

## **CALCUTTA VEHICLES ACT, 1927**

**1 of 1927**

**[20th October, 1927]**

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## **CALCUTTA VEHICLES ACT, 1927**

**1 of 1927**

**[20th October, 1927]**

An Act to provide for the better control of horse-drawn vehicles in Calcutta. WHEREAS it is expedient to provide for the better control

of horse- drawn vehicles in Calcutta; It is hereby enacted as follows:

## PART 1

### Preliminary

#### **1. Short title, extent and commencement :-**

(1) This Act may be called the Calcutta Vehicles Act, 1927.

(2) It shall apply in the first instance only to Calcutta.

(3) It shall come into force on such date as the <sup>1</sup> [State Government] may, by notification, direct.

1. Words subs, by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

#### **2. Further provisions as to extent :-**

The <sup>1</sup>[State Government] may, by notification

(a) extend this Act or any portion thereof, to any town or local area other than Calcutta; and

(b) exclude from, or include in, Calcutta or any other town or local area to which this Act is extended under clause (a), any local area in the vicinity of the same and defined in the notification :

Provided that no notification under this section shall be published in respect of any area included in a Military Cantonment without the previous sanction of the <sup>2</sup>[Central Government]:

Provided also that, before finally publishing any notification under this section, the <sup>1</sup>[State Government] shall publish a draft of the. same in such manner as it may think fit, and any rate payer or inhabitant of the area affected by such draft may, if he objects to the draft, submit his objection in writing to the <sup>1</sup>[State Government] within six weeks from its publication, and the <sup>1</sup> [State Government] shall take such objection into consideration.

1. Words subs, by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

2. Words subs, by the Government of India (Adaptation of Indian Laws) Order, 1937.

#### **3. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context,

(1) "Calcutta" means subject to the exclusion or inclusion of any local area by notification under clause (b) of section 2, the area described in Schedule I to the Calcutta Municipal Act, 1923;

(2) "notification" means a notification published in the <sup>1</sup> [Official Gazette];

(3) "prescribed" means prescribed by rules under this Act;

(4) "public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass;

(5) "vehicle" means any wheeled vehicle drawn by a horse or horses and used for the conveyance of human beings; but does not include a hackney-carriage as defined in section 4 of the Calcutta Hackney-carriage Act, 1919.

1. Words subs, by the Government of India (Adaptation of Indian Laws) Order, 1937.

## PART 2

Provisions of General Application

### **4. Prohibition of driving vehicles by persons under eighteen :-**

(1) No person under the age of eighteen years shall drive a vehicle in any public place.

(2) No owner or person in charge of a vehicle shall allow any person under the age of eighteen years to drive the same in any public place; and in

### **5. Duty to stop vehicle for regulating traffic and in case of accident :-**

The person in charge of a vehicle shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary

(a) when required to do so by any police-officer for the purpose of regulating traffic or of ascertaining his name and address with a view to prosecuting such person under this Act or for any purpose connected with the enforcement of the provisions of this Act or the rules thereunder, or

(b) when he knows or has reason to believe that an accident has occurred to any person or to any animal or conveyance in charge of a person owing to the presence of the vehicle, and he shall also

give his name and address and the name and address of the owner of such vehicle, to any police-officer in uniform present or to any person reasonably requesting such names and addresses.

#### **6. Reckless driving :-**

Whoever drives a vehicle in a public place recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the place, and the amount of traffic which actually is at the time or which might reasonably be expected to be, in the place, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

#### **PART 3**

#### **Licensing and Control**

#### **7. Licensing of drivers :-**

No person shall drive a vehicle in a public place unless he is licensed in the prescribed manner, and no owner or person in charge of a vehicle shall allow any person who is not so licensed to drive it.

#### **8. Transfer of licence :-**

The holder of a licence shall not allow it to be used by any other person.

#### **9. Production of licence :-**

The driver of a vehicle shall produce his licence upon the spot when required by any police-officer to do so.

#### **10. Extent of validity of licence of driver :-**

Every licence to drive a vehicle shall be valid in such area as may be specified therein.

#### **11. Registration of vehicles :-**

(1) The owner of every vehicle shall cause it to be registered in the prescribed manner.

(2) Such registration shall be valid in such area as may be specified in the certificate of registration.

#### **12. Power of State Government to make rules :-**

(1) The <sup>1</sup>[State Government], subject to the condition of previous publication, shall make <sup>2</sup>[West Bengal], the use of vehicles or any class of vehicles in public places.

(2) In particular, and without prejudice to the generality of the foregoing powers, the <sup>3</sup>[State Government] may make rules for all or any of the following purposes, namely:

(a) providing for the registration of vehi[cles, and the conditions subject to which they may be registered, the fees payable in respect of and incidental to registration, the notification of any changes of ownership, and the area in which, and the duration for which, certificates of registration shall be valid;

(b) providing for facilitating the identification of vehicles by the assignment to them of distinguishing numbers and the displaying upon them of number and name plates, or in any other manner;

(c) regulating the construction and equipment of vehicles, including the provision and use of lights, bells or other appliances;

(d) prescribing the authority by which, and the conditions subject to which, drivers of vehicles or any class of such drivers may be licensed, the fees payable in respect of such licenses, and the area within which, and the duration for which licenses shall be valid;

(e) prescribing the authority by which, and the conditions and limitations subject to which, licenses may be suspended or cancelled; (ft prescribing the precautions to be observed when vehicles are standing in any public place;

(g) prohibiting or regulating the driving of vehicles in public places, where their use may, in the opinion of the <sup>3</sup>[State Government], be attended with danger or inconvenience to the public;

(h) prescribing the authority who shall give and the manner of giving the notice referred to in section 13; and (i) providing generally for the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property, or of obstruction to traffic.

(3) All rules made under this section shall be published in the <sup>5</sup>[Official Gazette]; and, on such publication, shall have effect as if enacted in this Act.

1. Words subs, by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

2. Words subs. by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

3. Words subs. by the Government of India (Adaptation of Indian

Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

5. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937.

### **13. Posting of notices :-**

The prescribed authority shall give, in the prescribed manner, public notice of any rule, made by the <sup>1</sup> [State Government] under section 12, prohibiting or regulating the driving of vehicles in any public place; and for the purpose of giving effect to any such rule, shall display conspicuous notices at or near the place to which the rule refers.

1. Words subs. by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

### **14. Power to State Government to exclude areas and to exempt vehicles from this Part :-**

The <sup>1</sup> [State Government] may, by notification, exclude any area specified in such notification from the operation of this Part; and may, by a like notification, exempt either generally or for a specified period any vehicle or class of vehicles from the operation of all or any of the provisions of this Part.

1. Words subs. by the Government of India (Adaptation of Indian Laws) Order. 1937 and the Adaptation of Laws Order, 1950.

## **PART 4**

### **Miscellaneous**

### **15. Penalties :-**

Whoever contravenes any of the provisions of this Act or of any rule made thereunder shall, if no other penalty is elsewhere provided in this Act for such contravention, be punishable with fine which may extend to one hundred rupees, and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to two hundred rupees.

### **16. Cognisance of offences :-**

No Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence punishable under this Act or any rule made thereunder.

### **17. Cancellation and suspension of licence and disqualification for obtaining licence :-**

(1) The <sup>1</sup>[State Government] may <sup>2\*\*\*\*</sup> declare any person

disqualified for obtaining a licence under this Act either permanently or for such period as it thinks fit.

(2) The prescribed authority may subject to such conditions and limitations as may be prescribed, cancel or suspend any licence granted under this Act.

(3) Any Court by which any person is convicted of an offence against the provisions of this Act or any rule made thereunder or of any offence in connection with the driving of a vehicle shall, if such person holds a licence under the Act, cause particulars of the conviction to be endorsed thereon and may, in respect of such person and of his licence, if any, exercise the like powers as are conferred by sub-section () on the <sup>1</sup> [State Government] and by sub-section (2) on the prescribed authority:

Provided that no order made by a Court under this sub-section shall affect any person or licence for a period exceeding one year from the date of such conviction.

(4) Any Court before which the holder of a licence under this Act is accused of any offence mentioned in sub-section (3) may suspend such licence until the termination of the proceedings before it.

(5) A copy of every order of cancellation, suspension or disqualification made under this section in respect of a licence or the holder of a licence shall be endorsed on the licence, and a copy of every endorsement, in accordance with the provisions of this section, shall be sent to the authority by which such licence has been granted.

(6) Every holder of a licence shall, when called upon to do so, produce his licence before any authority acting under this section.

(7) A person whose licence has been cancelled or suspended in accordance with the provisions of this section, shall, during the period for which such order of cancellation has effect, or during the period of suspension, as the case may be, be disqualified for obtaining a licence.

(8) No person whose licence has been endorsed or who has been disqualified for obtaining a licence shall apply for, or obtain, a licence without giving particulars of such endorsement or disqualification.

1. Words subs. by the Government of India (Adaptation of Indian

Laws) Order. 1937 and the Adaptation of Laws Order, 1950.

2. Words "in its discretion" om. by the Government of India  
(Adaptation of Indian Laws ) Order 1937.