THE MAHARASHTRA PUBLIC CONVEYANCES ACT

[*Text as on 11th November 2024*]

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1. Amended by Bom. 2 of 1924
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13. Amended by Bom. 8 of 1958
14. Amended by Bom. 86 of 1958
15. Amended by Bom. 56 of 1959
16. Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
17. Amended by Mah. 13 of 1979 (1st April 1979)
18. Amended by Mah. 24 of 2012 (22nd August 2012)

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[1] This Act was repealed and section 2 thereof was re-enacted by Bom. 18 of 1948, s. 2.

[2] This Act has been re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

ACT No. VII of 1920[1]

[THE MAHARASHTRA PUBLIC CONVEYANCES ACT.][2]

[This Act received the assent of the Governor General; assent was first published in the *Bombay Government Gazette*, on the 17th day of June 1920.]

An Act to amend the Law relating to the regulation of public conveyances.

[3][WHEREAS it is expedient to amend the law relating to the regulation of public conveyances;

AND WHEREAS it is expedient to provide for prohibiting the plying of certain classes of vehicles as public conveyances; It is hereby enacted as follows :—]

1. Short title and extent.— (*1*) This Act may be called [4][the Maharashtra Public Conveyances Act].

(*2*) This section and sections 36, 38 and 39 extend to the [5][whole of the [6][State of Maharashtra]]. The rest of the Act extends, subject to the provisions of section 36, only to the [7][Greater Bombay] :

[8][Provided that on the commencement of the Bombay Public Conveyances (Unification and Amendment) Act, 1958 (Bom. LXXXVI of 1958), the rest of the Act shall come into force at once in those parts of the State of Bombay in which the Hackney-carriage Act, 1879 (XIV of 1879), or the Hyderabad Public Conveyances Act, 1956 (Hyd. Act XXXIX of 1956), or the Bombay Public Conveyances Act, 1920 (Bom. VII of 1920), as adapted and applied to the Saurashtra area or the Bombay Public Conveyances Act, 1920 (Bom. VII of 1920), as extended to the Kutch area was in force immediately before such commencement.]

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context—

[9][(*a*) "Commissioner of Police" means,—

(*i*) the Commissioner of Police for Greater Bombay, and

(*ii*) where the rest of the Act or any portion thereof has been extended to any other area and a Commissioner of Police has been appointed for that area, the Commissioner of Police for that area;

and includes any person authorised by the Commissioner of Police concerned to exercise or perform any power or duty imposed or conferred on him by this Act;]

[10][(*b*) "Public conveyance" means any wheeled vehicle, drawn or propelled on roads and used for the purposes of plying for hire for the conveyance of persons or goods but does not include a motor vehicle as defined in the Motor Vehicles Act, 1939 (IV of 1939), or a vehicle running upon fixed rails;]

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1 For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1919, Part V, page 945, for Report of Select Committee, *see Bombay Government Gazette*, 1920, Part V, page 51; and for Proceeding in Council *see Bombay Government Gazette*, 1919, Part V, page 1092, *Bombay Government Gazette*, 1920 page 265.

2 Sections 1, 36, 38 and 39 of this Act were extended to that part of the State of Bombay to which immediately before the commencement of this Act they did not extend (*vide* Bom. 86 of 1958, s. 2).

3 This preamble was substituted for the original by Bom. 18 of 1948, s. 3.

4 The short title of this Act was amended for the existing short title "the Bombay Public Conveyances Act, 1920" by Mah. 24 of 2012, ss. 2 and 3, Schedule, entry 14, w.e.f. 1-5-1960.

5 These words were substituted for the words "pre-Re-organisation State of Bombay, excluding the transferred territories" by Bom. 86 of 1958, s. 3(*i*)(*a*).

6 These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

7 These words were substituted for the words "City of Bombay" by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

8 This proviso was added by Bom. 86 of 1958, s. 3(*i*)(*b*).

9 Clause (*a*) was substituted for the original by Bom. 56 of 1959, s. 3, Sch. 3.

10 This clause was substituted for the original by Bom. 18 of 1943, s. 2, read with Bom. 18 of 1948, s. 2.

[1][(*c*) "licensing year" means the year commencing on such date as the Commissioner of Police, shall, subject to the conditions of previous publication, fix for the purpose of licences granted under this Act;]

(*d*) "driver" includes a conductor, attendant or other person in charge of a public conveyance;

(*e*) "licensee" means the holder of a licence granted under this Act for a public conveyance or a horse or a driver of a public conveyance.

Licensing of Public Conveyances

3. Public conveyances to be licensed.— (*1*) No person shall keep or let for hire any public conveyance without a licence granted by the Commissioner of Police in this behalf.

(*2*) On every public conveyance—

(*a*) the number of the conveyance as entered in the licence granted for the same, and

(*b*) where the conveyance is licensed to carry passengers, the number of passengers which it is licensed to carry,

shall be clearly inscribed in such manner as the Commissioner of Police may direct.

4. Licences for public conveyances.— (*1*) Such licences shall remain in force for the licensing year, unless sooner determined under the provisions of this Act, and shall be renewable.

(*2*) Such licenses shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe—

(*a*) the full name and address of the licensee ;

(*b*) the date on which the licence was granted and the date on which it will expire by efflux of time ;

(*c*) the local area for which the licence is granted ;

(*d*) the number and class of the conveyance ;

(*e*) the number of horses or other animals (if any) by which it is to be drawn ;

(*f*) the number of passengers (if any) which it may carry.

(*3*) Such licences shall not be transferred by the licensee to any other person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction when granted shall be endorsed on the licence.

[2][(*4*) No such licences shall be granted or renewed unless it is shown to the satisfaction of the Commissioner of Police that the applicant has paid the vehicle tax due in respect of the public conveyance to a local authority constituted under any law for the time being in force.]

5. Grounds on which licence may be refused or cancelled.— [3][(*1A*) The Commissioner of Police may refuse to grant licences for any class of vehicles if, in his opinion, it is undesirable that such vehicles should be used, as public conveyances. The Commissioner of Police may, on the same ground, refuse to renew, and may, at any time, cancel the licences already granted for such vehicles. On such cancellation the licensee shall be granted out of the fees paid by him for the licence a refund of a sum equal to the amount of fees payable for the unexpired portion of the licence calculated in proportion to the amount paid for the full period of the licence.]

(*1*) The Commissioner of Police may refuse to grant a licence for a public conveyance if in his opinion the conveyance is insufficiently found or is otherwise unfit for the purpose for which it is intended.

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1 Clause (*c*) was substituted for the original by Bom. 7 of 1928, s. 2.
2 This sub-section was added by Bom. 86 of 1958, s. 3(*ii*).
3 This sub-section was inserted by Bom. 18 of 1948, s. 4.

(*2*) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a licence for a public conveyance on either of the foregoing grounds or if in his opinion—

(*i*) the licensee has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the licence, or

(*ii*) a conveyance licensed for carrying goods has been used for carrying passengers.

(*3*) When refusing to renew, or suspending or cancelling, a licence for a public conveyance, the Commissioner of Police may erase the inscription made thereon in accordance with this Act.

[1]**[5A. Special licensing provisions in respect of cycle rickshaws, in certain areas.—** (*1*) Notwithstanding anything contained in sections 3, 4, 5 and 36, in the City of Nagpur as constituted under the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950), and in such other areas as may be notified in this behalf by the Commissioner from time to time under section 36, being areas where sections 3, 4 and 5 extend or have been extended under section 36, no licence for keeping or letting for hire any cycle-rickshaw shall, after the commencement of the Bombay Public Conveyances (Amendment) Act, 1979 (Mah. XIII of 1979), be granted or renewed by the Commissioner of Police, unless the applicant—

(*a*) is himself the puller of the cycle-rickshaw ;

(*b*) is either the sole owner thereof and if not the sole owner, owns the same jointly with not more than three other pullers; and

(*c*) has, in the opinion of the Commissioner of Police, no income sufficient for his maintenance, other than what may be derived from driving such cycle-rickshaw :

Provided that, any licence in respect of a cycle-rickshaw, which is valid immediately before such commencement, may be renewed by the Commissioner of Police in favour of a person who is not a puller, or in favour of such person jointly with another person who is a puller, for a period not exceeding six months at a time, but in any case not exceeding two years in the aggregate :

Provided further that, nothing in this section shall apply to any case where the applicant is a minor or widow or a person subject to any physical or mental disability and the applicant, in the opinion of the Commissioner of Police, has no income sufficient for his maintenance other than what may be derived by hiring of such cycle-rickshaw.

Explanation.— For the purpose of this section,—

(*a*) "cycle-rickshaw" means a pedal driven cycle-rickshaw, but does not include any cycle-rickshaw which is fitted with an engine;

(*b*) "puller" means a person who by himself drives a cycle-rickshaw and holds a licence granted for the purpose under section 11.

(*2*) The State Government may on an application by any person aggrieved by an order passed by the Commissioner of Police refusing to grant or renew a licence in his favour, made to it within sixty days from the date of receipt of such order, or at any time *suo moto*, call for and examine the records of the case for the purpose of satisfying itself as to the legality or propriety of any order passed by the Commissioner of Police under this section and after giving a reasonable opportunity of being heard to the person concerned, pass such order in reference thereto as it thinks fit.]

6. Number, etc., to be inscribed on conveyance.— (*1*) When granting or renewing a licence for a public conveyance, and at other times when necessary, the Commissioner of Police shall cause the particulars required by clauses (*a*) and (*b*) of sub-section (*2*) of section 3 to be painted or otherwise clearly inscribed upon the conveyance.

(*2*) No fee shall be charged for any inscription made under the foregoing sub-section when it is made at the time when the licence is granted or at the annual renewal of the licence, but when such

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[1] Section 5A was inserted by Mah. 13 of 1979, s. 2.

inscription is made at any other time [1][the licensee shall pay such sum towards the cost of such inscription as the Commissioner of Police shall by rules direct.]

7. Fees for public conveyance licences.— (*1*) For the grant of a licence for a public conveyance a fee shall be charged at such rate as the Commissioner of Police shall prescribe.

(*2*) For the renewal of such licence a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged.

Licensing of horses

8. Licensing of horses.— (*1*) No horse shall be used for drawing a public conveyance except under a licence granted by the Commissioner of Police in respect of such horse.

(*2*) Such licences shall remain in force for the licensing year unless sooner determined under this Act, and shall be renewable.

(*3*) Such licences shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe :

(*a*) the full name and address of the licensee ;

(*b*) the date on which the licence was granted and the date on which it will expire by efflux of time ;

(*c*) the local area for which the licence is granted ;

(*d*) a description of the horse for which the licence is granted and the marks of identification of the same ;

(*e*) the class of conveyance to draw which the horse may be used.

(*4*) Such licences may not be transferred by the licensee to any person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction shall be endorsed on the licence.

[2][(*5*) Such licences shall if so directed by the Commissioner of Police be carried in the public conveyance for drawing which the horse is being used and shall be produced for inspection whenever required by any police officer.]

9. Branding of horses.— When granting a licence for a horse the Commissioner of Police [3][may, if he thinks it necessary] brand such horse on the hoof in such manner that it may be easily identified.

10. Grounds on which licence for horse may be refused or cancelled and examination by a veterinary practitioner.— (*1*) The Commissioner of Police may refuse to grant, to renew, and may at any time suspend, a licence for a horse if in his opinion such horse is in any way unfit for use in a public conveyance.

(*2*) In case of such refusal or suspension the owner of the horse or licensee, as the case may be, may require that such horse be examined by a veterinary practitioner of the Government or of a local authority, and, if in the opinion of such practitioner the horse is fit for use in public conveyance, the Commissioner of Police shall grant or renew the licence or cancel the order of suspension.

11. Drivers to be licensed.— (*1*) No person shall act as driver of public conveyance without a licence granted by the Commissioner of Police in this behalf.

(*2*) Such licences shall remain in force for the licensing year unless sooner determined under this Act, and shall be renewable.

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1 These words were substituted for the words "a fee at one-half of the rate chargeable for the grant of a licence for a public conveyance under section 7, sub-section (*1*), shall be charged" by Bom. 7 of 1928, s. 3.

2 Sub-section (*5*) was added by Bom. 7 of 1928, s. 4.

3 These words were substituted for the word "shall" by Bom. 7 of 1928, s. 5.

(*3*) Such licences shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe :

(*a*) the full name and address of the licensee ;

(*b*) the date on which the licence was granted and the date on which it will expire by efflux of time ;

(*c*) the local area for which the licence is granted ;

(*d*) the class of public conveyance which the licensee is licensed to drive.

12. Grounds on which driver's licence may be refused or cancelled.— (*1*) The Commissioner of Police may refuse to grant a licence to a driver if in his opinion such driver [1][is not competent and careful or] is unfit on account of youth, infirmity, bad character or any other reason to pursue the occupation of driver of a public conveyance.

(*2*) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a driver's licence on the foregoing grounds or if the holder has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the licence.

13. Driver's badges.— (*1*) When granting a licence to a driver the Commissioner of Police shall provide him with a metal badge bearing the number of the licence.

(*2*) Every driver who has received such badge shall wear the same on a conspicuous part of his dress at all times when pursuing his occupation as driver.

(*3*) No driver who has received such badge shall permit any other person to wear the same : provided that any person, other than the driver to whom a badge has been given by the Commissioner of Police, who shall wear such badge shall be presumed, until the contrary is proved, to wear it with such driver's permission.

14. Fees for driver's licences.— (*1*) For the grant of a licence to a driver a fee shall be charged at such rate as the Commissioner of Police shall prescribe.

(*2*) For the renewal of such licence a fee at one-half of the rate chargeable under the forgoing sub-section shall be charged.

Provisions Relating To Licences

15. Licences when suspended or cancelled to be returned.— Every licence which has been suspended or cancelled shall be returned by the licensee to the Commissioner of Police within twenty-four hours after the suspension or cancellation thereof.

16. Change of address of licensee to be reported.— Whenever a licensee shall change his residence he shall within one week thereafter give notice thereof in writing signed by himself to the Commissioner of Police.

[2]**[16A. Licensee to report name of person left in charge of conveyance during his absence.—** Whenever the licensee of a public conveyance shall be absent from the [3][Greater Bombay] for a period exceeding fifteen days he shall, if the public conveyance is used for the purpose of plying for hire, give, previous to his departure, notice thereof in writing signed by himself to the Commissioner of Police. Such notice shall state the name of the person left in charge of the public conveyance. Such person shall, until the return of the licensee, perform all the duties of a licensee of a public conveyance and be liable to all the penalties to which such licensee is liable under this Act.]

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1 These words were inserted by Bom. 2 of 1924, s. 2.

2 Section 16A was inserted by Bom. 7 of 1928, s. 6.

3 These words were substituted for the original by Bom. 17 of 1945, s. 9, and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

17. Public conveyance or horse to be produced for inspection when required.— Every licensee of a public conveyance or horse shall produce such conveyance or horse for inspection whenever the Commissioner of Police shall require him to do so.

Fares and Stands

18. Rates of fares.— The Commissioner of Police shall, subject to the conditions of previous publication and the previous sanction of the [1][[2][State] Government], fix the legal rates of fares for public conveyances.

19. Stands.— The Commissioner of Police shall appoint stands or places, at which alone public conveyances may stand to ply for hire [3][and may, at any time, abolish any such stand or place.]

20. Driver to have his licence as driver and list of fares.— (*1*) Every driver of a public conveyance shall have with him when pursuing his occupation as driver the licence granted to him under section 11 of this Act and a clean and legible list, in English and such vernacular language or languages as the Commissioner of Police may direct, bearing the name in full of the licensee of the conveyance and showing the rates of fares fixed for the time being for the hire of the conveyance, with an abstract of the law relating to public conveyances.

(*2*) Every such driver shall on demand by a police officer produce for inspection such licence and list.

(*3*) Every such driver shall on demand produce such list for the information of any hirer of, or passenger travelling in, the conveyance.

21. Book of fares to be issued.— Lists of the fares fixed for public conveyances, as for the time being in force, together with the abstract referred to in the preceding section, shall be prepared by the Commissioner of Police and sold to the public at a reasonable price.

Offences and Punishments

22. Keeping public conveyance without licence.— [4][(*1*)] Any person who shall—

(*a*) keep or left for hire any public conveyance without a licence granted by the Commissioner of Police in this behalf and for the time being in force, or

(*b*) [5]* * * keep or left for hire any public conveyance on which the number and other particulars required by section 3 are not clearly inscribed in such manner as the Commissioner of Police directs,

shall be punishable with fine which may extend to one hundred rupees.

[6][(*2*) If any person commits an offence under clause (*a*) of sub-section (*1*) any Court trying such offence may direct that the conveyance in respect of which the Court is satisfied that the offence has been committed shall be forfeited to [7][Government]].

23. Failure to cause public conveyance to ply when so required by the police.— Any licensee of a public conveyance who shall without sufficient reason fail to cause such conveyance to ply for hire when required to do so by a police officer and any driver of a public conveyance who shall without sufficient reason fail duly to pursue his occupation when required to do so by a police officer, shall be punishable with fine which may extend to fifty rupees.

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1 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 These words were added by Bom. 7 of 1928, s. 7.

4 Section 22 was renumbered as sub-section (*1*) by Bom. 37 of 1949, s. 2.

5 The words "who shall" were deleted by Bom. 9 of 1951, s. 2, First Schedule.

6 This sub-section was inserted by Bom. 37 of 1949, s. 2.

7 This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.

24. Licensee of public conveyance permitting unlicensed driver to use the same or permitting the same to be drawn by unlicensed horse.— Any licensee of a public conveyance who shall, when the same is used for the purpose of a public conveyance permit any person to act as driver thereof other than a driver duly licensed under this Act, or who shall, when such conveyance is used for the purpose aforesaid, permit the same to be drawn by a horse other than a horse for which a licence is in force under this Act, shall be punishable with fine which may extend to fifty rupees.

25. Failure to produce public conveyance or horse for inspection.— Whoever, being the licensee of a public conveyance or horse, shall fail to produce such conveyance or horse for inspection when required to do so by the Commissioner of Police shall be punishable with fine which may extend to twenty rupees.

26. Offences by drivers of public conveyances.— (*1*) Whoever shall act as driver of a public conveyance without a driver's licence granted by the Commissioner of Police in this behalf and for the time being in force, or [1][without a badge, if he has received a badge from the Commissioner of Police, or, when acting as such driver, shall fail to wear a badge so received] on a conspicuous part of his dress; and

(*2*) Whoever, being the driver of a public conveyance, shall—

(*a*) permit any other person to use his licence or badge ;

(*b*) permit more passengers to be carried in a public conveyance than it is licensed to carry ;

(*c*) conceal or permit to be concealed from public view the inscription made on a public conveyance in accordance with this Act, or prevent or attempt to prevent any person taking note of such inscription ;

(*d*) permit any person to be carried, without the express consent of the hirer, in a public conveyance the whole of which has been hired by any person ;

(*e*) fail to produce, on demand by a police officer, the licence [2][if any], granted to him under [3][section 8 or section 11] or a list of the legal rates of fares as required by this Act ;

(*f*) fail to produce, on demand by a hirer of, or passenger travelling in a public conveyance a list of the legal rates of fares for such conveyance as required by this Act ;

(*g*) refuse or neglect to give way, if he conveniently can, to any private conveyance, or obstruct or hinder the driver of any other public conveyance in taking up or setting down any person into or from such other public conveyance ;

(*h*) be intoxicated at any time while pursuing his occupation as driver ;

(*i*) make use of insulting or abusive language or gesture;

(*j*) refuse to obey the reasonable orders of any person hiring a public conveyance of which he is in charge ;

(*k*) when acting as driver, permit the inside of a public conveyance of which he is in charge to be dirty ; or

(*l*) when in charge of a public conveyance other than a cart used for conveyance of goods,—

(*i*) demand prepayment of his fare, or

(*ii*) refuse without reasonable cause to carry any person desiring to hire the conveyance, or

(*iii*) refuse or delay to proceed with reasonable expedition, or

(*iv*) demand for the hire of the conveyance more than the legal fare, or

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1 These words were substituted for the words "without a badge granted to him by the Commissioner of Police or when acting as such driver, shall fail to wear such badge" by Bom. 7 of 1928, s. 8(*a*).

2 The words "if any" were inserted by Bom. 7 of 1928, s. 8(*b*).

3 The words and figures "section 8 or section 11" were substituted for the word and figures "section 11" by Bom. 7 of 1928, s. 8(*b*).

(*v*) stand to ply for hire at any place other than a stand or place appointed under this Act or loiter for the purpose of being hired in or upon any public street, road or place,

shall be punishable with fine which may extend to fifty rupees.

27. Failure to return licence or to notify address.— Any licensee—

(*a*) who shall fail to return a licence which has been suspended or cancelled to the Commissioner of Police within twenty-four hours after the suspension of cancellation thereof, or

(*b*) who, after changing his residence, shall fail to give notice thereof in writing signed by himself to the Commissioner of Police within one week after such change has taken place, or

[1][(*bb*) who, before leaving the [2][Greater Bombay] for a period exceeding fifteen days shall fail to give notice thereof in writing signed by himself to the Commissioner of Police, or]

(*c*) who shall contravene any condition of his licence,

shall be punishable with fine which may extend to twenty rupees.

28. Injury to public conveyance.— Any person using a public conveyance who shall wilfully or negligently injure the same shall be punishable with fine which may extend to twenty rupees, and shall also pay the owner of such conveyance such compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

29. Compensation payable by driver causing damage.— The driver of any public conveyance who shall by negligence or misconduct, cause any hurt or damage shall, in addition to any punishment to which he may be liable by law, pay the complainant such reasonable compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Procedure

30. Arrest by police.— Any police officer may arrest without warrant any person who has committed any offence under this Act, and may seize and detain any conveyance or horse in relation to which such offence has been committed.

31. Procedure in case of dispute.— (*1*) In case of any dispute between the hirer and driver of a public conveyance, either party may require the other to proceed forthwith to the nearest Magistrate's Court, where the dispute shall be determined in a summary manner by the Magistrate then sitting.

(*2*) If no Magistrate is then sitting either party may require the other to proceed to the [3][Officer in charge of the nearest police station] who shall, if necessary, arrange for the hearing of the case at the next sitting of the Court.

(*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.

(*4*) Provided that, if the hirer is about to leave the [4][Greater Bombay,] a police officer to whom reference has been made under sub-section (*2*) may, after hearing both parties, require the hirer to deposit such sum, if any, as appears to be due by him, and, if any compensation appears to be due under section 28, an additional sum of ten rupees, and the hirer shall not be required to attend the Magistrate's Court. The police officer shall report the dispute to the Magistrate and the Magistrate may award the driver such sum, if any, not being in excess of the amount deposited by the hirer, as he considers just, and if any offence appears to have been committed, shall inquire into the same

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1 Clause (*bb*) was inserted by Bom. 7 of 1928, s. 9.

2 These words were substituted for the original by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

3 These words were substituted for the words "nearest police officer of rank not below that of inspector" by Bom. 7 of 1928, s. 10.

4 These words were substituted for the original by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

according to law. In either case where any surplus remains of the deposit made by the hirer, the Magistrate shall give notice thereof to the hirer and return it to him on demand.

(*5*) Where the Magistrate is satisfied that one party had no reasonable ground, for requiring the other party to proceed to his Court or to the nearest police officer, he may direct the former party to pay to the latter such compensation not exceeding fifty rupees as he thinks fit, and such compensation shall be leviable as a fine.

32. Licensee may be required to produce driver : penalty.— (*1*) When a complaint is made before a Magistrate against a driver of a public conveyance under this Act, the Magistrate may, if the driver fails to appear, summon the licensee of such conveyance to appear and produce the driver.

(*2*) If the licensee after being duly summoned fails without reasonable excuse to appear or to produce the driver he shall be punishable with fine not exceeding fifty rupees.

33. Refusal to pay fare.— If any person who has hired a public conveyance refuses to pay the legal fare thereof, the Magistrate may order payment of such fare and also of reasonable compensation for loss of time; such fare and compensation shall be leviable as a fine.

Miscellaneous

34. Disposal of property : penalty.— (*1*) All property left in any public conveyance shall be forthwith deposited by the licensee or driver of such conveyance at the nearest police station.

(*2*) The Commissioner of Police shall cause such property to be returned to such person as shall prove to his satisfaction that he is entitled to the same, on payment by such person of all expenses reasonably incurred and of such compensation to the driver of the public conveyance as the Commissioner of Police may consider just.

(*3*) Any licensee or driver failing to deposit any property as required by sub-section (*1*) shall be punishable with fine which may extend to fifty rupees.

35. Rules.— [1][(*1*) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistent with this Act,—

(*a*) fixing the sum to be paid towards the cost of an inscription under sub-section (*2*) of section 6 ;

(*b*) generally for the regulation of public conveyances.]

(*2*) Such rules shall be published in the [2][*Official Gazette*].

[3][(*3*) Such rules may provide that a contravention thereof shall be punishable with fine which may extend to thirty rupees.]

36. Extension of Act.— (*1*) The [4][Commissioner] [5]* * * * may by notification in the [6][*Official Gazette*] extend this Act or any specified provisions thereof to any area within [7][his] [8]* * jurisdiction from a date to be stated in such notification.

(*2*) Where this Act or any portion thereof is extended to any such area, the [9][Commissioner] [10]* * * * * * , —

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1 Sub-section (*1*) was substituted for the original by Bom. 7 of 1928, s. 11(*a*).

2 The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

3 Sub-section (*3*) was inserted by Bom. 7 of 1928, s. 11(*b*).

4 This word was substituted for the words "State Government" by Bom. 8 of 1958, s. 3, Schedule, s. 1(*a*)(*i*).

5 The words "or the Commissioner of a division" were deleted by Bom. 28 of 1950, Schedule.

6 The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

7 This word was substituted for the word "its" by Bom. 8 of 1958, s. 3, Schedule, s. 1(*a*)(*ii*).

8 The words "or his" were deleted by Bom. 28 of 1950, Schedule.

9 This word was substituted for the words "State Government" by Bom. 8 of 1958, s. 3, Schedule, s. 1(*a*)(*i*).

10 The words "or the Commissioner of the division, as the case may be" were deleted by Bom. 28 of 1950, Schedule.

(*a*) shall [1][where no Commissioner of Police has been appointed] by notification appoint some person to perform the functions assigned by this Act to the Commissioner of Police, and

(*b*) may by notification direct that any particular Magistrates or classes of Magistrates shall exercise jurisdiction under this Act, and

[2][(*c*) may by notification direct that any class of vehicles shall be exempt from all or any of the provisions of this Act.]

(*3*) A notification under this section extending this Act or any portion thereof to any area shall be published at least thirty days before the date fixed for its coming into effect.

[3][(*3A*) When this Act or any specified provisions thereof are extended to any area by a notification under this section the expression [4][Greater Bombay] occurring in the foregoing provisions of this Act shall be construed as meaning the area to which this Act or any specified provisions thereof are extended by such notification.]

(*4*) When this Act or any portion thereof is extended to any area the powers of fixing fees and of appointing [5][and abolishing] stands and of making rules shall be exercised subject to the approval of the [6][Commissioner].

[7]* * * * * * * *

[8]**[37. Power to apply or adapt certain provisions to vehicles not used for the purpose of plying for hire.—** The [9][[10][State] Government], or any area to which this Act or any specified provisions thereof have been extended under section 36 the [11][Commissioner] [12]* * * * * * * * may, by notification in the [13][*Official Gazette*], apply or adapt all or any of the provisions of this Act, except those which relate to plying for hire, or any part of any such provision, to vehicles or to any class of vehicles which are kept, or ordinarily let for hire, but which are not used for the purpose of plying for hire.

Explanation.— A vehicle shall not be deemed to be kept for hire if it is let for hire only occasionally by private agreement.]

38. Powers may be exercised from time to time.— All powers conferred by this Act may be exercised from time to time as occasion requires.

[14]**[39. Repeal and saving.—** On the commencement of the Bombay Public Conveyances (Unification and Amendment) Act, 1958 (Bom. LXXXVI of 1958), the following Acts, that is to say,—

(*i*) the Bombay Public Conveyances Act, 1920 (Bom. VII of 1920), as adapted and applied to the Saurashtra area of the State of Bombay,

(*ii*) the Hackney-carriage Act, 1879 (XIV of 1879), as in force in the Vidarbha region of the State of Bombay,

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1 These words were inserted by Bom. 56 of 1959, s. 3, Schedule.
2 Clause (*c*) was substituted for the original clause by Bom. 7 of 1928, s. 12(*a*).
3 Sub-section (*3A*) was inserted by Bom. 7 of 1928, s. 12(*b*).
4 These words were substituted for the original by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.
5 These words were inserted by Bom. 7 of 1928, s. 12(*c*).
6 This word was substituted for the words "State Government" by Bom. 8 of 1958, s. 3, Schedule, s. 1(*a*)(*i*).
7 Sub-section (*5*), which was substituted for the original sub-section (*5*) by s. 2 of Bom. 11 of 1924 was omitted by Bom. 7 of 1928.
8 Section 37 was substituted for the original section by Bom. 7 of 1928, s. 13.
9 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
11 This word was substituted for the words "State Government" by Bom. 8 of 1958, s. 3, Schedule, s. 2.
12 The words "or the Commissioner of the division, as the case may be" were deleted by Bom. 28 of 1950, Schedule.
13 The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.
14 This section was substituted for the original by Bom. 86 of 1958, s. 3 (*iii*).

(*iii*) the Hyderabad Public Conveyances Act, 1956 (Hyd. Act XXXIX of 1956), and

(*iv*) the Bombay Public Conveyances Act, 1920 (Bom. VII of 1920), as extended to the Kutch area of the State of Bombay,

shall be repealed :

Provided that notwithstanding such repeal—

(*a*) any notification issued, licence granted or rule made under the provisions of the laws so repealed shall continue in force until it is superseded or modified by any notification, licence or rule issued, granted, or made by a competent authority under this Act and if no such authority exists or if there be a doubt as to the competent authority by such authority as the State Government may designate;

(*b*) anything done or action taken (including any notice given, prosecutions launched, right acquired, obligation and liability accrued or incurred, penalty imposed, proceedings pending, badges provided, rates of fares fixed, stands of places appointed, or sanctions granted) shall be deemed to be done, or taken, under the corresponding provisions of this Act as if this Act had then been in force.]