

Telangana Public Conveyances Act, 1956

TELENGANA

India

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Act 39 of 1956

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Telangana Public Conveyances Act, 1956(Act No. 39 of 1956)Last Updated 10th January, 2020The Andhra Pradesh (Telangana Area) Public Conveyances Act, 1956 received the assent of the President on the 21st September, 1956. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

1. Short title, extent and commencement.

(1)This Act may be called [the Telangana Public Conveyances Act, 1956] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.].(2)It extends, subject to the provisions of section 38, to the cities of Hyderabad and Secunderabad and shall come into force in the said cities from such date as Government may by notification in the Official Gazette appoint.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context -(a)"animal" means any animal used for drawing a public conveyance;(b)"city" means the cities of Hyderabad and Secunderabad ;(c)"Commissioner of Police" means the Commissioner of Police for the City and includes any person authorised by him to exercise or perform any power or duty imposed or conferred on the Commissioner of Police by this Act;(d)"driver" includes a conductor, attendant or other person in charge of a public conveyance;(e)"licensee" means the holder of a licence granted under this Act for a public conveyance, driver or animal;(f)"licensing year" means the year commencing on such date as may be prescribed;(g)"prescribed" means prescribed by rules made under this Act;(h)"public conveyance" means any wheeled vehicle, drawn or propelled on the roads and used for the purpose of plying for hire, for the conveyance of persons or goods but does not include a motor vehicle as defined; in the Motor Vehicles Act, 1939, or a vehicle running on fixed rails.Licensing of Public Conveyances

3. Public conveyances to be licensed.

(1) No person shall keep or let for hire any public conveyance without a licence granted by the Commissioner of Police in this behalf. The Commissioner of Police may, after consulting the Local Body of the City and the Local Government Department, by notification in the Official Gazette, fix a maximum limit for the number of public conveyances of any class, which may be kept or let for hire in the City. He may also, from time to time, by a like notification, cancel or alter such limit. (2) On every public conveyance - (a) the number of the conveyance as entered in the licence granted for the same, and (b) where the conveyance is licensed to carry passengers the number of passengers which it is licensed to carry, shall be clearly inscribed in the prescribed manner.

4. Licence for public conveyances.

(1) A licence granted under section 3 shall, unless sooner terminated under the provisions of this Act, remain in force for the licensing year and shall be renewable. (2) Every such licence shall contain the following particulars: - (a) the full name and address of the licensee; (b) the date on which the licence was granted and the date on which it will expire by efflux of time; (c) the local area for which the licence was granted; (d) the number and class of conveyance; (e) the number of animals by which it is to be drawn or if it is to be drawn, pushed or propelled by men the number of men to be so employed; (f) whether it is licensed to carry passengers or goods or both; (g) the number of passengers and the description and weight of goods which it is licensed to carry; and (h) such other particulars as may be prescribed. (3) Such licence shall not be transferred by the licensee to any other person without the sanction of the Commissioner of Police to be endorsed on the licence and if transferred without such sanction and endorsement shall thereupon become void.

5. Grounds on which licence may be refused or cancelled.

(1) The Commissioner of Police may refuse to grant a licence for a public conveyance if in his opinion the conveyance is, owing to defective construction, inadequate equipment or otherwise, unfit for the purpose for which it is intended. (2) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel a licence for a public conveyance if - (i) the conveyance has in his opinion become unfit for the purpose for which it is intended, or (ii) the licensee has committed any breach of any provision of this Act or of a rule made thereunder or of a condition of the licence. (3) When the Commissioner of Police refuses to renew or suspends or cancels a licence for a public conveyance, he shall erase the inscription made thereon under subsection (2) of section 3.

6. Number, etc., to be inscribed on conveyance.

(1) When granting or renewing a licence for a public conveyance, and at other times when necessary, the Commissioner of Police shall cause the particulars required by clauses (a) and (b) of sub-section (2) of section 3 to be painted or otherwise clearly inscribed upon the conveyance. (2) No fee shall be charged for any inscription made under the foregoing sub-section when it is made at the time when the licence is granted or at the annual renewal of the licence, but when such inscription is made at

any other time, the licensee shall pay such sum towards the cost of such inscription as may be prescribed.

7. Fees for public conveyance licence.

(1)For the grant of licence for a public conveyance a fee shall be charged at such rate as may be prescribed.(2)For the renewal of such licence a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged.(3)Nothing contained in sub-sections (1) and (2) shall be deemed to exempt the holder of a licence for a public conveyance from the payment of any tax leviable in respect of the conveyance under any law for the time being in force.(4)Notwithstanding anything contained in sub-sections (1) and (2), no licence for a public conveyance shall be granted or renewed for any period unless the Commissioner of Police is satisfied that the vehicle tax payable in respect thereof to the local body constituted under the [Hyderabad] [Changed as the Greater Hyderabad Municipal Corporation Act, 1955 (Act II of 1956).] Municipal Corporations Act, 1955 (II of 1956), for the same period has already been paid.Licensing of Animals

8. Licensing of animals.

(1)No animal shall be used for drawing a public conveyance except under a licence granted by the Commissioner of Police, in respect of such animal.(2)Such licence shall, unless sooner terminated under this Act, remain in force for the licensing year and shall be renewable.(3)Such licence shall contain the following particulars:-(a)the full name and address of the licensee;(b)the date on which the licence was granted and the date on which it will expire by efflux of time;(c)the local area for which the licence was granted;(d)the description of the animal for which the licence is granted and its marks of identification;(e)the class of conveyance for drawing which the animal may be used; and(f)such other particulars as may be prescribed.(4)Such licence shall not be transferred by the licensee to any person without the sanction of the Commissioner of Police to be endorsed on the licence, and if transferred without such sanction and endorsement, shall thereupon become void.(5)Such licence shall, if so directed by the Commissioner of Police, be carried in the public conveyance for drawing which the animal is being used and shall be produced for inspection whenever required by any Police Officer.

9. Branding of animals.

- When granting a licence for an animal the Commissioner of Police may, if he thinks fit, brand the animal on the hoof or in any other appropriate place in such a manner as to make the animal easily identified.

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

(1)The Commissioner of Police may refuse to grant or renew and may at any time suspend a licence for an animal if in his opinion such animal is in any way unfit for use in a public conveyance.(2)In

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

11. Drivers to be licensed.

(1) No person shall act as driver of a public conveyance without a licence granted by the Commissioner of Police in this behalf. (2) Such licence shall, unless sooner terminated under this Act, remain in force for the licensing year and shall be renewable. (3) Such licence shall contain the following particulars:- (a) the full name, age and address of the licensee; (b) the date on which the licence was granted and the date on which it will expire by efflux of time; (c) the local area for which the licence is granted; (d) the class of public conveyance which the licensee is licensed to drive; and (e) such other particulars as may be prescribed.

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

(1) The Commissioner of Police may refuse to grant a licence to a driver if, in his opinion, such driver is incompetent or careless or is unfit on account of youth, infirmity, bad character or any other reason to pursue the occupation of driver of a public conveyance. No licence shall be granted or renewed to any person to act as driver of:- (a) a rickshaw, if his age is less than eighteen years or more than forty years, (b) any other public conveyance, if his age is less than eighteen years or more than sixty years. (2) The Commissioner of Police may refuse to renew and may at any time suspend or cancel a driver's licence on any ground mentioned in sub-section (1) or if the holder has committed a breach of any provision of this Act or of a rule made thereunder or of a condition of the licence.

13. Drivers Badges.

(1) When granting a licence to a driver, the Commissioner of Police shall provide him with a metal badge bearing the number of the licence. (2) Every driver who has received such badge shall wear, the same on a conspicuous part of his dress at all times when pursuing his occupation as driver. (3) No driver who has received such badge shall permit any other person to wear the same and any person other than the driver to whom a badge has been given by the Commissioner of Police, who shall wear such badge, shall be presumed, until the contrary is proved, to wear it with such driver's permission.

14. Fees for driver's licence.

(1) For the grant of a licence to a driver a fee shall be charged at such rate as may be prescribed. [Provided that no fee shall be charged for the grant of a licence to a driver of a rickshaw or a cycle rickshaw.] [Added by Act No.13 of 1970.] (2) For the renewal of licence a fee at one-third of the rate chargeable under sub-section (1) shall be charged. Provisions Relating To Licences.

15. Licences when suspended or cancelled to be returned.

- Every licence which has been suspended or cancelled shall be returned by the licensee to the Commissioner of Police within such time as may be prescribed after the suspension or cancellation thereof.

16. Change of address of licensees to be reported.

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

17. Absence of licensee.

(1)Whenever the licensee of a public conveyance leaves the city intending to be absent therefrom for a period exceeding fifteen days, he shall, if the public conveyance is intended to be used during his absence for the purpose of plying for hire, give previous notice of his departure in writing under his signature to the Commissioner of Police.(2)Such notice shall state the name and address of the person who will be in charge of the public conveyance during the licensee's absence and shall be accompanied by a statement in writing signed by such person that he accepts charge of the conveyance.(3)The person who accepts charge of a public conveyance during the absence of the licensee shall, during such period, be deemed for all the purposes of this Act to be the licensee.

18. Public conveyance or animal to be produced for inspection when required.

- Every licensee of a public conveyance or animal shall produce such conveyance or animal for inspection whenever the Commissioner of Police shall require him to do so.Fares and Stands.

19. Rates of fares.

- The Commissioner of Police shall, subject to previous publication and with the previous sanction of the Government, fix the rates of fares to be charged for the hire of public conveyances.

20. Stands.

- The Commissioner of Police shall, in consultation with the Municipal Commissioner for the city, appoint stands or places at which alone public conveyances may stand to ply for hire.

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

(1)Every driver of a public conveyance shall have with him, when pursuing his occupation as driver, the licence granted to him under section 11 of this Act and a legible list in Telugu and Hindi (the Hindi version being in both the Arabic and Devanagri scripts) bearing the name in full of the

licensee of the conveyance and showing the rates of fares fixed for the time being for the hire of the conveyance, with an abstract (in the same languages and scripts) of the law relating to public conveyances.(2)Every such driver shall, on demand by a Police Officer, produce for inspection such licence and list.(3)Every such driver shall on demand produce such list for the information of any hirer of, or passenger travelling in, the conveyance.

22. Book of fares to be issued.

- List of fares fixed for public conveyances as for the time being in force, together with an abstract referred to in the preceding section, shall be prepared by the Commissioner of Police and sold to the public at a reasonable price. A copy each of the list and abstract shall be supplied free of charge to each driver of a public conveyance by the Commissioner of Police in the languages and scripts in which they are to be kept under section 21.

23. Keeping a public conveyance without a licence.

- Any person who-(a)keeps or lets for hire any public conveyance without a licence granted by the Commissioner of Police in this behalf and for the time being in force, or(b)who keeps or lets for hire any public conveyance on which the number and other particulars required by section 3 are not clearly inscribed in the prescribed manner,shall be punishable with fine which may extend to one hundred rupees.

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

- Any licensee of public conveyance who, without sufficient reason, fails to cause such conveyance to ply for hire when required to do so by a Police Officer and any driver of a public conveyance who, without sufficient reason, fails duly to pursue his occupation when required to do so by Police Officer, shall be punishable with fine which may extend to fifty rupees.

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

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

26. Failure to produce public conveyance or animal for inspection.

- Whoever being the the licensee of a public conveyance or animal fails to produce such conveyance or animal for inspection when required to do so by the Commissioner of Police shall be punishable with fine which may extend to twenty rupees.

27. Offences by drivers of public conveyances.

(1)Whoever acts as driver of a public conveyance without a driver's licence granted by the Commissioner of Police in this behalf and for the time being in force or without a badge, if he has received a badge from the Commissioner of Police, or, when acting as such driver, shall fail to wear such badge so received on an assigned or conspicuous part of his dress; and(2)whoever being the driver of a public conveyance,-(a)permits any other person to use his licence or badge;(b)permits more passengers to be carried in a public conveyance than it is licensed to carry;(c)conceals or permits to be concealed from public view the inscription made on a public conveyance in accordance with this Act, or prevents or attempts to prevent any person from taking a note of such inscription;(d)permits any person to be carried without the express consent of the hirer in a public conveyance the whole of which has been hired by any person;(e)fails to produce, on demand by a Police Officer, the licence, if any, granted to him under section 11 or a list of the legal rates of fares, as required by this Act;(f)fails to produce, on demand by a hirer of, or passenger travelling in, a public conveyance a list of the legal rates of fares for such conveyance as required by this Act;(g)refuses or neglects to give way, if he conveniently can, to any private conveyance, or obstructs or hinders the driver of any other public conveyance in taking up or setting down any person into or from such other public conveyance;(h)be intoxicated at any time while pursuing his occupation as driver;(i)makes use of insulting or abusive language or gesture;(j)refuses to obey the reasonable orders of any person hiring a public conveyance;(k)when acting as driver, permits the inside of public conveyance of which he is in charge to be dirty; or(l)when in charge of a public conveyance other than a cart used for the conveyance of goods-(i)demand prepayment of his hire, or(ii)refuses without reasonable cause to carry any person desiring to hire the conveyance, or(iii)refuses or delays to proceed with reasonable expedition, or(iv)demand for the hire of the conveyance more than the legal fare, or(v)stands to ply for hire at any place other than a stand or place appointed under this Act or loiters for the purpose of being hired in or upon any public street, road or place;shall be punishable with fine which may extend to twenty five rupees.

28. Failure to return licence or notify address.

- Any licensee-(a)who fails to return a licence which has been suspended or cancelled by the Commissioner of Police within such time as may be prescribed after suspension or cancellation thereof, or(b)who after changing his address fails to give notice thereof as required by section 16 of this Act, or(c)who before leaving the city for a period exceeding fifteen days shall fail to give notice as required by section 17 of this Act, or(d)who contravenes any condition of the licence,shall be punishable with fine which may extend to twenty rupees.

29. Injury to public conveyances.

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

30. Compensation payable by driver causing damage.

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

31. Arrest by Police.

- Any police officer may arrest without warrant any person who has committed an offence under this Act, and may seize and detain any conveyance or animal in relation to which such offence is committed.

32. Summary trial of offences.

- All offences under this Act shall be tried summarily by a Magistrate of the first class unless otherwise provided for by the notification under section 38 of this Act.

33. Procedure in case of dispute.

(1)In case of any dispute between the hirer and driver of a public conveyance, either party may require the other to proceed forthwith to the Court where the dispute shall be determined in a summary manner by the Magistrate then sitting.(2)If no Magistrate is then sitting, either party may require the other to proceed to the officer-in-charge of the nearest police station who shall, if necessary, arrange for the hearing of the case at the next sitting of the Court.(3)On failure of either party to appear before the Magistrate in pursuance of a requisition under sub-section (1) or sub-section (2), or to attend the Court at any subsequent sitting to which the case may be adjourned, the Magistrate may decide the case ex-parte and his decision shall be binding on both parties.(4)Provided that, if the hirer is about to leave the city, a police officer to whom reference has been made under sub-section (2) may, after hearing both the parties, require the hirer to deposit such sum, if any, as appears to be due by him, and, if any compensation appears to be due under section 29, an additional sum of ten rupees and if the hirer makes such deposit he shall not be required to attend the Magistrate's Court. The police officer shall report the dispute to the Magistrate and the Magistrate may award the driver such sum, if any, not being in excess of the amount deposited by the hirer, as he considers just and if any offence appears to have been committed, shall inquire into the same according to law. In either case where any surplus remains of the deposit made by the hirer, the Magistrate shall give notice thereof to the hirer and return it to him on demand.(5)When the Magistrate is satisfied that one party had no reasonable ground for requiring the other party to proceed to his Court or to the nearest police officer, he may direct the former party to pay to the latter such compensation not exceeding fifty rupees as he thinks fit, and such compensation shall be leviable as fine.

34. Licensee may be required to produce driver.

(1)When a complaint is made before a Magistrate against a driver under this Act, the Magistrate may, if the driver fails to appear, summon the licensee of such conveyance to appear and produce the driver.(2)If the licensee after being duly summoned fails without reasonable excuse to appear or to produce the driver, he shall be punishable with fine not exceeding fifty rupees.

35. Refusal to pay hire.

- If any person who has hired a public conveyance refuses to pay the legal fare thereof, the Magistrate may order payment of such fare and also of reasonable compensation which shall be leviable as fine.Miscellaneous

36. Disposal of property.

(1)All property left in any public conveyance shall be forthwith deposited by the licensee or the driver of such conveyance at the nearest police station.(2)The Commissioner of Police shall cause such property to be returned to such person as shall prove to the satisfaction of the station house officer or his superior that he is entitled to the same, on payment by such person of all expenses reasonably incurred and of such compensation to the driver of the public conveyance as the Commissioner of the Police may consider just.(3)Any licensee or driver failing to deposit any property as required by sub-section (1) shall be punishable with fine which may extend to fifty rupees.

36A. [Power of the Government to give directions. [Inserted with marginal heading by Act No. 15 of 1974.]

- For the purposes of this Act, the Government may, from time to time, give to the Commissioner of Police, and any person performing the functions assigned to the Commissioner of Police, such general or special directions as they may think fit; and the Commissioner of Police or such person shall, in the exercise of powers and the performance of the functions under this Act, comply with any such directions.]

37. Rules.

(1)Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a)fixing the sum to be paid towards the cost of an inscription under sub-section (2) of section 6;(b)fixing the maximum load in case the conveyance is licensed to carry goods;(c)generally for the regulation of public conveyance;(d)any matter which is to be or may be prescribed.(3)Rules made under this section may provide that a contravention thereof shall be punishable with fine which may extend to thirty rupees.

38. Extension of Act.

(1)The Government may by notification in the Official Gazette extend this Act or any specified provisions thereof to any area within the State from a date to be stated in such notification.(2)Where this Act or any portion thereof is extended to any such area, the Government-(a)shall by notification appoint some person to perform the functions assigned by this Act to the Commissioner of Police, and(b)may by notification direct that any particular Magistrate or classes of Magistrates shall exercise jurisdiction under this Act, and(c)may by notification direct that any class of vehicle shall be exempt from all or any of the provisions of this Act.(3)Any notification under this section extending the Act or any portion thereof to any area shall be published at least thirty days before the date fixed for its coming into effect.(4)When this Act or any specified provisions thereof are extended to any area by notification under this section, the expression city occurring in the foregoing sections of this Act shall be construed as meaning the area to which this Act or any specified provisions thereof are extended by such notification.(5)When this Act or any portion thereof is extended to any area-(a)the power of appointing and abolishing cart stands shall be exercised subject to the approval of the Government; and(b)if section 7 and [the Andhra Pradesh (Telangana Area) District Municipalities Act, 1956] [Please see the provisions of Act No.6 of 1965, wherein this Act was repealed (except Chapter XIV).] are both in force in that area, reference to [the Hyderabad Municipal Corporations Act, 1955 (II of 1956) (Act XVIII of 1956). in sub-section (4) of section 7 shall be construed as a reference to the former Act.] [Please see the provisions of Act No.6 of 1965, wherein this Act was repealed (except Chapter XIV).]

39. Repeal.

(1)The Public Conveyance Regulation of 1299 Fasli (The Dasturul Amal Gadi Hai Kiraya), is hereby repealed in the area to which it applies.(2)When any provisions of this Act come into force in any area, the corresponding provisions of [the] [Please see the provisions of Act No.6 of 1965, wherein this Act was repealed (except Chapter XIV).] Andhra Pradesh (Telangana Area) District Municipalities Act, 1956 and [the] [Changed as the Greater Hyderabad Municipal Corporation Act, 1955(Act II of 1956).] Hyderabad Municipal Corporations Act, 1955 (II of 1956), (Act XVIII of 1956). in force therein shall cease to have effect in that area:Provided that nothing in sub-section (2) shall affect the continued operation of clause (5) of section 586 of the [Hyderabad] [Changed as the Greater Hyderabad Municipal Corporation Act, 1955(Act II of 1956).] Municipal Corporations Act, 1955 (Act II of 1956).