

## III

## THE CATTLE-TRESPASS ACT,

INDIA, ACT I OF 1871.

*As modified up to 1st May, 1906.*

WHEREAS it is expedient to consolidate and amend the law relating to trespasses by cattle; It is hereby enacted as follows :—

Preamble.

## CHAPTER I.

*Preliminary.*

Title and extent.

1. (1) This Act may be called the Cattle-trespass Act, 1871; and

(2) It extends to the whole of British India except the Presidency-towns and such local areas as the Local Government, by notification in the official Gazette, may from time to time exclude from its operation.

(3) The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under sub-section (2).

Repeal of Acts.

2. The Acts mentioned in the schedule hereto annexed are repealed.

References to repealed Acts.

References to any of the said Acts in Acts passed subsequently thereto shall be read as if made to this Act.

All pounds established, pound-keepers appointed and villages determined under Act No. III of 1857 (*relating to trespasses by cattle*), shall be deemed to be respectively established, appointed and determined under this Act.

*Interpretation-clause.*

3. In this Act:—

“officer of police” includes also village-watchman, and

“cattle” includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, and kids, and

“local authority” means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area, and

“local fund” means any fund under the control or management of a local authority.

## CHAPTER II.

### *Pounds and Pound-keepers.*

4. Pounds shall be established at such places as the Magistrate of the District, subject

*Establishment of pounds.* to the general control of the Local Government, from time to time directs.

The village by which every pound is to be used shall be determined by the Magistrate of the District.

5. The pounds shall be under the control of the Magistrate of the District; and

*Control of pounds. Rates of charge for feeding impounded cattle.* he shall fix, and may from time to time alter, the rates of charge for feeding and watering impounded cattle.

*Appointment of pound-keepers.*

6. The Magistrate of the District shall also appoint for each pound a pound-keeper:

Provided that, in the Presidency of Fort St. George, the heads of villages and in the Presidency of Bombay, the police

*Ex-officio pound-keepers in Madras and Bombay.*

patils or (where there are no police patils) the heads of villages, shall be *ex-officio* the keepers of village-pounds.

Every pound-keeper appointed by the Magistrate of the District may be suspended or removed by such Magistrate.

Suspension or removal of pound-keepers.

Pound-keepers may hold other offices.  
under Government.

Any pound-keeper may hold simultaneously any other office

Pound-keepers to be "public servants." XLV of 1860.

Every pound-keeper shall be deemed a public servant within the meaning of the Indian Penal Code.

### *Duties of Pound-keepers.*

7. Every pound-keeper shall keep such registers and furnish such returns as the Government from time to time directs.

To keep registers and furnish returns.

8. When cattle are brought to a pound, the pound-keeper shall enter in his register—

(a) the number and description of the animals,  
(b) the day and hour on and at which they were so brought,

(c) the name and residence of the seizer, and  
(d) the name and residence of the owner, if known,  
and shall give the seizer or his agent a copy of the entry.

9. The pound-keepers shall take charge of, feed and water the cattle until they are disposed of as hereinafter directed.

To take charge of and feed cattle.

## CHAPTER III.

*Impounding Cattle.*

Cattle damaging land,

10. The cultivator or occupier  
of any land,

or any person who has advanced cash for the cultivation  
of the crop or produce on any land,

or the vendee or mortgagee of such crop or produce, or  
any part thereof,

may seize or cause to be seized any cattle trespassing on  
such land, and doing damage thereto or to any crop or  
produce thereon, and send them or cause them to be sent  
within twenty-four hours to the pound established for the  
village in which the land is situate.

All officers of police shall, when required, aid in preven-  
ting (a) resistance to such seizures,  
Police to aid seizures. and (b) rescues from persons  
making such seizures.

11. Persons in charge of public roads, pleasure-grounds,  
Cattle damaging public roads, canals and embank-  
ments. plantations, canals, drainage-works  
embankments and the like, and  
officers of police, may seize or  
cause to be seized, any cattle doing damage to such roads,  
grounds, plantations, canals, drainage-works, embank-  
ments, and the like, or the sides or slopes of such roads,  
canals, drainage-works or embankments, or found straying  
thereon,

and shall send them or cause them to be sent within  
twenty-four hours to the nearest pound.



12. For every head of cattle impounded as aforesaid, the pound-keeper shall levy a fine according to the following scale:—

Elephant	...	...	...	... two rupees.
Camel or buffalo	...	...	...	... eight annas.
Horse, mare, gelding, pony, colt, filly,				
mule, bull, bullock, cow or heifer			...	four „
Calf, ass or pig	...	...	...	two „
Ram, ewe, sheep, lamb, goat or kid			...	one anna.

Provided that when it appears to the Local Government from the report of a Magistrate of a District, or on the representation of a local authority, that, in any local area subject to the jurisdiction or control of such Magistrate or authority, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Local Government may, by notification in the official Gazette, direct that, for every head of cattle of any kind specified therein which may be seized within such local area and impounded as aforesaid, the pound-keeper shall levy such fine, not exceeding double the fine mentioned in the foregoing scale, as may be prescribed in the notification.

All fines so levied shall be sent to the Magistrate of the District through such officer as the Local Government from time to time directs.

A list of the fines and of the rates of charge for feeding and watering cattle shall be stuck up in a conspicuous place on or near to every pound.

The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under the proviso to the first paragraph of this section.

CHAPTER IV.

*Delivery or Sale of Cattle.*

13. If the owner of impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the fines and charges incurred in respect of such cattle.

The owner or his agent, on taking back the cattle, shall sign a receipt for them in the register kept by the pound-keeper.

14. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police-station, or to such other officer as the Magistrate of the District appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of his office a notice stating—

- (a) the number and description of the cattle,
- (b) the place where they were seized,
- (c) the place where they are impounded,

and shall cause proclamation of the same to be made by beat of drum in the village and at the market-place nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said officer, or an officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time directs :

Provided that, if any such cattle are, in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

15. If the owner or his agent appear and refuse to pay the said fines and expenses, on the ground that the seizure was illegal and that the owner is about to make a complaint under section 20, then upon deposit of the fines and charges incurred in respect of the cattle, the cattle shall be delivered to him.

Delivery to owner disputing  
legality of seizure, but making  
deposit

16. If the owner or his agent appear and refuse or omit to pay or (in the case mentioned in section 15) to deposit the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by such officer, at such place and time and subject to such conditions, as are referred to in section 14.

Procedure when owner re-  
fuses or omits to pay the fines  
and expenses.

The fines leviable and the expenses of feeding and watering, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

Deduction of fines and  
expenses.

The remaining cattle and the balance of the purchase-money, if any, shall be delivered to the owner or his agent, together with an account showing—

Delivery of unsold cattle  
and balance of proceeds.

- (a) the number of cattle seized,
- (b) the time during which they have been impounded,
- (c) the amount of fines and charges incurred,
- (d) the number of cattle sold,
- (e) the proceeds of sale, and

(f) the manner in which those proceeds have been disposed of.

The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase-money (if any) paid to him according to such account.

Receipts.

17. The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted.

Disposal of fines, expenses and surplus proceeds of sale.

The charges for feeding and watering deducted under section 16 shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under section 13.

The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months, and if no claim thereto be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

18. Out of the sums received on account of fines and the unclaimed proceeds of the sale of cattle shall be paid—

Application of fines and unclaimed proceeds of sales.

(a) the salaries allowed to pound-keepers under the orders of the Local Government;

(b) the expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act;

- And the surplus (if any) shall be applied, under orders of the Local Government, to the construction and repair of roads and bridges and to other purposes of public utility.

19. No officer of police, or other officer or pound-keeper appointed under the provisions herein contained, shall, directly or indirectly, purchase any cattle at a sale under this Act.

Officers and pound-keepers not to purchase cattle at sales under Act.

No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the former part of this Chapter, unless such release or delivery is ordered by a Magistrate or Civil Court.

Pound-keepers when not to release impounded cattle.

#### CHAPTER V.

##### *Complaints of Illegal Seizure or Detention.*

20. Any person whose cattle have been seized under this Act, or, having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

Power to make complaints.

21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

Procedure on complaint.

If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable

Compensation for illegal seizure or detention.

compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle;

and, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

*Release of cattle.*

23. The compensation, fines and expenses mentioned in section 22 may be recovered as if they were fines imposed by the Magistrate.

*Recovery of compensation.*

## CHAPTER VI.

### *Penalties.*

*Penalty for forcibly opposing the seizure of cattle or rescuing the same.*

24. Whoever forcibly opposes the seizure of cattle liable to be seized under this Act,

and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Act,

shall, on conviction before a Magistrate be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

25. Any fine imposed under the next following section or for the offence of mischief by causing cattle to trespass on any land may be recovered by sale of all or any of the cattle by which the trespass was com-

*Recovery of penalty for mischief committed by causing cattle to trespass.*

mitted, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

26. Any owner or keeper of pigs who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees.

Penalty for damage caused to land or public roads by pigs.

The Local Government, by notification in the official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words "fifty rupees" were substituted for the words "ten rupees," or as if there were both such reference and such substitution.

The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under this section.

27. Any pound-keeper releasing or purchasing or delivering cattle contrary to the provisions of section 19 or omitting to provide any impounded cattle with sufficient food and water, or failing to perform any of the other duties imposed upon him by this Act, shall, over and above any other penalty to which he may be liable, be punished, on conviction before a Magistrate, with fine not exceeding fifty rupees.

Penalty on pound-keeper failing to perform duties.



Such fines may be recovered by deductions from the pound-keeper's salary.

28. All fines recovered under section 25, section 26 or section 27 may be appropriated in whole or in part as compensation for loss or damage proved to the satisfaction of the convicting Magistrate.

Application of fines recovered under sections 25, 26 or 27.

## CHAPTER VII.

### *Suit for Compensation.*

29. Nothing herein contained prohibits any person whose crops or other produce of land have been damaged by trespass of cattle from suing for compensation in any competent Court.

Saving of right to sue for compensation.

30. Any compensation paid to such person under this Act by order of the convicting Magistrate shall be set off and deducted from any sum claimed by or awarded to him as compensation in such suit.

Set-off.

## CHAPTER VIII.

### *Supplemental.*

Power for Local Government to transfer certain functions to local authority and direct credit of surplus receipts to local funds.

31. The Local Government may, from time to time, by notification in the official Gazette,—

(a) transfer to any local authority within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the Local Government or the Magistrate of the District under this Act, within the local

area subject to the jurisdiction of the local authority, or

(b) direct that the whole or any part of the surplus accruing in any district under section 18 of this Act shall be placed to the credit of such local fund or funds as may be formed for any local area or local areas comprised in that district, and may, from time to time, by notification in the official Gazette, cancel or vary any notification under this section.

#### IV

### THE MUNICIPAL TAXATION ACT.

INDIA ACT NO. XI OF 1881.

**WHEREAS** it is expedient to empower the Governor-General in Council to prohibit, in certain cases, the levy of Municipal taxes payable by persons in the military service or by the Secretary of State for India in Council; It is hereby enacted as follows :—

**Preamble.**

**Short title.**

1. This Act may be called The Municipal Taxation Act, 1881.

**Local extent.**

It extends to the whole of British India;

**Commencement.**

and shall come into force at once.

2. In this Act "Municipal Committee" includes a Municipal Corporation or a body of Municipal Commissioners constituted by or under the provisions of any enactment for the time being in force.

"Municipal Committee" defined.

3. Notwithstanding anything contained in any enactment for the time being in force, the Governor-General in Council may, by an order in writing, prohibit the levy by a Municipal Committee of any specified tax—

Power to prohibit levy of tax.

(a) payable by any person subject to the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, who is compelled by the exigencies of military duty to reside within the limits of a Municipality; or

(b) payable by the Secretary of State for India in Council.

4. So long as any order made under section three, prohibiting the levy of a tax on

Secretary of State in Council to pay taxes referred to in section 3, clause (a).

any person mentioned in clause (a) of that section, remains in force, the Secretary of State for India in Council shall be liable to pay to the Municipal Committee mentioned in the order the amount which otherwise would have been payable to such committee by such person:

Provided that the said Secretary of State in Council shall not be liable to pay any sum in respect of any horse which such person is bound, by the regulations of the service to which he belongs, to keep.

5. So long as any order made under section three prohibiting the levy of any tax payable by the Secretary of State for

Payments to be made in lieu of taxes referred to in section 3, clause (b).

India in Council, remains in force, the said Secretary of State in Council shall be liable to pay to the Municipal Committee, in lieu of such tax, such sum (if any) as an officer from time to time appointed in this behalf by the Local Government may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

6. If any question arises whether any duty is military duty within the meaning of this Act, the decision of the Governor-General in Council thereon shall be conclusive.

If any question arises whether any person is compelled as aforesaid to reside within the limits of a municipality, or is bound as aforesaid to keep any horse, the decision thereon of such authority as the Governor-General in Council may, from time to time, appoint in this behalf, shall be conclusive.

## V

### THE CALCUTTA SURVEY ACT.

BENGAL ACT NO. I OF 1887.

WHEREAS it is expedient to provide for the survey and demarcation of land in the Town of Calcutta; It is hereby enacted as follows:—

Preamble

1. This Act shall be called the Calcutta Survey Act, 1887, and shall come into force from the date on which it may be published in the Calcutta Gazette with the assent of the Governor-General.

Commencement.

It extends to the Town of Calcutta within the local limits of the ordinary original civil jurisdiction of Her Majesty's High Court of judicature at Fort William in Bengal.

Local extent.

2. In this act, unless there be something repugnant in the subject or context,—

Interpretation clause.

"survey" includes identification of boundaries and all other operations antecedent to, or connected with survey;

"Survey."

"Superintendent,"  
this Act;

"Superintendent" means the Superintendent of Survey under

"Land" includes anything attached to the earth or permanently fastened to anything attached to the earth;

"Land,"

"Premises" means any land described as such in the registers of the Corporation of the Town of Calcutta or as a holding in the registers of the Calcutta Collectorate;

"Premises."

"Owner."

"owner" includes—

- (a) the person having permanent interest in any land or premises;
- (b) an agent of, or manager on behalf of, such person;
- (c) a trustee of such person;
- (d) a body corporate in which land is vested by operation of Statute.

3. The Local Government may, whenever it thinks fit, order, by a notification in the Calcutta Gazette, that a survey shall be made of the lands situated in the Town of Calcutta, and for such purpose may appoint a Superintendent of Survey and one or more Assistant Superintendents of Survey. The Assistant Superintendents of Survey shall exercise such powers as may be delegated to them by the Superintendent.

Local Government may  
order survey and appoint Super-  
intendent.

4. The Superintendent of Survey shall, for the purposes of this Act, have power, either by himself or by an Assistant Superintendent of Survey or by other officers employed in the survey, to enter between the hours of sunrise and sunset, upon any land or premises within the local limits aforesaid, without being liable to any legal proceedings whatsoever on account of such entry, or of anything done on such land or premises in pursuance of this Act:

Superintendent may enter upon land.

Provided that no such entry shall be made upon lands or premises which may be occupied at the time, unless with the consent of the occupier thereof, or without previously giving the said occupier twenty-four hours' notice of the intention to do so.

5. Before entering on any land or premises for the purposes of survey, the Superintendent may cause a notice in writing under his hand to be served on the owner of the land or premises about to be surveyed, and on the owner of contiguous lands or premises, calling upon them to attend either personally or by agent on such land or premises before him or before such officer as may be authorized by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice) for the purpose of pointing out boundaries, and of affording such information as may be needed for the purposes of this Act, and every person on whom such notice may be served shall be legally bound to attend as required by the notice, and to give any information which may be required so far as he may be able to give it.

Superintendent to give notice before entering on land.

6. If after due service of notice under the last preceding section, any person fails to appear without showing sufficient cause to

Persons summoned failing to appear are bound by the survey.

the satisfaction of the Superintendent, the Superintendent, or such officer as may be authorized by him may proceed with the survey, and the person who is so absent shall be bound by the results of the survey in the same manner and to the same extent as if the survey were made in his presence.

7. If in the course of survey, it shall come to the notice of the Superintendent that a dispute exists as to any boundaries which should be surveyed, the Superintendent, shall cause an enquiry to be held by an Assistant Superintendent, as hereinafter provided, for the purpose of determining such boundaries.

In case of dispute Assistant Superintendent to hold an enquiry.

8. When any dispute exists as to any boundaries, the Assistant Superintendent who may be authorised by the Superintendent in this behalf shall cause a notice in writing under his hand to be served on the parties concerned requiring them to appear before him in person, or by authorised agent on a specified day, and to produce evidence of possession of the land in dispute. The Assistant Superintendent shall, on the specified day, or on such other day to which the hearing may be adjourned, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence as he may think necessary, and, without reference to the merits of the claim of such parties to a right to possess the land in dispute, decide which of the parties is in possession of the said land at the time of the survey.

Procedure in case of dispute as to boundaries.

9. For the purposes of the enquiry aforesaid the Assistant Superintendent shall have power to summon and en-

Power of Assistant Superintendent to enforce attendance of witnesses.



force the attendance of witnesses and compel the production of documents by the same means and in the same manner as is provided in the case of a Court under the Code of Civil Procedure.

10. After the enquiry has been completed, the Assistant Superintendent shall pass an order in writing defining clearly the subject of dispute, and shall record his decision and reasons for such decision.

After enquiry Assistant Superintendent to record his decision.

11. An appeal shall lie from any order passed by an Assistant Superintendent under the last preceding section to the Board of Revenue, or to such other authority as the Local Government may, by notification in the Calcutta Gazette, appoint in this behalf if preferred within thirty days from the date of such order.

An appeal shall lie to the Board of Revenue.

12. In every case of disputed boundaries the Assistant Superintendent authorized to hold the enquiry may, on the written application of the parties, refer the dispute to one or more arbitrators nominated by the parties respectively, and shall fix such time, and allow such extension of time, as may seem reasonable for the delivery of the award :

Power to refer to arbitration.

Provided that if it appears to the Assistant Superintendent that the Local Government or the Corporation of Calcutta is interested in any such dispute he shall appoint, in the former case, the Collector or Deputy Collector of Calcutta, and, in the latter case, the Chairman, Vice-Chairman or Surveyor of the Corporation, one of the arbitrators, unless the parties agree to such officer being appointed sole arbitrator.

13. Where an arbitrator nominated by a party, refuses to act or becomes incapable of acting by reason of death or other sufficient cause, the party by whom he was nominated may, by a written application to the Assistant Superintendent, nominate another arbitrator, and, on being satisfied that the application has been made on sufficient grounds, he shall confirm such nomination, and the arbitrator so appointed may thereupon proceed with the enquiry.

14. If the arbitrators differ, the award shall be in accordance with the opinion of the majority; if they are equally divided in opinion, it shall be competent to them or to the Assistant Superintendent, on the written application of the arbitrators or of the parties to the arbitration, to appoint an umpire, and the decision of the umpire, determining the boundaries in dispute shall have the force of an award of the arbitrators.

15. The Assistant Superintendent shall, on the application of the arbitrators or umpire, issue the same processes to parties and witnesses as he may issue in enquiries held by himself.

16. If the arbitrators or the umpire appointed under the preceding sections fail to deliver the award within the time allowed by the Assistant Superintendent, he may make an order superseding the arbitration, and in such case he shall proceed with the enquiry.

17. The award shall be made in writing, and shall be signed by the persons making it; and shall be filed in the office of the

Superintendent with any evidence which may have been taken by the arbitrators or the umpire. The Superintendent shall lay down the boundaries in accordance with the award.

18. The Superintendent may at any time cause to be erected, on any land which is to be or has been, surveyed under this Act, temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient.

Superintendent may erect boundary-marks.

19. When any temporary boundary-mark has been erected under the last preceding section, the Superintendent may cause a notice in writing under his hand to be served on the owner or person in occupation of the land or premises whereon, or adjoining which, such boundary-mark is situate, requiring him to maintain and keep in repair such boundary-mark till the survey has been completed.

Maintenance of temporary boundary-marks.

20. After the survey of any part of the Town has been completed, the Superintendent shall deposit all maps, field-books, proceedings, awards and all other documents connected with the survey of such part in the municipal office of the Corporation of Calcutta.

All documents connected with the survey to be sent to the municipal office.

Any person interested in the survey may, at any time within two months from the date of such deposit, which date shall be notified in the Calcutta Gazette, inspect such documents free of charge.

And, if during such period any objection to the survey be lodged with the Superintendent, such objection shall be decided by the Superintendent or by such officer as the Local Government may appoint in this behalf.

21. After all objections lodged under the last preceding section have been decided, the Local Government shall, if it approves the survey, signify such approval by notification in the Calcutta Gazette.

Approval of the survey by the Local Government to be notified.

22. No suit shall lie to set aside any demarcation of boundaries made under the provisions of this Act unless brought within one year from the date of the notification mentioned in the last preceding section.

No suit shall lie unless brought within one year.

23. The Local Government may lay down rules not being inconsistent with this Act to provide for the preparation of maps and for the collection and record of any information in respect of any land to be surveyed under this Act, and generally for the proper performance of all things to be done and for the regulation of all proceedings to be taken under this Act.

Local Government may make rules under the Act.

24. Every notice in and by this Act required to be served on any person may be served—

How notices may be served.

(a) by delivering the same to the person to whom it is directed, or, on failure of such service, by posting the same on some conspicuous part of the house in which the said person usually resides or holds his office, or carries on his business, or by delivering the same to an agent or servant of such person, or to a male adult member of his family and by fixing a copy on some conspicuous part of the land or premises to which it relates; or

- (b) by sending a registered cover through the post office containing such notice directed to the said person at the place where he resides :

Provided that after the publication of the notification referred to in section 21, no survey made under this Act shall be vitiated for any defect in the service of notice.

25. Whoever fails to comply with a requisition contained in any notice duly served under section 5 or section 8 of this Act shall be liable to a fine not exceeding one hundred rupees.

Penalty for failure to comply with requisition in notice.

26. No proceedings under this Act shall be affected by reason of any informality, provided the directions of this Act be in substance and effect complied with ; and no proceedings under this Act shall be affected by reason of the omission to serve any notice on an owner whose name is not registered as owner in the Calcutta Collectorate or in the registers of the Corporation of the Town of Calcutta.

Proceedings not to be affected by informality.

27. The Local Government may extend the whole or any of the provisions of this Act to the whole or any part of the suburbs of Calcutta which may hereafter be amalgamated for municipal purposes with the Town of Calcutta.

Power of Local Government to extend this Act to the suburbs.

VI

PART OF

THE BENGAL TRAMWAYS ACT.

BENGAL ACT NO. III OF 1883.

**WHEREAS** it is expedient to facilitate the construction and to regulate the working of tramways within the territories subject to the Government of the Lieutenant-Governor of Bengal ; It is enacted as follows :—

Preamble.

1. This Act may be cited for all purposes as the Bengal Tramways Act, 1883. It shall come into force from the date on which it may be published in the Calcutta Gazette with the assent of the Governor-General.

Short title and commencement of Act.

2. For the purposes of this Act the terms hereinafter mentioned shall, unless there be something repugnant in the subject or context, have the meanings hereinafter assigned to them :—

Interpretation.

the term "Local authority" shall mean—

Local authority.

(1) bodies of persons for the time being appointed or elected to conduct the affairs of any municipality under the Bengal Municipal Act, 1884, or other law for the time being in force for the purpose of regulating municipalities in Bengal ;

Ben. III of 1884.

(2) any Board, Committee, Department or other body or person in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road :—

the term "area" in relation to a local authority shall mean the area within the jurisdiction of such local authority :

"Area."

the term "municipality" shall mean any place in which the Bengal Municipal Act, 1884,

"Municipality."

Ben. III of 1884,

or any other law for the time being in respect of Bengal municipalities,

is in force.

The term "road" shall mean any carriage-way, being a public thoroughfare, and the carriage-way of any bridge forming

"Road."

part of or leading to the same :

the term "tramway" shall mean a tramway constructed under this Act.

"Tramway."

## PART I.

### *Orders by the Local Government authorising the Construction of Tramways.*

3. An order made by the Local Government authorizing the construction of any

By whom orders authorizing the construction of tramways may be obtained.

tramways in any municipality or area may be obtained by—

1st, the local authority of such municipality or area ;

2nd, any person, persons, corporation or company with the consent of such local authority.

And any such local authority, person, persons, corporation or company shall be deemed to be "promoters" of a tramway, and are in this Act referred to as "the promoters."



Where the local authority consists of a body of persons, Board or Committee, no application shall be made to the Local Government for the purpose of authorizing the construction of tramways in a municipality or area until a resolution, approving of the intention to make such application, shall be passed at a special meeting of the members constituting the local authority in such municipality or area.

When applications for authority to construct tramways may be made,

Such special meeting shall not be held unless a month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given, and such notice shall require that all objections to the proposed tramways shall be submitted for the consideration of the local authority before the date fixed for the special meeting.

Such resolution shall not be passed unless two-thirds of the members constituting such local authority are present and vote at such special meeting and a majority of those present and voting concur in the resolution.

4. At the time of making an application for such order the promoters shall also forward to the Local Government—

Documents to be forwarded with application.

- 1st, a memorial signed by the promoters descriptive of the undertaking;
- 2nd, a copy of the proceedings and resolution of the special meeting held under the provisions of section 3;
- 3rd, a copy of the provisional agreement made between the promoters and local authority, where the promoters are not themselves the local authority;

4th, an estimate of the proposed works, signed by the persons making the same ;

5th, all necessary maps, plans, sections and drawings of the proposed work.

5. The Local Government shall consider the application, and may, if it think fit, direct an enquiry as to the propriety of proceeding upon such application, and it shall consider any objection thereto that may be filed on or before such day as it may from time to time appoint.

Local Government to determine on application and objection.

Where it appears to the Local Government expedient and proper that the application should be granted with or without addition or modification, or subject or not to any restriction or condition, the Local Government may settle and make an order accordingly, and such order shall be published in the Calcutta Gazette.

Local Government may make and publish order.

Every such order shall empower the promoters therein specified to make the tramway upon the gauge and in manner therein described, and shall contain such provisions, fix such maximum rates of fare and prescribe such penalties for default as (subject to the provisions of this Act) the Local Government according to the nature of the application and the facts and circumstances of each case thinks fit.

Form and contents of order.

Where the promoters are not the local authority, the order shall set forth the agreement made between the promoters and the local authority, and one of the provisions of such agreement shall settle the manner in which the value of the tramway shall be calculated in the event

of its purchase by the local authority, under sections 39, 40 or 41.

6. The Local Government, on the application of any promoters empowered by an order to construct a tramway may from time to time revoke, amend or vary such order by a further order :

Power to revoke, amend or vary order.

Provided that, whenever the promoters are not the local authority, the Local Government shall, before passing such order, call upon the local authority to state any objection it may have to such application.

7. Subject to, and in accordance with, the provisions of this Act, the Local Government may, on a joint application, or on two or more separate applications, settle and make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts of a tramway, and jointly or separately to own the whole or parts thereof; and all the provisions of this Act which relate to the construction of tramways shall extend and apply to the whole and the separate parts of such tramway as last aforesaid; and the form of the order may be adapted according to the circumstances of the case.

Power to authorize joint work.

8. Where it is proposed to lay down a tramway in two or more areas, and any local authority having jurisdiction in any of such areas does not consent thereto, the Local Government may nevertheless make an order authorizing the construction of such tramway, if it is satisfied after enquiry that two-thirds of the length of such tramways is proposed to be laid in an area or areas

Local Government may in certain cases dispense with consent of local authority.

the local authority of which area or areas does consent thereto.

9. If the promoters empowered by any order under this Act to make a tramway do not, within the period prescribed in such order, <sup>Promoter's powers to cease at expiration of prescribed time.</sup> complete the tramway and open it for public traffic; or,

if the works are not substantially commenced within the latest date prescribed in such order for their commencement; or,

if the works, having been commenced, are suspended without a reason sufficient, in the opinion of the Local Government, to warrant such suspension;

the powers given by the order to the promoters for constructing such tramway, executing such works or otherwise in relation thereto, shall cease to be exercised to the extent and in the manner specified in such order.

A notice inserted by the Local Government in the Calcutta Gazette to the effect that a tramway has not been completed and opened for public traffic, or that the works have not been substantially commenced, or that they have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non-completion, non-commencement or suspension.

10. When the local authority of any area are the promoters of any tramway, the <sup>Payment of expenses when local authority are promoters.</sup> expenses incurred by them in constructing and working such tramway under the provisions of this Act, including the expenses preparatory thereto, may be paid out of the funds under the control of such local authority.

11. When the local authority are not the promoters, they may fix and demand from the promoters such rent for the use of roads as may be agreed upon.

Rent for use of road when local authority are not promoters.

12. Any moneys received by any local authority by way of rent or tolls in respect of any tramway constructed and worked under the provisions of this Act may be applied by them to the purposes for which other funds under the control of such local authority may be applied.

Application of rent or tolls.

13. The Local Government may, from time to time, make, and, when made, may revise, modify, annul, add to, or confirm, any rules it may be expedient to make for the purpose of carrying this Act into execution.

Power to make rules.

## VII

### THE CALCUTTA HACKNEY-CARRIAGE ACT.

BENGAL ACT NO. II OF 1891.

WHEREAS it is expedient to consolidate and amend the law relating to hackney-carriages and palanquins in Calcutta; It is hereby enacted as follows:—

#### CHAPTER I.

##### *Preliminary.*

1. (1) This Act may be called the Calcutta Hackney-carriage Act, 1891.

Title.

(2) It shall come into force from the date on which it may be published in the Calcutta Gazette with the assent of the Governor-General.

Commencement.

(3) It shall apply to Calcutta as hereinafter defined, and may be extended from time to time to any other town or place in Bengal by a notification published in the Calcutta Gazette.

Application and extension  
of Act.

2. (1) Acts V of 1866 and IV of 1878 are hereby repealed.

Repeal.

(2) This repeal shall not affect the validity of anything done or suffered, or of any right, title, obligation or liability which may have accrued, and all appointments, extensions and registrations made, licenses issued, notifications published, penalties incurred, and other things duly done under any such enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, issued, published, incurred or done hereunder.

Savings.

(3) All references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

(4) All proceedings now pending which may have been commenced under any such enactment shall be deemed to be commenced under this Act.

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

Definitions.

(1) "Calcutta" (subject to the inclusion or exclusion of any local area by the Local Government under section four) means Calcutta as defined by the Calcutta Municipal Consolidation Act, 1888.

(2) "Hackney-carriage" means any wheeled vehicle drawn by horses and used for the conveyance of passengers which is kept or offered, or plies for hire by the



hour or day or according to distance; but shall not include any carriage used wholly upon any railway or tramway.

(3) "Horse" includes mule and pony.

(4) "Stage-carriage" means any hackney-carriage, the passengers in which shall be charged or shall pay separate and distinct fares, or shall be charged or pay, at the rate of separate and distinct fares, for their respective places or seats therein or conveyance thereby.

(5) "The Commissioners" means the Corporation of Calcutta.

4. The Local Government may, by notification published in the Calcutta Gazette, exclude from Calcutta any local area or include therein any local area in the vicinity of the same, and defined in the notification:

Provided that, where the local area to be included is a Military Cantonment, a notification shall not be published under this section in respect of it without the previous sanction of the Governor-General in Council.

Alteration of limit of Calcutta.  
Proviso.

## CHAPTER II.

### *Registration of Hackney-carriages.*

5. (1) Every hackney-carriage in Calcutta shall be annually registered by a Registering Officer who shall be appointed for the purpose by the Commissioners, and who shall keep a register in which he shall enter every hackney-carriage under either the first, the second, or the third class.

Hackney-carriages to be registered annually.



(2) Every act, matter or thing done by the Registering Officer, under or by virtue of this Act, shall be subject to the control of the Chairman of the Commissioners.

Registering Officer to be under control of Chairman of Commissioners.

(3) The appointment and removal of such Registering Officer shall be subject to the provisions of section 41 of the Calcutta Municipal Consolidation

Appointment and removal of Registering Officer.

Act, 1888.

6. The year of registration shall commence on the first day of October of each year, and shall terminate on the thirtieth day of September following.

Time and duration of registry.

7. (1) The owner of any carriage, who is desirous of registering it as a hackney-carriage, shall apply to the Registering Officer, stating the class in which he desires that the carriage may be registered, and shall submit the carriage for the inspection of the Registering Officer.

Application for registry.

(2) The Registering Officer shall decide whether the carriage is fit to be registered in the class applied for, and shall register it in that class or refuse to grant the application.

Application may be granted or refused.

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

"Owner" of carriage.

Act.

8. (1) The Registering Officer shall, at the time of registration, deliver a license duly signed by him to the owner of every hackney-carriage.

License to be delivered to owner.

(2) Such license shall be in force for the year of registration.  
Duration of license.

9. The following particulars shall be entered in the register, and shall be specified in the license to be given to the owner :—  
Particulars of register and license.

(a) the class and the number assigned to the carriage in the register ;

(b) the name and residence of the owner, the description of the carriage, and the place where such carriage is intended to be kept ;

(c) the number and description of horses to be employed in drawing such carriage, and the place where such horses are intended to be kept ;

(d) the number of persons the carriage is licensed to carry.

10. A fee of four rupees shall be paid for each registration of a carriage of the first class,  
Fee for registration. a fee of three rupees for each registration of a carriage of the second class, and a fee of two rupees for each registration of a carriage of the third class.

11. The Registering Officer may suspend for such period as he thinks fit or cancel the registration of any carriage and the license granted to the driver under this Act, whenever it shall appear to him that such carriage or any horse or harness used with such carriage is unfit for public use ; due regard being had to the class in which such carriage is registered.  
Registration of carriage and driver's license may be suspended or cancelled.

12. (1) Whenever any change shall take place in the ownership of a hackney-carriage, Notice to be given of change of ownership. if the person to whom such carriage shall have been transferred shall desire to use it as a hackney-carriage, he shall before so using it give to the Registering Officer notice in writing of such transfer, and shall include in such notice the particulars specified in clauses (b) and (c) of section nine.

(2) If any such person shall, before giving such notice as aforesaid, use such carriage as a hackney-carriage, he shall be liable Penalty for using carriage before giving notice. to a fine not exceeding five rupees for every day during which he shall so use the same.

13. (1) Whenever the owner or driver of a registered hackney-carriage shall change his residence or the place where such carriage and horses are kept, he Notice to be given of change of residence or place. shall, within one week from the date of such change, give to the Registering Officer a notice in writing which shall include the particulars specified in clauses (b) and (c) of section nine.

(2) Every such owner or driver who shall neglect to Penalty for neglect to give notice. give such notice shall be liable for every such offence to a fine not exceeding ten rupees.

14. The Registering Officer, on receiving the notices specified in either of the two last preceding sections, shall make the necessary alteration in the register, Change of ownership or residence to be entered in register. and in the license; and a fee of eight annas shall be chargeable in respect thereof.

15. (1) Whoever keeps or is the proprietor of any hackney-carriage which has not been duly registered under this Act shall be liable to a fine not exceeding one hundred rupees.

(2) Any Police Officer or any person duly authorised by the Commissioners in that behalf and wearing a distinctive badge to indicate his official capacity may seize and remove to a police-station such carriage, together with the horse drawing the same.

(3) If the hackney-carriage or horse so seized be not claimed, and if any fine imposed be not paid, together with any costs or charges incurred, within ten days of such seizure or imposition of such fine respectively, such carriage and the horse seized therewith may be sold by auction, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale.

(4) The surplus, if any, if not claimed by the owner within a further period of twenty days, shall be credited to the hackney-carriage fund.

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### CHAPTER III.

#### *Plate on hackney-carriage.*

16. Upon the registration of any hackney-carriage, the Registering Officer shall provide a plate bearing the class and the number of such carriage in the register and the

number of persons it is licensed to carry, and shall cause such plate to be affixed on some conspicuous part of the outside of the carriage.

17. If any hackney-carriage shall be let, used, or ply for hire without having a proper plate duly affixed as required by the last preceding section, the owner thereof shall be liable to a fine not exceeding fifty rupees.

Penalty for using carriage without plate.

18. Whenever the words or figures on any plate shall, during the term of the license, become indistinct or obliterated, and also whenever any plate shall have been lost or stolen, the owner of the hackney-carriage on which such plate was affixed shall deliver such plate (if he shall have the same in his possession) to the Registering Officer, and shall be entitled to have a new plate affixed upon payment of one rupee :

New plate may be had on loss or obliteration of former one.

Provided that if any plate which shall have been proved to have been lost or stolen shall afterwards be recovered, the same shall forthwith be delivered to the Registering Officer ; and every person in or into whose possession any such plate as last aforesaid shall be or come and who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every registered owner who shall use or permit to be used any plate after the writing thereon shall have become indistinct or obliterated shall, for every such offence, be liable to a fine not exceeding ten rupees.

Penalty for using obliterated plate or for failing to deliver lost plate when recovered.

19. (1) On the expiration or other determination of the registration, the owner of every hackney-carriage shall cause the

Plate to be delivered on expiry of registration.

plate of such hackney-carriage to be delivered to the Registering Officer.

(2) Any person who, after the expiration of the period aforesaid, shall wilfully neglect for three days to deliver the plate to the said officer, and every person who shall retain any plate affixed in respect of a registration which is no longer in force shall, for every such offence, be liable to a fine not exceeding fifty rupees.

20. (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, for every such offence, be liable to a fine not exceeding two hundred rupees.

(2) It shall be lawful for any Police Officer or any person employed for the purposes of this Act by the Registering Officer, to seize and take away any plate used or had as aforesaid wheresoever the same may be found, and to deliver the same to the Registering Officer.

#### CHAPTER IV.

##### *Driver's License.*

21. (1) It shall be lawful for the Registering Officer to grant a license to act as driver of hackney-carriage to any person who shall apply for the same, and to whom it may seem proper to the said officer to grant it:

Provided that no person shall be so licensed who is under sixteen years of age.

Proviso.



Particulars of license.

(2) Every such license shall contain—

- (a) the number of the license;
- (b) the name, father's name, place of abode, and age of the person to whom such license is granted;
- (c) the description of carriage and horses such person is licensed to drive;
- (d) the date on which the license was granted, and shall bear the signature of the Registering Officer.

(3) The license shall continue in force for one year from the date thereof unless the same shall be sooner revoked or suspended.

Duration of license.

Fee for license.

(4) For every such license there shall be paid a fee of two rupees.

22. If any person shall act as the driver of a hackney-carriage without having a license in force for the time being, or having a license shall transfer or lend the same or allow the same to be used by any other person, he shall be liable to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding fourteen days.

Penalty for not having license or lending it out.

23. Any owner of a hackney-carriage who shall suffer any person not duly licensed under this Act to act as driver of any hackney-carriage of which he shall be the owner, shall be liable for every such offence to a fine not exceeding fifty rupees :

Penalty for suffering unlicensed person to act as driver.

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act, for any act done or

Provided,



omitted to be done by such driver during such employment in like manner as if such driver has been duly licensed.

24. The particulars of every license which shall be granted under the provisions of this Act shall be entered in books to be kept for that purpose at the

Particulars of license to be registered and copy given on payment of fee.

office of the Registering Officer; and every person applying shall, at all reasonable times, be furnished with a certified copy of such particulars on payment of a fee of eight annas.

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## CHAPTER V.

### *Driver's Ticket.*

25. (1) The Registering Officer shall, at the time of granting a license to any driver of

Driver to wear metal ticket. a hackney-carriage, deliver a metal ticket marked or engraved with a number corresponding with the number of his license.

- (2) Every driver to whom such ticket is delivered shall, at

Driver to wear ticket exposed to view.

all times while acting as driver or while attending before any Magistrate, carry such ticket exposed to view.

- (3) In case any such driver shall omit to wear such ticket exposed to view while acting as

Penalty for omitting to wear ticket.

driver or attending before a Magistrate, he shall be liable to a fine not exceeding ten rupees, and in default of payment of fine to imprisonment for a period not exceeding one month.

26. Whenever the number on any ticket shall, during the term of the license, become indistinct or obliterated, and also whenever any ticket shall have been lost or stolen, the person to whom the license relating to any such ticket shall have been granted shall deliver such ticket (if he shall have the same in his possession), and shall produce such license to the Registering Officer, and such person shall then be entitled to have a new ticket delivered to him upon payment of eight annas :

Driver entitled to new ticket on loss or obliteration of former one.

Provided that if any ticket which shall have been proved to have been lost or stolen shall afterwards be recovered, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such ticket as last aforesaid shall be or come who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every person licensed under the authority of this Act who shall use or wear the ticket granted to him after the writing thereon shall have become indistinct or obliterated shall, for every such offence, be liable to a fine not exceeding ten rupees, and in default of payment of fine to imprisonment for a period not exceeding seven days.

Penalty for using obliterated ticket or for failing to deliver lost ticket when recovered.

27. (1) Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver such license and the ticket relating thereto to the Registering Officer.

License and ticket to be delivered on expiry.

(2) Every driver who shall neglect for three days to deliver such expired license and ticket to the said officer, and also every person who shall use, wear or detain

Penalty for neglecting to deliver such license and ticket.

any such expired license or ticket or other than such as shall have been delivered to him under the provisions of this Act, and every person to whom any ticket shall have been delivered as aforesaid who shall lend such ticket to any other person, and every person who shall wear or use the ticket of any other person shall, for every such offence, be liable to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding one month.

28. (1) Every person who shall for the purpose of deception use or wear any ticket resembling or intended to resemble any ticket granted under the authority of this Act, shall, for every such offence, be liable to a fine not exceeding one hundred rupees, and in default of payment of fine to imprisonment for a period not exceeding one month.

(2) It shall be lawful for any Police Officer or any person employed for the purposes of this Act by the Registering Officer to seize and take away any such expired or counterfeit ticket wheresoever the same may be found, and to deliver the same to the Registering Officer.

29. (1) Whenever any driver shall be summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license and produce the same if required so to do; and any driver who shall on such requisition fail to produce such license shall, for every such offence, be liable to a fine not exceeding five rupees, and

in default of payment of fine to imprisonment for a period not exceeding seven days.

(2) It shall be lawful for any Magistrate, on conviction of any driver of any offence under this Act, to endorse on such license the nature of the offence, the date of the conviction and the amount of the penalty inflicted.

Conviction of any charge to be endorsed on driver's license.

30. (1) It shall be lawful for any Magistrate before whom any driver shall be convicted of any offence, whether under this Act or under any other Act, to revoke the license of such driver or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the driver or any other person in whose possession such license and the ticket thereto belonging shall then be, to deliver up the same.

Revocation or suspension of driver's license on conviction.

(2) Every driver or other person who being so required shall refuse or neglect to deliver up such license and such ticket shall be liable for every such offence to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding fourteen days.

Penalty for refusal or neglect to deliver up license.

(3) The Magistrate shall forward every license and every ticket so delivered up to him to the Registering Officer, together with a memorandum of his sentence in the case.

Magistrate to send surrendered license to Registering Officer.

(4) The Registering Officer shall enter the fact of such sentence in the register referred to in section nine, and shall either

Cancellation or re-delivery.

suspend or cancel such license according to the sentence of the Magistrate; and if it has been suspended, the Registering Officer shall, on application at the end of the time of suspension, re-deliver such license or ticket to the person to whom it was granted.

## CHAPTER VI.

### *Fares, Hiring and Plying for Hire.*

31. (1) The owner or driver of every hackney-carriage shall be entitled to demand and take for the hire of such carriage the fares specified in the first schedule to this Act:

Provided that when the owner or driver of any hackney-carriage, to be paid a fare calculated according to the distance, shall

be required by the hirer thereof to stop such carriage for any time or times amounting altogether to not less than fifteen minutes, it shall be lawful for the owner or driver to demand and receive from the hirer so requiring him to stop a further sum of one-fourth of the rate for the first hour, for every fifteen minutes that he shall have been so stopped.

(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:

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

32. (1) The owner of every registered hackney-carriage shall put up and at all times keep distinctly printed, painted or marked in the English, Urdu and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such carriage, the amount of fare according to distance and time which may legally be demanded and taken from the hirer of such carriage as a hackney-carriage.

Owner to keep list of fares inside carriage.

(2) Every such owner who shall fail to comply with the provision of this section shall, for each offence, be liable on conviction to a fine not exceeding ten rupees.

Penalty for breach.

33. (1) The driver of every registered hackney-carriage shall (unless he has a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) drive such carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired.

Distance driver bound to drive.

(2) When any such carriage shall have been hired by time, the driver thereof shall drive the same at a rate not less than four miles within one hour; and if the driver of such carriage shall be required to drive more than four miles within one hour, then in every such case the driver thereof shall be entitled to demand, in addition to the fare regulated by time in the first schedule to this Act for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in that schedule.

Speed when hired by time.



(3) Any such driver failing without reasonable excuse to comply with the provisions of this section shall be liable to a penalty not exceeding ten rupees, and in default of payment of fine to imprisonment for a period not exceeding seven days.

Penalty for failure.

34. The driver of every registered hackney-carriage shall carry in or upon such carriage a quantity of luggage not exceeding two maunds, together with one additional maund for every person below four carried in the carriage without any additional charge.

Quantity of luggage to be carried free of charge.

35. Any owner, person in charge of any registered hackney-carriage or driver who shall without sufficient reason refuse to let such carriage for hire, shall be liable for every such offence 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 who shall hear the case may seem just; and such further sum shall, in default of immediate payment, be levied in the mode provided for the levying of fines under this Act.

Penalty for refusing to let a carriage for hire.

Penalty on driver for certain offences.

36. Every driver of hackney-carriage who shall—

- (a) be drunk during his employment;
- (b) make use of insulting or abusive language, or gesture;
- (c) stand (elsewhere than at some stand or other place appointed for the purpose) or loiter for the purpose of being hired in or upon any public street, road or place;



- (d) suffer his carriage to stand for hire across any street or alongside of any other carriage ;
- (e) refuse to give way (when he reasonably and conveniently may do so) to any other carriage ;
- (f) wilfully obstruct or hinder the driver of any other carriage in taking up or setting down any person into or from such other carriage ;
- (g) wrongfully prevent or endeavour to prevent the driver of any other carriage from being hired ;
- (h) demand or take more than the proper fare to which he is legally entitled ;
- (i) refuse to admit and carry in his carriage the number of persons painted or marked on the registered plate affixed to such carriage or specified in the register ;
- (j) carry more than such number of passengers ;
- (k) refuse to carry by his carriage a reasonable quantity of luggage ;
- (l) before he has been discharged by the hirer (being hired by time) desert from the hiring ;
- (m) ply for hire with any carriage or horse which shall be at the time unfit for public use,

shall be liable to a fine not exceeding ten rupees, and in default of payment of fine to imprisonment for a period not exceeding seven days.

37. Any driver employed as such by the owner of any registered hackney-carriage who

Penalty on driver for refusing to attend at premises of owner.

shall without sufficient excuse, refuse or neglect to attend at the premises of such owner for the purposes of driving any such carriage, whereby such owner is prevented from

letting out the same, shall, on complaint by such owner, be liable for each offence to a fine not exceeding ten rupees, (which or any part of which may, by order of the Magistrate, be paid to the owner as compensation) and in default of payment of fine to imprisonment for a period not exceeding seven days.

38. (1) When a complaint is made before a Magistrate against the driver of a registered hackney-carriage for any offence committed by him against the provisions of this Act, such Magistrate may forthwith summon the owner of the carriage personally to appear and to produce the driver of such carriage to answer the complaint.

Owner may be summoned to appear before Magistrate and to produce driver.

(2) If such owner, being duly summoned, shall, without a reasonable excuse, neglect or refuse personally to appear or to produce the driver according to such summons, he shall be liable to a fine not exceeding fifty rupees, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him :

Penalty for neglecting to appear or to produce driver.

Provided that if such owner shall, without a reasonable excuse, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him so to do, it shall be lawful for the Magistrate to proceed to hear and determine the complaint in the absence of the owner and driver, or either of them.

Magistrate to hear and determine complaint on failure to appear.

39. (1) If any person, who shall have hired a registered hackney-carriage, shall refuse to pay to the owner or driver thereof on demand the fare payable under

Procedure on refusal to pay fares.

this Act, it shall be lawful for the Magistrate to order payment of such fare and also of such compensation for loss of time as shall seem reasonable, and in default of payment of such fare and compensation may be recovered in the same way as a fine.

(2) If any person who shall have used any such carriage shall attempt to evade payment of the fare or any portion of the same which he may be deemed liable to pay, he shall be liable to a fine not exceeding fifty rupees, or to imprisonment for a period not exceeding one month, in addition to the payment of such fare and compensation as hereinbefore mentioned.

Penalty for fraudulent evasion.

40. (1) Any person who shall maliciously or knowingly tear, destroy, deface, obliterate or remove any carriage-plate, table of fares or driver's ticket which shall have been granted under the provisions of this Act, shall be liable for every such offence to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding fourteen days.

Penalty for destroying carriage-plate, &c.

(2) Any portion of the fine may be awarded to the person to whom such carriage-plate, table of fares or driver's ticket shall belong.

Award of fine to owner of carriage-plate, &c.

41. Any person using a registered hackney-carriage who shall wilfully injure the same shall be liable to a fine not exceeding twenty rupees, and in default of payment of fine to imprisonment for a period not exceeding fourteen days; and shall also pay to the owner of the carriage such compensation for the injury as the Magistrate may direct.

Penalty for wilful injury to carriage.

42. In case of any dispute between the hirer and driver of any registered hackney-carriage, the hirer may, if any Magistrate be then sitting, require the driver to drive to the Court of such Magistrate, or, if no Magistrate be then sitting, to the Registering Officer; and if any driver shall refuse to obey such requisition, it shall be lawful for the hirer to give such driver into the custody of the nearest Police Officer; such Police Officer shall thereupon take the driver and the hirer together with the carriage and horse to such Court or Registering Officer, and the then sitting Magistrate or Registering Officer shall in either of the cases aforesaid hear and determine the dispute in a summary way.

Disputes how to be settled.

43. In the case of disputes as to fare to be calculated according to the distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of the distances therein stated.

Table of distances signed by Registering Officer conclusive.

Hackney-carriage may ply for hire as stage-carriage.

44. (1) It shall be lawful for any registered hackney-carriage to ply for hire as a stage-carriage.

(2) The owner or driver of a carriage so plying for hire or hired as a stage-carriage, shall not be subject to the provisions of section thirty-one of this Act, but shall be entitled to demand and take for the hire of such carriage such fares as shall be agreed upon between him and the several hirers respectively.

Fares for stage-carriages how to be determined.

(3) All the other provisions of this Act shall be applicable to the case of a hackney-carriage plying as a stage-carriage, so far as the same shall be applicable in each particular instance.

Hackney-carriages plying as stage-carriages subject to provisions of Act.

45. (1) The Registering Officer shall from time to time appoint one or more stands in Calcutta for hackney-carriages registered under this Act, and may also assign for the use of such carriages, as public stands, any coach-houses, stables or sheds, or other suitable places.

Stands to be appointed.

(2) Every public stand so appointed or assigned shall have a board affixed in a conspicuous place in front thereof, containing a notice in the English, Urdu and Bengalee languages that the stand is a public stand under this Act.

Stands to have boards affixed in front of them.

## CHAPTER VII.

### *Palanquins.*

46. (1) Every palanquin plying for hire in Calcutta shall be annually registered by the officer appointed for registering hackney-carriages at the time and in the manner hereinbefore provided with respect to the registration of hackney-carriages.

Palanquins to be registered annually.

Fee for registration.

(2) Upon each registration a fee of eight annas shall be paid :

Provided that the Registering Officer may refuse to register any palanquin or may cancel the registration thereof whenever it may appear to him to be unserviceable or unfit for public use.

Refusal to register palanquins.

47. (1) The following particulars shall be entered in the register, namely—

(a) the number of the palanquin;

(b) the name and residence of the owner.

(2) Every change of ownership or residence shall be notified to the Registering Officer, subject to the same provisions and penalties in default as are provided in the case of the owners of hackney-carriages.

Change of ownership or residence to be notified.

48. (1) The owner of every registered palanquin shall cause the register number thereof to be painted in the English and Bengalee figures on a conspicuous part thereof.

Registered number to be painted on palanquin.

(2) The owner of any palanquin plying for hire without being registered or having the number affixed thereto as aforesaid shall be liable to a fine not exceeding ten rupees.

Penalty for neglecting to register palanquin.

(3) The person in whose name a palanquin is for the time being registered shall be deemed the owner thereof for the purposes of this Act.

"Owner" of palanquin.

49. The owner of every palanquin shall put up and at all times keep distinctly printed, painted or marked in the English, Urdu and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such palanquin the amount of fare according to distance and time which may be legally demanded and taken from the hirer of such palanquin.

Owner to keep list of fares inside palanquin.



50. (1) The owner or person in charge of every palanquin shall be entitled to demand and take for the hire of such palanquin the fares specified in the second schedule to this Act:

Fares to be paid for palanquins.

Provided that when the owner or person in charge of any palanquin to be paid a fare calculated according to the distance shall be required by the hirer thereof to stop such palanquin for fifteen minutes, or for any longer time, it shall be lawful for the owner or person in charge to demand and receive from the hirer so requiring him to stop a further sum of one-fourth of the rate for the first hour for every fifteen minutes that he shall have been so stopped.

Proviso.

(2) No owner or person in charge of a palanquin shall demand or receive over and above the said fare any sum for back hire for the return of the palanquin from the place at which it was discharged:

Back fare not to be demanded.

Contract for lower fares to be binding.

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

51. (1) It shall not be lawful for any person to act as the bearer of a registered palanquin, unless such person shall have obtained a license from the Registering Officer in the manner hereinbefore prescribed for drivers of hackney-carriages.

(2) All the provisions of this Act in any way relating to the taking out, granting, renewing, producing or using the license, or to the issuing, granting, wearing or using tickets granted to drivers of hackney-carriages,

Provisions relating to Hackney-carriages applicable to palanquins.



shall be applicable in like manner to the bearers of palanquins.

- (3) For every license to act as a palanquin-bearer granted under this Act there shall be paid a fee of eight annas.

Fee for license.

52. (1) The bearers of every palanquin registered under this Act shall (unless they have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) carry such palanquin to any place to which they shall be required by the hirer thereof to carry the same, not exceeding five miles from the place where the same shall have been hired.

- (2) If such palanquin shall have been hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and-a-half miles within one hour.

Speed when hired by time.

- (3) Whenever the bearers of such palanquin shall be required to carry it more than two and-a-half miles within one hour they shall be entitled to demand, in addition to the fare regulated by time in the second schedule to this Act, for every mile or any part thereof exceeding two and-a-half miles, the fare regulated by distance as set forth in the said schedule.

Fare by distance may be demanded in addition to fare by time.

- (4) All and every of the provisions of this Act as to offences committed by or against the owners and drivers of hackney-carriages and the penalties in respect of the same and recovery thereof, and all the remedies by or against hirers, owners or drivers of hackney-carriages, and all and several of the

Provisions regarding owners and drivers of hackney-carriages applicable to owners and bearers of palanquins.

remedies given to hirers, owners and drivers of hackney-carriages, except the provisions contained in section thirty-eight, shall be applicable, so far as the same may reasonably be applied, to the owners and bearers of palanquins.

## CHAPTER VIII.

### *Bye-laws.*

53. (1) The Commissioners in meeting may from time to time make bye-laws not inconsistent with the provisions of this Act with regard to—

Commissioners in meeting  
may make bye-laws.

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

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

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

(d) the protection of weak, lame and sickly horses ;

(e) the publication of a table of distances, and generally for carrying out the purposes of this Act.

(2) The Commissioners in meeting may from time to time repeal, alter or add to any bye-law made under this section.

Bye-laws may be repealed  
or altered.

(3) No bye-law, and no repeal or alteration of, or addition to, any bye-law, shall have effect until the same has been confirmed by the Local Government.

Bye-laws when to take  
effect.

- (4) Every bye-law, and every repeal or alteration of, or addition to, any bye-law when confirmed, shall be published in the Calcutta Gazette.
- Bye-laws to be published in Gazette,

54. Whoever infringes any bye-law made and confirmed shall be liable to a fine not exceeding twenty rupees.
- Penalty for infringement of bye-laws.

## CHAPTER IX.

### *Prosecutions.*

55. (1) Every prosecution under this Act may be instituted before any Magistrate having jurisdiction who may summon the persons charged to appear at a time and place to be mentioned in the summons; and if such person do not appear, the Magistrate may, upon proof of service of the summons if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.
- Prosecutions to be instituted before Magistrate,

- (2) If such person do appear, then the procedure laid down in the Code of Criminal Procedure of 1882, from section two hundred and forty-two to section two hundred and forty-eight, shall be followed.
- Procedure in case of prosecutions.

- (3) All fines imposed by a Magistrate under this Act shall be levied under the provisions of sections three hundred and eighty-six, three hundred and eighty-seven, three hundred and eighty-eight, and three hundred and eighty-nine of the said Code.
- Fines how to be levied.

56. (1) No person shall be liable to any fine under this Act for any offence cognizable by a Magistrate, unless the complaint respecting such offence shall have been made within three months next after the commission of such offence.

Liability to fine when incurred.

(2) The omission to register any hackney-carriage or palanquin or to take out a license shall be deemed to be a continuing offence.

57. (1) If through any act, neglect or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such fine.

Damage to property of Commissioners to be paid for.

(2) The amount of such damage shall be determined by the Magistrate by whom such person has been fined, and in default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

Amount of damage to be determined by Magistrate.

58. In any case in which a Magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution, it shall be lawful for such Magistrate to 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.

Compensation for groundless prosecution.

## CHAPTER X.

*Miscellaneous.*

59. (1) The driver of every hackney-carriage and the bearers of every palanquin within the limits of this Act, wherein any property shall be left by any person shall, within twenty-four hours carry such property, if not sooner claimed by the owner thereof, to the nearest police-station, and shall there deposit it with the Inspector or other officer on duty, and demand a receipt for it duly signed by the officer taking charge of the same.

Property left in carriage or palanquin to be deposited in police-station.

(2) Any such driver or bearer making default herein shall be liable to a fine not exceeding fifty rupees, and in default of payment of fine to imprisonment for a period not exceeding one month.

Penalty for neglecting to do so

Police Officer to enter particulars in book.

(3) The said officer shall forthwith enter in a book to be kept for that purpose—

(a) the description of such property ;

(b) the name and address of the driver or bearer who shall bring such property ;

(c) the day and hour on which it shall be brought ;

(d) the name and address of the owner of the hackney-carriage or palanquin in which the property shall have been left and the registered number of such carriage or palanquin,

and grant receipt.

and shall give the person a receipt for the same,

(4) The property so entered shall be returned to the person who shall prove to the satisfaction of the Commissioner of Police that the same belonged to him; such person previously paying all expenses incurred, together with such reasonable sum to the driver or bearers who brought the same as the said Commissioner shall award:

Property to be returned to owner.

Provided always that if such property shall not be claimed by, and proved to belong to, some one within one year after the same shall have been deposited, the said Commissioner shall cause such property to be sold, or otherwise disposed of; and the proceeds, after deducting the expenses, together with a reasonable sum to the driver or bearers, shall be applied in the same manner as fees and penalties received under this Act.

When such property may be sold and how proceeds may be applied.

60. All fees and fines levied under this Act shall be credited in the first instance to a fund to be called the "Hackney-carriage Fund," which shall be employed in carrying out the purposes of this Act, and in the event of one or more municipalities being included in Calcutta by virtue of a notification published under section four, then such fund shall yearly be divided between the Calcutta Municipality and such other Municipality or Municipalities in such proportion as the Local Government may determine, each Municipality employing the sum so appropriated to it to carrying out the purposes of this Act.

Fees and fines how to be dealt with.

61. (1) Whenever this Act shall be extended to any other town or place under section one, the Local Government may appoint persons, either by name or by

Appointment of officers when Act extended beyond Calcutta.



official designation, to perform the duties imposed, and exercise the powers conferred, by this Act on the Commissioners and the Chairman of the Commissioners.

(2) And in each town or place to which this Act may be extended, for the word "Calcutta"

Modifications in Act when  
extended beyond Calcutta.

in sections five, forty-five and forty-six shall be read the name of such town or place, and after the word "languages" in sections thirty-two, sub-section (1), forty-five, sub-section (2), and forty-nine shall be read "or such other languages as the Local Government may by notification in the Calcutta Gazette prescribe," and for the words "forty-one of the Calcutta Municipal Consolidation Act, 1888," in section 5, sub-section (3), shall be read the words "forty-six of the Bengal Municipal Act, 1884."



## FIRST SCHEDULE.

(REFERRED TO IN SECTION 31.)

*Rates and Fares to be paid for Hackney-Carriages,*

FARE BY DISTANCE.			FARE BY TIME.				
Description of carriage.	For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day of five hours.	For a whole day consisting of nine hours.	For every hour or part of an hour after the ninth hour.
First Class	8 annas	At the rate of 6 annas for every mile and for any part of a mile over and above any number of miles completed.	One rupee.	8 annas	...	5 rupees	8 annas.
Second "	6 "	At the rate of 4 annas for every mile and for any part of a mile over and above any number of miles completed.	12 annas	6 "	...	2 rupees	6 rupees and 8 annas.
Third "	3 "	At the rate of 2 annas for every mile and for any part of a mile over and above any number of miles completed.	6 "	4 annas	3 annas	...	2 rupees
				For the second hour and for the third hour or for any part of either.	For every hour or part of an hour beyond the third hour.		
							3 annas.

The above fares to be paid according to time, unless at the commencement of the hiring the hirer expresses his intention of paying according to distance. In the case of a second-class carriage, the hirer cannot avail himself of the half day, or whole day, rate unless at the time of hiring he engages the carriage for the half day or whole day as the case may be.

## SECOND SCHEDULE.

(REFERRED TO IN SECTION 50.)

*Rates and Fares to be paid for Palanquins.*

FARE BY DISTANCE.		FARE BY TIME.			
For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day of five hours.	For a whole day consisting of nine hours.
3 annas	At the rate of 3 annas for every mile and for any part of a mile over and above any number of miles completed.	6 annas	3 annas	1 rupee	1 rupee and 8 annas.

The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the fare to be paid according to time.

## VIII

## THE BENGAL VACCINATION ACT.

BENGAL ACT NO. V OF 1880.\*

*As modified up to the 1st July, 1908.**Preliminary.*

WHEREAS it is expedient to make vaccination compulsory in the town of Calcutta and the port of Calcutta and in other

Preamble.

towns and selected local areas in the territories administered by the Lieutenant-Governor of Bengal to which this

\* The portions of the Act which relate exclusively to Calcutta have been omitted.

Act may be hereafter extended; It is hereby enacted as follows :—

1. This Act may be called the Bengal Vaccination Act,

Short title.

1880 ;

It applies in the first instance only to the town of Calcutta and the port of Calcutta as

Extent.

hereinafter defined ;

But the Lieutenant-Governor may, by notification pub-

Power to extend Act to towns and local areas.

lished in the Calcutta Gazette, declare his intention to extend this

Act, or any of its provisions, to any town or selected local area in the territories administered by him.

Any inhabitant of such town or area objecting to such

extension may, within six weeks

Objection to such extension.

from the said publication, send his

objection in writing to the Secretary to the Government of Bengal, and the Lieutenant-Governor shall take such objection into consideration.

When six weeks from the said publication have expired,

the Lieutenant Governor, if no such

Procedure thereon.

objections have been sent as afore-

said, or (where such objections have been so sent in) if in his opinion they are insufficient, may by like notification effect the proposed extension.

The Lieutenant-Governor shall cause the substance of any notification mentioned in this section to be proclaimed and notified within the town or area affected by the same, in the vernacular of such town or area, by such means, and in such manner, as he may direct.

This Act shall come into force from the day on which it

may be published in the Calcutta

Commencement.

Gazette with the assent of the

Governor-General; but its operation in any place may at any time be suspended by the Lieutenant-Governor by notification in the said Gazette.

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

Interpretation clause.

\* \* \* \*

“parent” includes the father and mother of a legitimate child, and the mother of an illegitimate child;

“Parent.”

“guardian” means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf;

“Guardian.”

“public vaccinator” means any vaccinator appointed under this Act, or any person duly authorized to act for such public vaccinator.

“Public vaccinator.”

“medical practitioner” means any person duly qualified by a diploma, degree or license to practise in medicine or surgery, or specially licensed by the Lieutenant-Governor to practise vaccination and grant certificates under the provisions of this Act;

“Medical practitioner.”

“unprotected child” means a child who has not been protected from small-pox by having had that disease either naturally or

“Unprotected child.”

by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible of vaccination;

"unprotected person" includes a child who has no parent or guardian, and means a person who has not been protected from small-pox by having that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be Insusceptible of vaccination :

"Section," "section" means a section of this Act.

### *Vaccination of Children.*

3. The parent or guardian of every child born in any place to which this Act applies as above provided, or may hereafter be extended shall, within one year after the birth of such child, and

Parent or guardian of children born in compulsory limits,

the parent or guardian of every unprotected child under the age of fourteen years brought to reside, whether temporarily or permanently, in such place as aforesaid, shall, within six months after such child's arrival in such place, or, if the child be at the time of its arrival less than one year old, within one year and three months after its birth, and

and of unprotected children brought to reside in such limits,

the parent or guardian of every unprotected child living in such place at the date of this Act coming into force therein, and whose age at such date exceeds one year but does not exceed fourteen years, shall, within six months from the said date,

or living in such limits at the date of this Act coming into force,

take it, or cause it to be taken, to a public vaccination station to be vaccinated, or shall, within such period as aforesaid, cause it to be vaccinated by some medical practitioner or public vaccinator ;

must procure their vaccination.

and the parent or guardian of every unprotected child may, whenever the Superintendent of Vaccination, as hereinafter appointed, shall deem it expedient, be served with a notice in the form prescribed in the first schedule of this Act, requiring the parent or guardian, within fifteen days after the service of the same, to take such child, or cause such child to be taken, to a public vaccine-station to be vaccinated, or within such period as aforesaid to cause it to be vaccinated by some medical practitioner or public vaccinator ;

and every such parent or guardian shall, within the said period, comply with the requisition ;

and any public vaccinator to whom such child, or to whom any child under the age of fourteen years, is brought for vaccination at such vaccine-station, or who is requested to vaccinate such child elsewhere than at a public vaccine-station is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such child.

4. At an appointed hour on the same day in the following week after the operation shall have been performed, or on an earlier day, if required, the parent or guardian shall cause the child to be inspected by the operator, or by any person deputed for that purpose by the Superintendent of Vaccination, that the result of the operation may be ascertained ;

and it shall be the duty of any public vaccinator who has vaccinated a child elsewhere than at a public vaccine-station to visit the child at the time and for the purpose above mentioned whether he is requested to do so or not, unless



the Superintendent of Vaccination has deputed some other person to act for such public vaccinator in this behalf.

In the event of the vaccination being unsuccessful, such parent or guardian shall, if the public vaccinator or medical practitioner so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

No fee shall be charged by a public vaccinator for anything done by him under this section.

5. If any public vaccinator or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated, he shall forthwith deliver to the parent or guardian of such child a certificate under his hand according to the form of Schedule A hereto annexed, or to the like effect, that the child is then in a state unfit for vaccination.

If child be unfit for vaccination, certificate in form A to be given.

The said certificate shall remain in force for three months only, but shall be renewable for successive periods of three months until the public vaccinator or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated; and a certificate of successful vaccination given in the form of Schedule C hereto annexed, according to provisions of section 7, if warranted by the result.

6. If any public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinate is insusceptible of successful vaccination, or that the child brought to him for vaccination has

Provision for giving certificates of insusceptibility of successful vaccination.



already been successfully inoculated or had the small-pox, he shall deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule B hereto annexed or to the like effect ;

and, if the Superintendent of Vaccination be satisfied that such child is insusceptible of successful vaccination, he shall endorse such certificate, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

7. Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, shall deliver to the parent or guardian of such child a certificate according to the form of Schedule C hereto annexed, or to the like effect, certifying that the said child has been successfully vaccinated.

Provision for giving certificates of successful vaccination.

8. No fee or remuneration shall be charged by any public vaccinator to the parent or guardian of any child for any such certificate as aforesaid, nor for any vaccination done by him in pursuance of this Act at a public vaccine-station.

No fee to be charged for vaccination at a public vaccine-station or for certificates.

But, when a public vaccinator attends at the request of the parent or guardian elsewhere than at a public vaccine-station for the purpose of vaccinating a child, he shall be paid a fee not exceeding eight annas ; such fee to be devoted to the purpose in the next succeeding section mentioned.

Proviso.

9. \* \* \* \* \*  
In places outside Calcutta such fees shall be appropriated as the Lieutenant-Governor may, from time to time, direct.

10. The Superintendent of Vaccination as hereinafter appointed, or any of his assistants, may, from time to time, inspect the vaccination of any child, whether performed by a public vaccinator or medical practitioner; and may, if he think fit, direct that such child be forthwith again vaccinated.

Superintendent of Vaccination or his assistants may inspect vaccination of child.

### *Vaccination of Unprotected Persons.*

11. Every unprotected person may, whenever the said Superintendent of Vaccination shall deem it advisable, be served with a notice in the form in Schedule D hereto annexed requiring him, within fifteen days after the service of the same, to submit himself to a public vaccinator or medical practitioner to be vaccinated; and every such person shall, within the said period, submit himself to a public vaccinator or medical practitioner for vaccination.

Unprotected persons to be vaccinated.

12. The provisions of sections 3 to 10 (both inclusive) shall apply with the necessary alterations, to the case of unprotected persons.

Former sections applicable.

### *Miscellaneous.*

13A. Every person occupying any house, enclosure, vessel or other place within the limits of the town or port of Calcutta, or the suburbs of Calcutta, or the town of Howrah, shall allow the Superintendent of Vaccination, or a medical practitioner, or public vaccinator duly authorized by him in this behalf, such access thereto as he may require for the purpose of ascertaining whether the inmates are protected or not, and as, having regard to the customs of the country, may be reasonable.

Occupier of house, etc., to allow access.

Whenever it is necessary to ascertain whether a woman is protected or not, the investigation shall be conducted by a female with strict regard to the habits and customs of the country.

*Procedure applicable to the town of Calcutta only.*

14. For the purpose of this Act, the Corporation of the Town of Calcutta (hereinafter called the Corporation) shall subject to the approval of the Lieutenant-Governor, appoint such stations for the performance of vaccination as they shall, from time to time, deem fit. Such stations shall be called "public vaccine-stations."

The Corporation shall appoint such public vaccinators and vaccination establishments for carrying out the purposes of this Act as they shall, from time to time, deem fit.

The positions of the public vaccine-stations fixed under the provisions of this section, and the days and hours of the public vaccinators' attendance at each station, shall be published, from time to time, in such manner as the Corporation may direct.

15. The Corporation may, from time to time, make such rules, consistent with this Act, as they may deem fit, for regulating the expenses of such vaccination-establishments aforesaid, the payment of public vaccinators, and the realization and scale of fees under this Act.

16. (See Section 25).

Such officer, subject to the orders of the Lieutenant-Governor, shall have a general control over all the proceedings

of public vaccinators, and shall perform such duties in connection with public vaccination, in addition to those prescribed by this Act, as shall be required by the Lieutenant-Governor.

The Lieutenant-Governor may appoint, if necessary, one or more assistants to the Superintendent, and, from time to time, remove any such assistant.

Assistant Superintendents.

### *Registration.*

18. On the registration of the birth of any child under the provisions of Chapter X of the Calcutta Municipal Consolidation Act, 1876, or of any other law for the time being in force, the Registrar shall deliver to the person giving information of such birth a printed notice in the form of Schedule E hereto annexed, or to the like effect; and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

Registrar of Births to give notice of the requirement of Vaccination.

Ben. Act IV of 1876.

19. Every public vaccinator or medical practitioner, who gives to any parent or guardian a certificate in any of the forms of the said schedules A, B and C, shall, within twenty-one days after giving the same, transmit a duplicate thereof to the Registrar of Births of the district where the birth of the child on whose account such certificate was given has been registered,

Duplicates of all certificates to be transmitted to the Registrar.

or, if that be not known to him, or if the child was born out of the town of Calcutta, or his birth has not been registered in the said town, to the Registrar of the district within which the child was vaccinated or presented for vaccination.

20. The Registrar of Births shall keep a book, in such form as may, from time to time, be prescribed by the rules made under section 33, in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the duplicates of certificates transmitted to him as herein provided.

Registrar to keep a vaccination notice and certificate book,

21. He shall also prepare and keep a duplicate of the register of births required to be kept by him under the provisions of the Calcutta Municipal Consolidation Act, 1876 or of any other law for the time being in force, with such additional columns as shall, from time to time, be prescribed by the rules made under section 33, in which he shall record the date of every duplicate certificate in the form of the said Schedule B or Schedule C received by him concerning any child whose birth he has registered, and make an entry to the effect that the child has been vaccinated or is insusceptible of vaccination, as the case may be.

and also a duplicate register of births with entries concerning vaccination,

Ben. Act IV of 1876.

22. He shall also keep a register of postponed vaccinations in the form of Schedule F hereto annexed, in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of the said Schedule A, together with the date of such duplicate certificate, and of each such successive duplicate certificate if he receives more than one; and shall show the number and year of the entry, if any, in the register of births in which such child's birth has been registered.

and also a register of postponed vaccinations.

23. Every Registrar shall transmit, on or before the fifteenth of every month, to the Superintendent of Vaccination, a return, in such form as may, from

Transmission of returns to Superintendent.

time to time, be prescribed by the rules made under section 33, of all cases in which duplicate certificates have not been duly received by him, in pursuance of the provisions of this Act, during the last preceding month.

24. The Lieutenant-Governor may direct that the duties imposed on the Registrar of Births under sections 19, 20, 21, 22 and 23 shall be performed by any other person appointed by the Lieutenant-Governor.

Lieutenant-Governor may direct any person to perform, duties of Registrar.

*Procedure applicable outside the Town of Calcutta.*

25. In any municipality other than the town of Calcutta, and in any local area to which this Act may hereafter be extended the Magistrate of the district may exercise all or any of the powers by this Act conferred upon the Corporation ;

Powers of Corporation may be exercised in mufassal by Magistrate of the district ;

and the Civil Surgeon of the district, or such other officer as the Lieutenant-Governor may, from time to time, appoint in that behalf, shall exercise the powers and perform the duties by this Act assigned to the Superintendent of Vaccination.

and of Superintendent of Vaccination by Civil Surgeon.

*Prosecutions and Offences.*

26. If the Superintendent of Vaccination shall notify in writing to a Magistrate that he has reason to believe, from the statement of an informant or otherwise, that any child under the age of fourteen years is an unprotected child, and that he has given notice to the parent or guardian of such child to

Magistrate may make an order for the vaccination of any unprotected child under fourteen years.



procure its being vaccinated, and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the child before him; and if the Magistrate shall find, after such inquiry as he shall deem necessary, that the child is an unprotected child, he may, whether the child has been produced or not, make an order directing such child to be vaccinated within a certain time.

If the child is at any time produced before him, the Magistrate may, unless the child is certified under section 5 to be in a state unfit for vaccination, order it to be vaccinated forthwith in his presence, and in that case may punish such parent or guardian, for any recusancy under this clause, with fine which shall not exceed five rupees.

If, at the expiration of the time appointed by the Magistrate, the child shall not have been vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall, unless, he can show some reasonable ground for his omission to carry the order into effect, be punished with fine which may extend to fifty rupees :

Provided that, if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may direct the said Superintendent to disclose the name of his informant, if any, and may order such informant to pay to such person such sum of money as the Magistrate shall consider a fair

Penalty for disobedience  
of such order.

Proviso for costs to per-  
sons improperly summoned.



compensation for expenses and loss of time in attending before him :

Provided also that nothing in this section shall be held to compel the production before a Magistrate of any female child above the age of eight years.

27. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section he shall be liable to fine which may extend to one hundred rupees and to a further fine of twenty-five rupees for every day during which the offence continues :

Penalty for not producing a child.

Provided that the aggregate amount of fine for such offence shall not exceed one thousand rupees.

28. Whoever, in contravention of this Act,

(a) neglects without reasonable excuse to submit himself, within fifteen days after the service on him of the notice prescribed by section 11, to a public vaccinator or medical practitioner to be vaccinated or after vaccination to be inspected, or

Penalty to neglect to be vaccinated.

(b) neglects without reasonable excuse to take or cause a child to be taken to be vaccinated, or after vaccination to be inspected, or

Penalty for neglect to take child to be vaccinated, etc.

(c) neglects to fill up and sign and give to any person or to the parent or guardian of any child any certificate which such person, parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of Births, or

(d) refuses without reasonable excuse to submit himself to be vaccinated when required so to do by the Health Officer exercising the powers conferred upon him by section 13, shall be punished for each such offence with fine which may extend to fifty rupees.

No prosecution under this section shall be instituted after the expiry of twelve months from the date on which the offence has been committed.

29. Whoever wilfully signs or makes, or procures the signing or making of, a false certificate or duplicate certificate under this Act, shall be punished with imprisonment of either description, within the meaning of the Indian Penal Code, for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Penalty for making or signing false certificate.

29A. Whoever voluntarily obstructs any public vaccinator in the discharge of the duties assigned to him as such shall be punished for each such offence with fine which may extend to fifty rupees.

Penalty for obstructing public vaccinator in the discharge of his duties.

29B. Any public vaccinator who vexatiously and unnecessarily enters any house, enclosure, vessel or other place, on pretence of ascertaining whether the inmates, or any of them, are protected or not, shall, for every such offence, be punished with fine which may extend to fifty rupees.

Vexatious entry by public vaccinator.

30. All offences under this Act shall be cognizable by a Magistrate, subject to the provisions of any law for the time being in force for the trial of offences.

Prosecutions to be instituted by Lieutenant-Governor or Superintendent of Vaccination.

fences; but no complaint of any such offences shall be entertained unless the prosecution be instituted by order of, or under authority from, the Lieutenant-Governor or the Superintendent of Vaccination.

31. In any prosecution for neglect to procure the vaccination of child it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar or any other officer of the requirements of the law in this respect;

but, if the defendant produce any such certificate as hereinbefore described, or the duplicate of the register of births or the register of postponed vaccinations kept by the Registrar as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate according to the form of the said Schedule A when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

#### *Miscellaneous.*

32. It shall be the duty of the Superintendent of Vaccination to show in an annual return the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible of successful vaccination during the year; and generally to fill up any forms that may be prescribed, from time to time, by the Lieutenant-Governor or the Corporation.

Annual return to be made of the number of children vaccinated, etc.

33. The Lieutenant-Governor may, from time to time, make rules or issue orders consistent with this Act,—

Lieutenant-Governor to make rules.

(a) determining the qualifications to be required of public vaccinators ;

(b) regulating the scale of fees to be paid outside the town of Calcutta ;

(c) regulating the gratuitous vaccination of such females as are by the custom of the country unable to attend at the public vaccine-stations and are too poor to pay fees ;

(d) providing for the supply of lymph ;

(e) regulating the books and forms to be kept by the public vaccinators or by Registrars, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act ; and generally

(f) for the guidance of public vaccinators and others in all matters connected with the working of this Act.

All such rules or orders shall be published in the Calcutta Gazette.

#### THE FIRST SCHEDULE.

(see section 3.)

To

(Here insert the name of the parent or guardian.)

TAKE notice that you are hereby required, under the provisions of the Bengal Vaccination Act, 1880, to take, or cause [here insert the name of the child] the child of [here insert the name of the father] to be taken to a public vaccine-station for vaccination, or to cause it to be

vaccinated by some medical practitioner or public vaccinator within fifteen days from the service of this notice, and that in default of so doing you will be liable to a fine of fifty rupees.

The public vaccine-station nearest your house is at \_\_\_\_\_;  
the days and hours for vaccination at the station are as follows:—

[Here insert the days and hours when the public vaccinator is in attendance.]

On the said [here insert the name of the child] being brought; before a public vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine-station in the town on the days and within the hours prescribed for public vaccination at such station, the said [here insert the name of the child] will be vaccinated free of charge.

If you wish the said [here insert the name of the child] to be vaccinated at your own house, the public vaccinator will attend there upon payment of a fee of \_\_\_\_\_.

Dated the \_\_\_\_\_ of \_\_\_\_\_ 18\_\_\_\_,  
\_\_\_\_\_  
Superintendent of Vaccination,  
or Civil Surgeon: (as the case may be).

#### SCHEDULE A.

(see section 5.)

I, the undersigned, hereby certify that in my opinion the child of \_\_\_\_\_, resident at \_\_\_\_\_, is not now in a fit and proper state to be vaccinated, and I do hereby recommend that the vaccination be postponed for the period of three months from this date.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

(Signature of Medical Practitioner or Public Vaccinator.)

SCHEDULE B.

(see section 6.)

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated \_\_\_\_\_, the child of \_\_\_\_\_, residing at \_\_\_\_\_ (or that the child has already had small-pox, as the case may be), and I am of opinion that the said child is insusceptible of successful vaccination.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

(Signature of Medical Practitioner or Public Vaccinator.)

(Endorsement by Superintendent of Vaccination.)

SCHEDULE C.

(see section 7.)

I, the undersigned, hereby certify that \_\_\_\_\_, the child of \_\_\_\_\_, age \_\_\_\_\_, resident at \_\_\_\_\_, has been successfully vaccinated by me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

(Signature of Medical Practitioner or Public Vaccinator.)

SCHEDULE D.

(see section 11.)

TAKE notice that you are hereby required, under the provisions of the Bengal Vaccination Act, 1880, to submit yourself to a public vaccinator or medical practitioner within fifteen days from the service of this notice for vaccination, and that in default of so doing, you will be liable to a fine which may amount to fifty rupees.

The public vaccine-station nearest your house is at \_\_\_\_\_.

The days and hours for vaccination at that station are as follows :—