

1920 : Bom .VII]



GOVERNMENT OF GUJARAT

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Bombay Act No. VII of 1920

The Bombay Public Conveyances Act, 1920

(As modified upto 31st July, 2007)

1920 : Bom .VII]

THE BOMBAY PUBLIC CONVEYANCES ACT, 1920.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Definitions.

Licensing of Public Conveyances.

3. Public conveyances to be licensed.
4. Licences for public conveyances.
5. Grounds on which licence may be refused or cancelled.
- 5A. Power of Commissioner to limit number of public conveyances.
6. Number, etc., to be inscribed on conveyance.
7. Fees for public conveyance licences.

Licensing of horses.

8. Licensing of horses.
9. Branding of horses.
10. Grounds on which licence for horse may be refused or cancelled and examination by a veterinary practitioner.

Licensing of Drivers.

11. Drivers to be licensed.
12. Grounds on which driver's licence may be refused or cancelled.
13. Driver's badges.
14. Fees for drivers' licences.

Provisions relating to licensees.

15. Licences when suspended or cancelled to be returned.
16. Change of address of licensee to be reported.
- 16A. Licensee to report name of person left in charge of conveyance during his absence.
17. Public conveyance or horse to be produced for inspection when required.

Fares and Stands.

18. Rates of fares.

1920 : Bom .VII]

19. Stands.

SECTIONS.

20. Driver to have his licence as driver and list of fares.

21. Book of fares to be issued.

Offences and punishments.

22. Keeping or letting for hire public conveyance without licence.

23. Failure to cause public conveyance to ply when so required by the police.

24. Licencee of public conveyance permitting unlicensed driver to use the same or permitting the same to be drawn by unlicensed horse.

25. Failure to produce public conveyance or horse for inspection.

26. Offences by drivers of public conveyances.

27. Failure to return licence or to notify address.

28. Injury to public conveyance.

29. Compensation payable by driver causing damage.

Procedure.

30. Arrest by police.

31. Procedure in case of dispute.

32. Licensee may be required to produce driver : penalty.

33. Refusal to pay fare.

Miscellaneous.

34. Disposal of property : penalty.

35. Rules.

36. Extension of Act.

37. Power to apply or adapt certain provisions to vehicles not used for the purpose of plying for hire.

38. Powers may be exercised from time to time.

39. Repeal and saving.

1920 : Bom .VII]

1920 : Bom .VII]

BOMBAY ACT NO. VII OF 1920.¹

[THE BOMBAY PUBLIC CONVEYANCES ACT, 1920]⁺
[17th June 1920.]

Amended by Bom. 2 of 1924;
Amended by Bom. 11 of 1924;
Amended by Bom. 7 of 1928.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 18 of 1943;*
Amended by Bom. 17 of 1945;§
Amended by Bom. 18 of 1948;
Amended by Bom. 37 of 1949;
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 28 of 1950;
Amended by Bom. 9 of 1951;
Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.
Amended by Bom. 8 of 1958;
Amended by Bom. 86 of 1958;
Amended by Bom. 56 of 1959;
Adapted and modified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
Amended by Guj. 41 of 1963;
Amended by Bom. 15 of 1964.

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

²[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. (1) This Act may be called the Bombay Public Conveyances Act, 1920.

Short title
and extent.

(2) This section and sections 36, 38 and 39 extend to the ³[whole of the ⁴[State of Gujarat]. ⁵[* * * * *];

⁶[Provided that on the commencement of the Bombay Public Conveyances (Unification and Amendment) Act, 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, or the Hyderabad Public Conveyances Act, 1956, or the Bombay Public Conveyances Act, 1920, as adapted and applied to the Saurashtra area or the Bombay Public Conveyances Act, 1920, as extended to the Kutch area was in force immediately before such commencement.]

2. In this Act unless there is anything repugnant in the subject or context-

Definitions.

⁷[(a) "Commissioner of Police" means-

⁸[* * * * *]

(ii) where the rest of the Act or any portion thereof has been extended to any ⁹[*] 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;]

Bom. LXX-XVI of 1958. XIV of 1879. Hyd. Act XXX IX of 1956. Bom. VII of 1920. Bom. VII of 1920. IV of 1920.

1920 : Bom .VII]

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, or a vehicle running upon fixed rails:]

IV of 1932.

¹¹[(c) "licensing year" means the year commencing on such date as the Commissioner of Police, shall, subject to the condition of previous publication, fix for the purpose of licenses 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 or a public conveyance or a horse or a driver of a public conveyance.

Licensing of Public Conveyances.

Public conveyances to be licensed.

3. (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.

Licences for public conveyances.

4. (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 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 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.

¹²[(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

1920 : Bom .VII]

constituted under any law for the time being in force.]

5. ¹³[(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.]

Grounds on which licence may be refused or cancelled.

(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.

(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.

- ¹⁴[5A. (1) The Commissioner of Police may, by an order notified in the *Official Gazette*, limit the number of any class of public conveyances for which licence may be granted in any area, having regard to the adequacy of public conveyances of the same or any other class operating or likely to operate in the area in the near future, or to the safety or convenience of the public in the light of traffic conditions in the area.

Power of Commissioner to limit number of public conveyances.

(2) Any order made under sub-section (1) may be suspended, cancelled or modified by the State Government.]

6. (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.

Number, etc., to be inscribed on 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 inscription is made at any other time ¹⁵[the licensee shall pay such sum towards the cost of such inscription as the Commissioner of Police shall by rules direct.]

7. (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.

Fees for public conveyance licences.

(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. (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.

Licensing of houses.

1920 : Bom .VII]

(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.

¹⁶[(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.]

Branding
of horses.

9. When granting a licence for a horse the Commissioner of Police ¹⁷[may, if he thinks it necessary] brand such horse on the hoof in such manner that it may be easily identified.

Grounds on which
licence for horse may
be refused or cancelled
and examination by a
veterinary
practitioner.

10. (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 a public conveyance, the Commissioner of Police shall grant or renew the licence or cancel the order of suspension.

Licensing of Drivers.

Drivers to be licensed.

11. (1) No person shall act as driver of a 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.

(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;

1920 : Bom .VII]

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

12. (1) The Commissioner of Police may refuse to grant a licence to a driver if in his opinion such driver ¹⁸[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.

Grounds on which driver's licence may be refused or cancelled.

(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. (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.

Driver's badges.

(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. (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.

Fees for drivers' licences.

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

Provisions relating to licenses.

15. 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.

Licences when suspended or cancelled to be returned.

16. 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.

Change of address of licensee to be reported.

¹⁹[16A. Whenever the licensee of a public conveyance shall be absent from the ²⁰[area for which the licence is granted] 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 persons 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.]

Licencee to report name of person left in charge of conveyance during his absence.

17. 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.

Public conveyance or horse to be produced for inspection when required.

Fares and stands.

18. The Commissioner of Police shall, subject to the conditions of previous publication and the previous sanction of the ²¹[²²[State] Government], fix the legal rates of fares for public conveyances.

Rates of fares.

19. The Commissioner of Police shall appoint stands or places, at which alone public conveyances may stand to ply for hire ²³[and may, at any time, abolish any such stand or place.]

Stands.

1920 : Bom .VII]

Driver to have his licence as driver and list of fares.

- 20.** (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.

Book of fare to be issued.

- 21.** 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.

Keeping or letting for hire public conveyance without licence.

- ²⁴[**22.** (1) Any person who shall keep or let for hire any public conveyance without a licence granted by the Commissioner of Police in this behalf and for the time being in force shall be punishable :-

(i) for the first offence with fine which may extend to fifty rupees:

Provided that in the absence of special and adequate reasons to be mentioned in the judgment of the Court such fine shall not be less than fifteen rupees.

(ii) for the subsequent offences with fine which may extend to one hundred rupees :

Provided that in the absence of special and adequate reasons to be mentioned in the judgment of the Court such fine shall not be less than fifty rupees.

(2) Any person who shall keep or let 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.

(3) If any person commits an offence under 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 Government.]

Failure to cause public conveyance to ply when so required by the police.

- 23.** 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.

Licensee of public conveyance permitting unlicensed driver to use the same or permitting the same to be drawn by unlicensed horse.

- 24.** 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 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.

1920 : Bom .VII]

25. 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.

Failure to produce public conveyance or horse for inspection.

26. (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 ²⁵[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

Offences by drivers of public conveyances.

(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 hire, 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, ²⁶[if any], granted to him under ²⁷[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 hierer 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

1920 : Bom .VII]

(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.

Failure to return licence or to notify address.

27. 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 or 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

²⁸[(bb) who, before leaving the ²⁹[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.

Injury to public conveyance

28. 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.

Compensation payable by driver causing damage.

29. 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.

Arrest by police.

30. 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.

Procedure in case of dispute.

31. (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 ³⁰[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 ³¹[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

1920 : Bom .VII]

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 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.** (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. **Licensee may be required to produce 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. **Penalty.**
- 33.** 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. **Refusal to pay fare.**

Miscellaneous,

- 34.** (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. **Disposal of property; penalty.**
- (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.** ³²[(1) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistent with this Act,- **Rules.**
- (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 ³³[Official Gazette].
- ³⁴[(3) Such rules may provide that a contravention thereof shall be punishable with fine which may extend to thirty rupees.]
- 36.** (1) The ³⁵[State Government] ³⁶[* * * *] may by notification in the ³³[Official Gazette] extend this Act or any specified provisions thereof to any area within ³⁷[its] ³⁸[* *] jurisdiction from a date to be stated in such notification. **Extension of Act.**
- (2) Where this Act or any portion thereof is extended to any such area the ³⁵[State Government] ³⁹[* * * * *],-
- (a) shall ⁴⁰[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

1920 : Bom .VII]

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

⁴¹[(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.

⁴²[* * * * *]

(4) When this Act or any portion thereof is extended to any area the powers of fixing fees and of appointing ⁴³[and abolishing] stands and of making rules shall be exercised subject to the approval of the ⁴⁴[State Government] ⁴⁵[* **]

⁴⁶[* * * * *]

Power to apply or adapt certain provisions to vehicles not used for the purpose of plying for hire.

⁴⁷[37. The ⁴⁸ ⁴⁹[State] Government], or in any area to which this Act or any specified provisions thereof have been extended under section 36 the ⁵⁰[State Government] ⁵¹[*****] may, by notification in the ⁵²[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.

Powers may be exercised from time to time.

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

Repeal and saving.

⁵³[39. On the commencement of the Bombay Public Conveyances [Unification and Amendment] Act, 1958, the following Acts, that is to say,-

Bom. LXX-XVI of

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

Bom. VII of 1920.

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

XIV of 1879.

(iii) the Hyderabad Public Conveyances Act, 1956, and

Hyd. Act XXX. IX of 1956.

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

Bom. VII of 1920.

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

1920 : Bom .VII]

imposed, proceedings pending, badges provided, rates of fares fixed, stands or 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 than been in force].

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

⁺ 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).

^{*} This Act was repealed and section 2 thereof was re-enacted by Bom. 18 of 1948, s. 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.

² This preamble was substituted for the original by Bom. 18 of 1948, s. 3.

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

⁴ These words were substituted for the words "State of Bombay" by Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁵ The words "The rest of the Act" to "Greater Bombay" were deleted by Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁶ This proviso was added by Bom. 86 of 1958, s. 3 (i) (b).

⁷ Clause (a) was substituted for the original by Bom. 56 of 1959, s. 3, Schedule.

⁸ Sub-clause (i) was deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁹ The word "other" was deleted, by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

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

¹¹ Clause (c) was substituted for the original by Bom. 7 of 1928, s. 2.

¹² This sub-section was added by Bom. 86 of 1958, s. 3(ii).

¹³ This sub-section was inserted by Bom. 18 of 1948, s. 4.

¹⁴ Section 5A was inserted by Guj. 41 of 1963, s. 2.

¹⁵ 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.

¹⁶ This sub-section (5) was added, by Bom. 7 of 1928, s. 4.

¹⁷ These words were substituted for the word "shall", by Bom. 7 of 1928, s. 5.

¹⁸ These words were inserted by Bom. 2 of 1924, s. 2.

¹⁹ Section 16A was inserted by Bom. 7 of 1928, s. 6.

²⁰ These words were substituted for the words "Greater Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

²¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

²² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²³ These words were added by Bom. 7 of 1928, s. 7.

²⁴ Section 22 was substituted for the original by Guj. 41 of 1963, s. 3.

²⁵ 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).

²⁶ The words "if any" were inserted, by Bom. 7 of 1928, s. 8 (b).

²⁷ The words and figures "section 8 or section 11" were substituted for the word and figures "section 11", by Bom. 7 of 1928.

²⁸ Cause (bb) was inserted by Bom. 7 of 1928, s. 9.

²⁹ 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.

³⁰ These words were substituted for the words "nearest police officer of rank not below that of inspector" by Bom. 7 of 1928, s. 10.

³¹ These words were substituted for the original by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 5, proviso.

³² Sub-section (1) was substituted for the original by Bom. 7 of 1928, s. 11(a).

³³ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

1920 : Bom .VII]

-
- ³⁴ Sub-section (3) was inserted by Bom. 7 of 1928, s. 11 (b).
- ³⁵ These words were substituted for the word "Commissioner" by Guj. 15 of 1964, s. 4 Schedule.
- ³⁶ The words "or the Commissioner of a division" were deleted by Bom. 28 of 1950, Sch.
- ³⁷ This word was substituted for the word "his" by Guj. 15 of 1964, s. 4 Sch.
- ³⁸ The words "or his" were deleted by Bom. 28 of 1950, Sch.
- ³⁹ The words "or the Commissioner of the division, as the case may be" were deleted, by Guj. 28 of 1950.
- ⁴⁰ These words were inserted by Bom. 56 of 1959, s. 3, Sch.
- ⁴¹ Clause (c) was substituted for the original clause by Bom. 7 of 1928, s. 12 (a).
- ⁴² Sub-section (3A) was omitted by Gujarat Adaptation of Laws Order, 1960.
- ⁴³ These words were inserted by Bom. 7 of 1928, s. 12 (c).
- ⁴⁴ These words were substituted for the word "Commissioner" by Guj. 15 of 1964, s. 4 Schedule.
- ⁴⁵ The words "or the Commissioner of the division, as the case may be" were deleted, by Guj. 15 of 1964.
- ⁴⁶ Sub-section (5), which was substituted for the original sub-section (5) by s. 2 of Bom. 11 of 1924, was omitted, by Guj. 15 of 1964.
- ⁴⁷ Section 37 was substituted for the original section by Bom. 7 of 1928, s. 13.
- ⁴⁸ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
- ⁴⁹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950,
- ⁵⁰ These words were substituted for the word "Commissioner" by Guj. 15 of 1964, s. 4, Sch.
- ⁵¹ The words "or the Commissioner of the division as the case may be" were deleted by Bom. 28 of 1950, Sch.
- ⁵² The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*," by the Adaptation of Indian Laws Order in Council.
- ⁵³ This section was substituted for the original by Bom. 86 of 1958, s. 3 (iii).
- * This words stands unmodified by the Gujarat Adaptation of Laws Order, 1960.