such hand-cart is licensed to carry.]

<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> These words were substituted for the words "two annas" by section 6, *ibid.*

<sup>3</sup> This section was substituted for the original section 14 by section 7, *ibid.*

<sup>4</sup> These words, figures and brackets were substituted for the words "and the number of passengers it is licensed to carry" by section 8, *ibid.*

Renewal of inscription on plate.

(2) If the words or figures so painted become indistinct or are obliterated during the term of the licence, the owner of the carriage shall be bound to produce it before the <sup>1</sup>[Deputy Commissioner] and apply to have such words or figures renewed. If the plate so affixed shall have been lost or stolen, the owner of the carriage shall be bound to apply to the <sup>1</sup>[Deputy Commissioner] to have a new plate affixed. The charge for such painting or new plate shall be <sup>2</sup>[twenty-five paise].

Return of plate on expiry of licence.

16. (1) On the expiration or other determination of the period of registration, the owner of every hackney carriage shall cause the plate of such hackney carriage to be delivered to the <sup>1</sup>[Deputy Commissioner].

Penalty.

(2) Any person who, after the expiration of the period aforesaid, wilfully omits for fourteen days to deliver the plate to the said officer, shall be liable to a fine not exceeding twenty rupees.

Penalty for using counterfeit plate.

17. (1) Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month.

Seizure of counterfeit plate.

(2) Any police-officer may seize and take away any plate used or had as aforesaid, wheresoever the same may be found, and deliver the same to the <sup>1</sup>[Deputy Commissioner].

Penalty for plying for hire without plate.

18. If any hackney carriage stands or plies for hire without a plate or legible inscription as prescribed by section 15, the owner thereof shall be liable to a fine not exceeding twenty rupees.

<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> These words were substituted for the words "four annas" by section 3, *ibid.*

## CHAPTER III.

## DRIVER'S LICENCE AND BADGE.

19. (1) It shall be lawful for the <sup>1</sup>[Deputy Com-  
missioner] to grant a licence to act as driver of any  
hackney carriage to any applicant whom he may  
consider fit.

Grant of  
driver's  
licence.

(2) Every such licence shall contain—  
the number of the licence,  
the name, place of abode and age of the  
person to whom such licence is granted,  
the description of carriage and animals,  
if any, to be used therewith, and  
the date on which the licence was granted,  
and shall bear the signature of the <sup>1</sup>[Deputy Com-  
missioner].

Form of  
licence.

<sup>1</sup>[(3) Such licence shall be in force for the year  
of registration and the fee payable therefor shall be  
one rupee and fifty paise unless the licence relates  
solely to—

(i) a cycle-rickshaw, in which case the fee shall  
be thirty paise; and

(ii) any other carriage of the description  
specified in clauses (f) and (g) of section 9, in which  
case the fee shall be forty paise].

20. The particulars of every licence which shall  
be granted under the provisions of section 19 shall  
be entered in a register by the <sup>1</sup>[Deputy Commis-  
sioner].

Particulars  
of licence  
to be  
registered.

<sup>1</sup> These words were substituted for the word "Commissioner"  
by section 2 of the Tamil Nadu Hackney Carriage (Amendment)  
Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> This sub-section was substituted for the original sub-section  
(3) by section 2 of the Tamil Nadu Hackney Carriage (Amendment)  
Act, 1968 (Tamil Nadu Act 14 of 1968). For the words "one rupee  
and eight annas," and "six annas" in this sub-section, the words "one  
rupee and fifty paise" and "forty paise" respectively and for  
the words, letter and brackets " in clause (f)" the words, letters  
and brackets " in clauses (f) and (g)" had earlier been substituted  
by section 9 of the Tamil Nadu Hackney Carriage (Amendment)  
Act, 1964 (Tamil Nadu Act 21 of 1964.)

sioner], and every person applying shall be furnished with a certified copy of such particulars on payment of a fee of <sup>1</sup>[fifteen paise].

Penalty for driving without licence or lending licence.

21. If at any time fifteen days after the time when a licence should have been obtained any person acts as the driver of a hackney carriage without having a licence in force for the time being, or, having a licence, fails to carry it with him when driving a hackney carriage or transfers or lends it or allows it to be used by any other person, he shall be liable to a penalty not exceeding twenty rupees.

Suspension of licence by [Deputy Commissioner.]

22. The <sup>2</sup>[Deputy Commissioner] may suspend for such period as he thinks fit the licence of the driver of a hackney carriage whenever in his opinion such driver is unfit to be so employed.

Penalty for suffering unlicensed person to drive.

23. The owner of a hackney carriage who knowingly suffers any person, not duly licensed under this Act, to act as driver of such carriage shall be liable to a penalty not exceeding fifty rupees :

Proviso.

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed.

Supply of badge to driver.

24. (1) The <sup>2</sup>[Deputy Commissioner] shall, at the time of granting a licence to any driver of a hackney carriage, furnish him with a metal badge punched or marked with the number of his licence,

Driver to wear badge.

(2) Every driver to whom such badge is delivered shall, at all times while acting as driver, or while attending before any magistrate, wear such badge exposed to view.

<sup>1</sup> These words were substituted for the words "two annas" by section 10 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> These words were substituted for the word "Commissioner" by section 2, *ibid.*

(3) In case any such driver omits to wear Penalty. such badge-exposed to view while acting as driver or attending before a magistrate, he shall be liable to a penalty not exceeding ten rupees.

(4) Whenever the number on any badge becomes Renewal of indistinct or is obliterated during the term of the licence, and also whenever any badge is lost or stolen, lost or damaged badge. the person to whom the licence relating to any such badge has been granted shall deliver such badge or notify its loss and shall produce such licence to the <sup>1</sup>[Deputy Commissioner], and such person shall then be entitled to have a new licence and badge delivered to him upon payment of <sup>2</sup>[the fee mentioned in sub-section (3) of section 19]. Such new licence shall be in force for the year of registration.

(5) Every person licensed under the authority Penalty. of this Act who uses or wears the badge granted to him after the writing thereon has become indistinct or obliterated shall be liable to a fine not exceeding ten rupees.

25. (1) Upon the expiration or other determi- Return of nation of any licence granted to a driver under this Act he shall deliver such licence and his badge to the expired licence and badge. <sup>1</sup>[Deputy Commissioner].

(2) Every driver who neglects for three days Penalty. to deliver such expired licence and badge to the <sup>1</sup>[Deputy Commissioner] and also every person who uses, or wears, or fraudulently detains any such expired licence or badge, and every person to whom any expired licence or badge has been delivered who lends, gives away, mortgages or sells such badge to any other person and every person who detains, wears or uses any licence or badge of any other person shall be liable to a penalty not exceeding twenty rupees.

<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> These words and figures were substituted for the words and figure "half the fee mentioned in section 9" by section 8 of the Madras Stage Carriages and Hackney Carriage (Amendment) Act, 1924 (Madras Act III of 1924).

Penalty of using counterfeit badge.

26. Every person who for the purpose of deception uses or wears any badge resembling or intended to resemble any badge granted under the authority of this Act shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month.

Seizure of expired or counterfeit badge.

27. Any police officer may seize and take away any expired or counterfeit badge, or any badge in respect of which an offence under section 25 has been committed, wheresoever the same may be found, and deliver the same to the <sup>1</sup>[Deputy Commissioner.]

Penalty for failing to produce licence before magistrate.

28. Whenever any driver is summoned to appear before any magistrate to answer any charge preferred against him under this Act, he shall carry with him his licence, and produce the same if required so to do; and any driver who on such requisition refuses to produce such licence shall be liable to a fine not exceeding five rupees.

Convictions under Act to be endorsed on licence.

29. On the conviction of any driver for any offence under this Act the magistrate shall cause to be endorsed on his licence the nature of the offence, the date of the conviction and the amount of the penalty-inflicted.

Cancellation or suspension of licence on conviction.

30. (1) On the conviction of any driver for any offence under this Act the magistrate may direct the cancellation of the licence of such driver or its suspension for such time as he thinks fit.

Return of licence or badge on conviction.

(2) For such purpose he may require the driver or any other person who may be in possession of the licence or badge to deliver up the same.

Penalty.

(3) If such driver or other person refuses or neglects to deliver up the licence or badge, he shall be liable to a penalty not exceeding ten rupees.

<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

(4) The magistrate shall forward every licence and every badge delivered up to him under sub-section (2) to the <sup>1</sup>[Deputy Commissioner] together with a memorandum of his sentence in the case.

Magistrate to communicate sentence and forward licence and badge to <sup>1</sup>[Deputy Commissioner]

(5) The <sup>1</sup>[Deputy Commissioner] shall enter the fact of such sentence in the register referred to in section 20, and shall either suspend or cancel such licence according to the direction of the magistrate; and if it has been suspended, the <sup>1</sup>[Deputy Commissioner] shall on application, at the end of the period of suspension, re-deliver such licence or badge to the person to whom it was granted

Action to be taken by <sup>1</sup>[Deputy Commissioner].

#### CHAPTER IV.

##### FARES, HIRING AND PLYING FOR HIRE.

31. (1) The owner or driver of every hackney carriage may demand and receive for the hire of such carriage such fares as may be fixed and published by the <sup>1</sup>[Deputy Commissioner] with the sanction of the <sup>2</sup>[State Government] duly notified :

Maximum fares for use of hackney carriages.

Provided that any agreement entered into to accept a fare lower than the fare so fixed shall be binding.

Contract for lower fare to be binding.

(2) No owner or driver shall demand or receive over and above the said fare any sum for back fare for the return of the carriage from the place at which it was discharged.

Back fares prohibited.

32. No agreement made with the driver of any hackney carriage for the payment of more than the fare published in accordance with section 31 shall

Contract for higher fare invalid.

<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

be binding on the person making the same, and any person, notwithstanding such agreement, may refuse on discharging such hackney carriage to pay any sum beyond such fare. If in pursuance of such agreement any person receives any sum exceeding the fare allowed, he shall be liable to pay a fine not exceeding ten rupees and also to refund such excess, which shall be recoverable as if it were a fine.

Penalty.

Publication of authorized fares and distances.

33. (1) The <sup>1</sup>[Deputy Commissioner] shall cause to be prepared a list in English and Tamil or other vernacular language of the fares published under section 31 and shall annex to such list a table showing the distances between the principal places to and from which hackney carriages commonly ply. The distances so shown shall be presumed to be correct.

Copies of published scale to be available for sale.

(2) Copies of such list and table shall be issued to all applicants on payment of <sup>2</sup>[a fee for each copy of <sup>3</sup>[twenty-five paise] or of such other sum as the <sup>1</sup>[Deputy Commissioner] subject to the control of the (State) Government may prescribe].

Driver to keep copy of published scale and produce on demand.

(3) The driver of every hackney carriage standing or plying for hire shall have with him a copy of such list and table and shall on demand produce the same for the inspection of any police officer or for the information of any hirer of, or passenger by, his carriage under penalty on conviction by a magistrate of a fine not exceeding ten rupees.

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<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> These words were substituted for the words "a fee of two annas for each copy" by section 2 of the Madras Hackney Carriage (Amendment) Act, 1947 (Madras Act XVII of 1947).

<sup>3</sup> These words were substituted for the words "four annas" by section 11 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>4</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

34. (1) The driver of every hackney carriage stand- ing or plying for hire shall drive such carriage to any place named by the hirer which is not more than three miles from the place of hiring in the case of vehicles of the description specified in clause (f) of section 9 and six miles in the case of any other vehicle.

Maximum distance to which driver is bound to drive.

(2) When any such carriage is hired by time, the driver thereof shall drive the same at a rate of speed not less than that prescribed by the <sup>1</sup>[Deputy Commissioner].

Minimum speed when hired by time.

(3) A driver failing, without reasonable excuse, to comply with the provisions of this section, shall be liable to a fine not exceeding ten rupees.

Penalty.

35. The driver of every hackney carriage <sup>2</sup>[other than a hand-cart] shall carry in or upon such carriage without additional charge such quantity of luggage for every person hiring the same as may be prescribed by by-law under this Act.

Quantity of luggage to be carried.

\* [35-A. (1) The maximum laden weight of, and the height of a load on, a hand-cart shall not exceed such limit as may be prescribed by any by-law made under section 50.

Maximum laden weight of hand-cart, etc.

(2) No person under the age of eighteen years shall drive a hand-cart, whether by himself or along with others.

(3) If any hand-cart is driven in contravention of the provisions of any by-law made under sub-section (1) or of the provisions of sub-section (2) any person who so drives it and also any person

<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> These words were inserted by section 12, *ibid.*

<sup>3</sup> This section was inserted by section 13, *ibid.*

employing him or in any way responsible for or abetting such contravention or employment, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both.]

Penalty for refusing to let hackney carriage for hire.

36. Any owner or driver of any hackney carriage who demands more than the fare to which he is legally entitled, or without reasonable excuse refuses to let such carriage for hire shall be liable to a fine not exceeding fifty rupees and to pay such further sum by way of compensation to the party complaining as to the magistrate may seem just; and such further sum shall, in default of immediate payment, be levied as if it were a fine.

Penalties for various offences by driver.

37. Every driver of a hackney carriage, who—

(a) is drunk during his employment,

(b) makes use of insulting or abusive language or gesture,

(c) stands elsewhere than at some stand or other place appointed for the purpose or loiters for the purpose of being hired in or upon any public street, road or place,

(d) wilfully obstructs, or hinders, the driver of any hackney carriage in taking up or setting down any person into, or from, such other carriage,

(e) wrongfully prevents or endeavours to prevent the driver of any other hackney carriage from being hired,

(f) refuses to admit and carry in such carriage the number of passengers the carriage is licensed to carry,

(g) carries more than such number of passengers,

(h) refuses to carry such quantity of luggage as is provided by the by-laws under this Act,

(i) being hired, permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the consent of the person hiring the same,

(j) drives in any hackney carriage any animal which is not so secured as to be under the control of the driver,

(k) being hired by time or distance, before he has been discharged by the hirer, wilfully deserts from the hiring,

(l) plies for hire with any carriage or animal which shall at the time be unfit for public use,

(m) without previously disinfecting it knowingly uses for hire any carriage used for the conveyance of a corpse or any person suffering from any contagious or infectious disease,

[(n) refuses or neglects to give way, if he conveniently can, to any other vehicle,

(o) refuses to obey the reasonable directions of any person hiring his carriage,]

shall be liable to a fine not exceeding fifty rupees, or to imprisonment which may extend to one month, or to both.

38. (1) When a complaint is made before a magistrate against the driver of a hackney carriage under this Act, the magistrate may, if the driver fails to appear, summon the owner to appear and to produce the driver.

Requisition to owner to produce absent driver.

(2) If the owner after being duly summoned fails without reasonable excuse to appear or to produce the driver according to the summons, he shall be liable to a fine not exceeding fifty rupees.

Penalty.

<sup>1</sup> These clauses were inserted by section 14 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

*Ex parte* disposal of complaint.

(3) If the owner fails without reasonable excuse to appear or produce such driver on a second or subsequent summons requiring him to do so, the magistrate may dispose of the complaint in the absence of the owner and driver or either of them.

Procedure in case of dispute between hirer and driver.

39. (1) In case of any dispute between the hirer and the driver of any hackney carriage, either may require the other to proceed forthwith to the nearest magistrate's court; and the then sitting magistrate shall hear and determine the dispute in a summary way.

(2) If no magistrate be then sitting, either party may require the other to proceed to the nearest police officer who shall enter the complaint in his diary and require the parties to appear before the magistrate at his next sitting.

(3) On failure of either party to appear before the magistrate in pursuance of a requisition under sub-section (1) or sub-section (2) or to attend the court at any subsequent sitting to which the case may be adjourned, the magistrate may decide the case *ex parte*, and his decision shall be binding on both parties.

Procedure in case of refusal to pay fare.

40. (1) If any person who has hired a hackney carriage refuses to pay to the owner or driver thereof the fare payable under this Act, the magistrate may order payment of such fare, and also of reasonable compensation for loss of time and in default of immediate payment such fare and compensation may be recovered as a fine.

Penalty.

(2) If any person who has used any such carriage attempts to evade payment of the legal fare, or any portion thereof, he shall be liable to a fine not exceeding fifty rupees in addition to any payment which may have been ordered under sub-section (1).

Penalty for defacing or destroying plate, badge or table of fares.

41. (1) Every person who wilfully tears, destroys, defaces, obliterates, or removes any plate, list of fares, table of distances, or driver's badge kept under the provisions of this Act, shall be liable to a fine not exceeding twenty rupees.

(2) Any portion of the fine may be awarded to the person to whom such plate, list of fares, table of distances, or driver's badge belongs.

42. Every person using a hackney carriage who wilfully injures the same shall be liable to a fine not exceeding Rs. 20, and shall also pay to the owner such compensation for the injury as the magistrate may direct; and such compensation shall be leviable as if it were a fine. Penalty for wilful injury to hackney carriage.

43. [*Repealed by Madras Act III of 1924.*]

44. (1) The <sup>1</sup>[Deputy Commissioner] shall appoint a sufficient number of public stands for hackney carriages. Hackney carriage stands.

(2) Every public stand so appointed shall have a board placed in a conspicuous place on the same containing a notice in English and Tamil or other vernacular language stating that the stand is a public stand under this Act, and specifying the number of carriages that may stand upon it.

## CHAPTER V.

### LOST PROPERTY.

45. (1) The owner or driver of every hackney carriage wherein any property is left by any person shall, within eighteen hours, carry such property to the nearest police-station and deposit it with the inspector or other officer on duty, and shall be entitled to a receipt duly signed by the officer taking charge of the same. Deposit with police of property left in hackney carriages.

(2) Any such owner or driver making default therein shall be liable to a fine not exceeding Rs. 20, or to imprisonment for a period which may extend to one month, or to both. Penalty.

<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

Police to register particulars of property deposited.

46. (1) The said officer shall forthwith enter, in a book to be kept for that purpose,—

(a) the description of the property;

(b) the name and address of the driver or other person who brings it;

(c) the name and address of the owner of the hackney carriage in which it was left, and the registered number of the carriage; and

and grant receipt.

(d) the day and hour when the property is brought and shall give to the person bringing the property a receipt for the same.

Return of property to owner.

(2) Such property shall be delivered to the person who satisfies the <sup>1</sup>[Deputy Commissioner] that it belongs to him upon payment of all expenses incurred by the owner or driver, together with such reasonable sum as the <sup>1</sup>[Deputy Commissioner] may award:

Sale of unclaimed property.

Provided that if the property is not claimed and the ownership established within six months from the date of deposit, the <sup>1</sup>[Deputy Commissioner] may cause the property to be advertised and sold by public auction; and the proceeds, after deducting the expenses, together with such reasonable sum as the <sup>1</sup>[Deputy Commissioner] may award to the owner or driver, <sup>2</sup>[of the hackney carriage] may be forfeited to the <sup>3</sup>[State Government].

<sup>4</sup>[Provided further that if the property is subject to speedy and natural decay, the Deputy Commissioner may cause the property to be advertised and sold by public auction, and the proceeds, after deducting the expenses, together with such reasonable sum as the Deputy Commissioner may award to the owner or

<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> These words were inserted by section 15, *ibid.*

<sup>3</sup> These words were substituted for the word "Government" by *ibid.*

<sup>4</sup> This proviso was inserted by section 15, *ibid.*

driver of the hackney carriage, shall be paid to the owner of such property, if such owner establishes his claim to such proceeds and if the amount is not claimed within six months from the date of deposit it may be forfeited to the State Government.]

## [CHAPTER V-A.

### APPEALS.

46-A. Any person aggrieved by any order of the Deputy Commissioner— Appeal.

(a) refusing registration of any vehicle under section 6 ; or

(b) suspending the licence of any hackney carriage under section 10 ; or

(c) refusing the grant of a licence to act as driver of any hackney carriage under section 19 ; or

(d) suspending the licence of the driver of a hackney carriage under section 22,

may, subject to such conditions and within such period as may be prescribed by by-laws made under section 50, appeal to the Commissioner and the order of the Commissioner on such appeal shall be final.]

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1 This Chapter was inserted by section 16 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

## CHAPTER VI.

## PROSECUTIONS.

*Ex parte* disposal of criminal charges.

47. If in any prosecution under this Act the person charged does not appear as directed by the summons, the magistrate may, upon proof of service and if no sufficient cause be shown for the non-appearance, proceed to dispose of the case in his absence.

Limitation restricting criminal proceedings.

48. (1) No person shall be liable to prosecution for any offence under this Act unless the complaint respecting such offence be made within one month next after the commission of such offence.

Continuing offences.

(2) For the purposes of this section every omission punishable under this Act shall be deemed to be a continuing offence so long as the omission continues.

Compensation for frivolous prosecution.

49. Where the magistrate is satisfied that a complainant has no reasonable ground for instituting a prosecution, he may direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit; and the sum so awarded shall be recoverable as if it were a fine.

## CHAPTER VII.

## BY-LAWS AND DELEGATIONS.

Power to make by-laws.

50. The <sup>1</sup>[Deputy Commissioner] may, subject to the approval of the <sup>1</sup>[State Government] and after previous publication, make by-laws not inconsistent with the provisions of this Act with regard to—

(a) the examination and qualifications of drivers and the conditions under which they may be employed ;

<sup>1</sup> These words were substituted for the word "Commissioner" by section 2 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(b) the description of horses, bullocks or other animals, harness and other things to be used with hackney carriages, the dimensions of such carriages, and the condition in which such carriage and the horses, bullocks or other animals, harness and other things used therewith shall be kept ;

(c) the inspection of the premises on which any such carriages, horses, bullocks or other animals, harness and other things are kept ;

(d) the protection of weak, lame and sickly horses, bullocks or other animals ;

(e) the publication of a list of fares and table of distances and the regulation of the amount and weight of luggage to be carried with or without additional charge,<sup>1</sup> [ ] .

\*[(ee) the disposal of \*[any hand-rickshaw confiscated under section 3-B or] any hackney carriage confiscated under section 14 and the proceeds thereof ;

(eee) the maximum laden weight of, and the height of a load on, a hand-cart ;

(eeee) the conditions subject to which and the period within which any appeal under section 46-A may be preferred ;]

(f) generally for carrying out the purposes of this Act :

Provided that such by-laws shall not take effect until the expiration of one month from the date of their publication.

51. Whoever infringes any by-law shall, on conviction before a magistrate, be liable to a fine not exceeding twenty rupees. Penalty for breach of by-laws.

<sup>1</sup> The word "and" was omitted by section 17 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964)

<sup>2</sup> These clauses were inserted by section 17, *ibid.*

<sup>3</sup> These words, figure and letter were inserted by section 5 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1973 (Tamil Nadu Act 41 of 1973).

Delegation of  
Deputy Commi-  
ssioner's func-  
tions in Madras.

[52. Subject to the control of the State Government, the Deputy Commissioner may delegate to any Assistant Commissioner all or any of his functions under this Act in respect of the whole or any part of the City of Madras.]

## CHAPTER VIII.

### EXTENSION OF THE ACT.

<sup>2</sup>[Discharge of  
functions of  
Commissioner or  
Deputy Commi-  
ssioner in muf-  
assal.]

53. Upon the extension of this Act to any town or place under sub-section (3) of section 1 the <sup>1</sup>[State Government] shall appoint persons by name or by official designation to perform the functions of the Commissioner <sup>4</sup>[or the Deputy Commissioner] under this Act.

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<sup>1</sup> This section was substituted for the original section 52 by section 18 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

<sup>2</sup> This marginal note was substituted for the original marginal note by section 19, *ibid.*

<sup>3</sup> The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

<sup>4</sup> These words were inserted by section 19 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964.)

GOVERNMENT OF TAMIL NADU  
1999

[Registered No. M  
[Price : Re. 0.15]



# TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 455]

CHENNAI, FRIDAY, JUNE 4, 1999

Vaikasi 21, Pramathi, Thiruvalluvar Aandu-2030

## Part IV—Section 2

### Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 3rd June 1999 and is hereby published for general information :—

ACT No. 16 OF 1999.

*An Act Further to Amend the Tamil Nadu Hackney Carriage Act, 1911.*

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fiftieth-Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Hackney Carriage (Amendment) Act, 1999. Short title and commencement

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu  
Act V of 1911.

2. In section 3 of the Tamil Nadu Hackney Carriage Act, 1911, in clause (3), in sub-clause (b), for item (ii), the following item shall be substituted, namely :— Amendment of section 3.

“(ii) is used for the conveyance of any person or for the transport of any goods ; and”

(By order of the Governor)

K. PARTHASARATHY,  
Secretary to Government, Law Department.

PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING, CHENNAI ON BEHALF OF THE GOVERNMENT OF TAMIL NADU.