

## **KARNATAKA PUBLIC CONVEYANCES ACT, 1961**

**20 of 1962**

**[May 24, 1962]**

### CONTENTS

#### **CHAPTER 1 :- Preliminary**

1. Short title, extent and commencement
2. Definitions

#### **CHAPTER 2 :- Registration and Numbering of Public Conveyances**

3. Annual registration compulsory
4. Application for registration
5. Registration
6. Carriage licences
7. Particulars to be entered in register and licence
8. Fee for licence
9. Suspension of licence by Controller
10. Transfer of registry
11. Notice of change of residence, etc., to be given by licensee
12. Transfers and change of residence to be registered
13. Appeal
14. Numbering of public conveyance
15. Penalty for plying for hire without legible inscription

#### **CHAPTER 3 :- Drivers Licence and Badge**

16. Grant of drivers licence
17. Particulars of licence to be registered
18. Penalty for driving without licence or lending licence
19. Suspension of licence by Controller
20. Appeal
21. Penalty for suffering unlicensed person to drive
22. Drivers badge
23. Return of expired licence and badge
24. Penalty for using counterfeit badge
25. Seizure of expired or counterfeit badge
26. Penalty for failing to produce licence before Magistrate
27. Convictions under Act to be endorsed on licence
28. Cancellation or suspension of licence on conviction
29. Exemption of Agriculturists

## **CHAPTER 4 :- Fare, Hiring and Plying for Hire**

- 30. Maximum fares for use of public conveyances and prohibition of back fare
- 31. Contract for higher fare invalid
- 32. Authorised list of fares and distances
- 33. Maximum distance and speed
- 34. Quantity of luggage to be carried
- 35. Penalty for refusing to let public conveyance for hire
- 36. Penalties for various offences by driver
- 37. Complaints before Magistrate
- 38. Procedure in case of dispute between hirer and driver
- 39. Procedure in case of refusal to pay fare
- 40. Penalty for defacing or destroying badge or table of fares
- 41. Penalty for wilful injury to public conveyance
- 42. Carriage stands

## **CHAPTER 5 :- Lost Property**

- 43. Deposit with police of property left in public conveyances
- 44. Police to register particulars of property deposited and arrange return

## **CHAPTER 6 :- Prosecutions**

- 45. Ex parte disposal of criminal charges
- 46. Limitation restricting criminal proceedings
- 47. Compensation for frivolous prosecution

## **CHAPTER 7 :- Miscellaneous**

- 48. Power to make rules
- 49. Power to arrest without warrant
- 50. Repeal and savings

# **KARNATAKA PUBLIC CONVEYANCES ACT, 1961**

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An Act to provide for the Regulation and Control of Public Conveyances. Whereas, it is expedient to provide for the Regulation and Control of Public Conveyances in the State of Karnataka; Be it enacted by the Karnataka State Legislature in the Twelfth Year of the Republic of India as follows:-

### CHAPTER 1

#### Preliminary

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

(1) This Act may be called the Karnataka Public Conveyances Act, 1961.

(2) It extends to the whole of the State of Karnataka.

## **2. Definitions :-**

In this Act, unless the context otherwise requires.-

(2) "Magistrate" means any Magistrate having local jurisdiction in any area in which this Act is in force;

(3) "Driving" includes dragging or pushing and "driver" includes any person who drives, drags or pushes any public conveyance;

(4) "Horse" includes a mule or pony;

(5) "Public conveyance" means any wheeled vehicle, other than a motor vehicle, drawn or propelled on roads and used for the purpose of plying for hire for the conveyance of persons or goods;

(6) "Year of registration" means the year ending with the thirtyfirst day of March.

## **CHAPTER 2**

Registration and Numbering of Public Conveyances

## **3. Annual registration compulsory :-**

(1) No public conveyance shall be kept in any area in which this Act is in force unless it is registered every year with the Controller.

(2) Whoever keeps a public conveyance in contravention of the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to one hundred rupees.

## **4. Application for registration :-**

(1) Any person who is not less than eighteen years of age and who is desirous of having any vehicle registered as a public conveyance shall apply to the Controller and shall submit such vehicle for such inspection as the Controller may direct.

(2) The person in whose name any vehicle is registered shall be deemed to be the owner of such vehicle for the purposes of this Act.

## **5. Registration :-**

Every vehicle in respect of which an application under Section 4 is made shall be registered unless the Controller is of opinion that the

said vehicle is not fit for public use:

## **6. Carriage licences :-**

(1) The Controller shall at the time of registration deliver a licence duly signed by him to the applicant.

(2) A licence granted under this section shall be in force for the year of registration.

## **7. Particulars to be entered in register and licence :-**

The following particulars shall be entered in the register of public conveyances maintained by the Controller and in the licence issued to the applicant.-

(1) the number in the register of public conveyances;

(2) the name and residence of the owner and the place where the vehicle is kept;

(3) a description of the vehicle;

(4) the number of horses or other animals to be employed in drawing such vehicle and, if the vehicle is drawn or pushed by man, the number of men to be so employed;

(5) the number of passengers such vehicle is licensed to carry;

(6) the date of the licence.

## **8. Fee for licence :-**

A fee shall be paid to the Controller for each licence of such sum as may be notified by the State Government, subject to the condition that no such fee shall exceed the fee specified hereunder.-

## **9. Suspension of licence by Controller :-**

The Controller may suspend for such period as he thinks fit the licence of any public conveyance whenever it appears to him that such vehicle or any animal or harness used therewith is unfit for public use, or when there is a breach of any of the conditions of the licence.

## **10. Transfer of registry :-**

(2) Every person who contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to fifty rupees.

## **11. Notice of change of residence, etc., to be given by**

**licensee :-**

(1) Whenever the owner of a public conveyance changes his residence, or the place where such conveyance is kept, he shall, within fifteen days from the date of such change, forward his licence and give to the Controller a notice in writing signed by him specifying the new residence or place.

(2) Every owner who fails to forward his licence and give notice under sub-section (1), shall, on conviction, be punishable with fine which may extend to fifty rupees.

**12. Transfers and change of residence to be registered :-**

The Controller, on receiving an application or notice under Section 10 or Section 11 shall make the necessary alteration in the register and the licence and return the licence; and a fee of twenty-five naye paise shall be payable in respect thereof.

**13. Appeal :-**

Any person aggrieved by any order of the Controller refusing registration of any vehicle under Section 5 or suspending a licence under Section 9 , may within thirty days from the date of intimation of such order, appeal to the Deputy Commissioner of the District and the order of the Deputy Commissioner on such appeal shall be final.

**14. Numbering of public conveyance :-**

(1) Upon the registration of any public conveyance, the Controller shall cause to be painted on some conspicuous part of the conveyance its number in the register of public conveyances and the number of passengers it is licensed to carry.

(2) If the words or figures so painted become indistinct or are obliterated during the period of registration, the owner of the vehicle shall produce it before the Controller and apply to have such words or figures renewed.

(3) Every owner who contravenes the provision of sub-section (2) shall, on conviction, be punishable with fine which may extend to fifty rupees.

**15. Penalty for plying for hire without legible inscription :-**

If any public conveyance stands or plies for hire without a legible inscription as prescribed by Section 14 , the owner thereof shall, on conviction, be punishable with fine which may extend to twenty

rupees.

### CHAPTER 3

#### Drivers Licence and Badge

#### **16. Grant of drivers licence :-**

(1) The Controller may grant a licence to act as a driver of any public conveyance to any applicant not below eighteen years of age whom he may consider fit.

(4) The Controller may refuse to grant a licence to any person if in his opinion such person is not competent and careful or is unfit on account of infirmity, bad character or any other reason to pursue the occupation of driver of a public conveyance.

#### **17. Particulars of licence to be registered :-**

The particulars of every licence granted under Section 16 shall be entered in a register of drivers maintained by the Controller, and a certified copy of such particulars shall on application and on payment of a fee of twenty-five naye paise be granted to any person.

#### **18. Penalty for driving without licence or lending licence :-**

If any person acts as the driver of a public conveyance without a driving licence granted under Section 16 , or, having a licence, fails to carry it with him when driving a public conveyance or transfers or lends it or allows it to be used by any other person, he shall, on conviction, be punishable with fine which may extend to fifty rupees and in the case of a subsequent conviction with fine which may extend to one hundred rupees.

#### **19. Suspension of licence by Controller :-**

The Controller may for reasons to be recorded in writing suspend for such period as he thinks fit the licence of the driver of a public conveyance whenever in his opinion such driver is unfit to be so employed.

#### **20. Appeal :-**

Any person aggrieved by any order of the Controller refusing the grant of a licence under Section 16 or suspending a licence under Section 19 , may, within thirty days from the date of intimation of such order, appeal to the Deputy Commissioner of the District and the order of the Deputy Commissioner on such appeal shall be final.

#### **21. Penalty for suffering unlicensed person to drive :-**

The owner of a public conveyance who suffers any person not duly licensed under this Act, to act as driver of such conveyance shall, on conviction, be punishable with fine which may extend to fifty rupees:

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed.

## **22. Drivers badge :-**

(1) The Controller shall at the time of granting a licence to any driver of a vehicle furnish him with a metal badge punched or marked with the number of his licence.

(2) Every driver to whom such badge is delivered shall, at all times while acting as driver, or while attending before any Magistrate, wear such badge on his person so as to be clearly visible.

(3) In case any such driver fails to wear such badge as required by sub-section (2), he shall, on conviction, be punishable with fine which may extend to ten rupees.

(5) Every person licensed under the authority of this Act who uses or wears the badge granted to him after the writing thereon has become indistinct or obliterated shall, on conviction, be punishable with fine which may extend to ten rupees.

## **23. Return of expired licence and badge :-**

(1) Upon the expiry or other termination of any licence granted to a driver under this Act, he shall deliver such licence and his badge to the Controller.

(2) Every driver who after three days from the date of expiry or other termination of a licence fails to deliver such expired licence and badge to the Controller, and also every person who uses, or wears, or fraudulently detains any such expired licence or badge, and every person to whom any expired licence or badge has been delivered, lends, gives away, mortgages or sells such badge to any other person and every person who detains, wears or uses any licence or badge of any other person, shall, on conviction, be punishable with fine which may extend to twenty rupees.

## **24. Penalty for using counterfeit badge :-**

Every person who for the purpose of deception uses or wears any badge resembling or intended to resemble any badge granted under the authority of this Act, shall, on conviction, be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month.

**25. Seizure of expired or counterfeit badge :-**

Any police officer may seize any expired or counterfeit badge, or any badge in respect of which an offence under Section 22 has been committed, wheresoever the same may be found, and deliver the same to the Controller.

**26. Penalty for failing to produce licence before Magistrate :-**

Whenever any driver is summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his licence, and produce the same if required so to do; and any driver who on such requisition, refuses to produce such licence shall, on conviction, be punishable with fine which may extend to ten rupees.

**27. Convictions under Act to be endorsed on licence :-**

On the conviction of any driver for any offence under this Act, the Magistrate shall cause to be endorsed on his licence the nature of the offence, the date of the conviction and the punishment inflicted.

**28. Cancellation or suspension of licence on conviction :-**

(1) On the conviction of any driver for any offence under this Act, the Magistrate may direct the cancellation of the licence of such driver or its suspension for such time as he thinks fit.

(2) For the purpose of sub-section (1), the Magistrate may require the driver or any other person who may be in possession of the licence or badge to deliver up the same.

(3) If such driver or other person refuses or neglects to deliver up the licence or badge as required under sub-section (2), he shall, on conviction, be punishable with fine which may extend to ten rupees.

(4) The Magistrate shall forward every licence and every badge



delivered upto him under sub-section (2) to the Controller together with a memorandum of his sentence in the case.

### **29. Exemption of Agriculturists :-**

Nothing in this Chapter shall be applicable to any agriculturist plying for hire a vehicle drawn by one or more bullocks.

## **CHAPTER 4**

Fare, Hiring and Plying for Hire

### **30. Maximum fares for use of public conveyances and prohibition of back fare :-**

(1) The owner or driver of every public conveyance may demand and receive for the hire of such carriage such fares as may be fixed and published by the Controller with the sanction of the State Government: Provided that any agreement entered into to accept a fare lower than the fare so fixed shall be binding on such owner or driver.

(2) No owner or driver shall demand or receive in excess of the said fare any sum for back fare for the return of the vehicle from the place at which it was discharged.

### **31. Contract for higher fare invalid :-**

No agreement made with the driver of any vehicle for the payment of more than the fare published in accordance with <sup>1</sup> Section 30 shall be binding on the person making the same, and any person, notwithstanding such agreement, may refuse on discharging such vehicle to pay any sum in excess of such fare. If in pursuance of such agreement any person receives any sum exceeding the fare allowed, he shall, on conviction, be punishable with fine which may extend to twenty rupees and also to refund such excess, which shall be recoverable as if it were a fine.

1. Substituted for the figures "29" by Act No. 22 of 2000 and shall be deemed always to have been substituted

### **32. Authorised list of fares and distances :-**

(2) Copies of such list and table shall be issued to all applicants on payment of a fee for each copy of twenty-five naye paise or of such other lower sum as the Controller, subject to the control of State Government, may specify.

(3) The driver of every public conveyance standing or plying for hire shall have with him a copy of such list and table and shall on

demand produce the same for the inspection of any police officer or for the information of any hirer or passenger, of his carriage.

(4) If any driver contravenes the provisions of sub-section (3), he shall, on conviction, be punishable with fine which may extend to ten rupees.

**33. Maximum distance and speed :-**

(2) A driver failing, without reasonable excuse, to comply with the provisions of sub-section (1), shall, on conviction, be punishable with fine which may extend to ten rupees.

**34. Quantity of luggage to be carried :-**

The driver of every public conveyance shall carry in or upon such carriage without additional charge such quantity of luggage for every person hiring the same as may be prescribed by rules made under this Act.

**35. Penalty for refusing to let public conveyance for hire :-**

Any owner or driver of any public conveyance who demands more than the fare to which he is legally entitled or without reasonable excuse refuses to let such carriage for hire shall, on conviction, be punishable with fine which may extend to fifty rupees and to pay such further sum by way of compensation to the party complaining as to the Magistrate may seem just; and such further sum shall, in default of immediate payment, be levied as if it were a fine.

**36. Penalties for various offences by driver :-**

Every driver of a public conveyance who.-

- (a) is drunk during his employment;
- (b) makes use of insulting or abusive language or gesture;
- (c) stands elsewhere than at some stand or other place appointed for the purpose, or loiters for purpose of hire in or upon any public street, road or place;
- (d) wilfully obstructs, or hinders the driver of any public conveyance in taking up or setting down any person into, or from, such other conveyance;
- (e) wrongfully prevents or endeavours to prevent the driver of public conveyance from being hired;
- (f) refuses to admit and carry in such vehicle the number of

passengers the vehicle is licensed to carry;

(g) carries more than the number of passengers, the vehicle is licensed to carry;

(h) refuses to carry such quantity of luggage as is provided by the rules made under this Act;

(i) being hired, permits or suffers any person to be carried in or upon or about such public conveyance during such hire, without the consent of the person hiring the same;

(j) drives in any public conveyance any animal which is not so secured as to be under the control of the driver;

(k) being hired by time or distance, before he has been discharged by the hirer, wilfully deserts from the hiring;

(l) plies for hire with any vehicle or animal which shall at the time be unfit for public use;

(m) without previously disinfecting it, knowingly uses for hire any vehicle used for the conveyance of a corpse or any person suffering from any contagious or infectious disease;

(n) demands advance payment of his fare;

(o) 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 public conveyance;

(p) refuses to obey the reasonable directions of any person hiring his vehicle;

(q) permits the inside of the public conveyance of which he is in charge, to become dirty; shall, on conviction, be punishable with fine which may extend to one hundred rupees, or with imprisonment which may extend to one month, or with both.

### **37. Complaints before Magistrate :-**

(1) When a complaint is made before a Magistrate against the driver of a public conveyance under this Act, the Magistrate may, if the driver fails to appear, summon the owner to appear and to furnish the name and address of the driver and such other particulars relating to him as the Magistrate may require.

(2) If the owner after being duly summoned fails without reasonable excuse to appear and to furnish the particulars relating to the driver according to the summons, he shall be liable to a fine which may extend to fifty rupees.

(3) Where the owner is convicted under sub-section (2), the Magistrate may dispose of the complaint in the absence of the driver.

### **38. Procedure in case of dispute between hirer and driver :-**

(1) In case of any dispute between the hirer and the driver of any public conveyance, as to the amount of the fare payable by the hirer either may require the other to proceed forthwith to the nearest Magistrate's court; and the then sitting Magistrate shall hear and determine the dispute in a summary way.

(2) If no Magistrate be then sitting, either party may require the other to proceed to the nearest police officer who shall enter the complaint in his diary and require the parties to appear before the Magistrate at his next sitting.

(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.

### **39. Procedure in case of refusal to pay fare :-**

(1) If any person who had hired a public conveyance refuses to pay to the owner or driver thereof the fare payable under this Act, the Magistrate may order payment of such fare, and also of reasonable compensation for loss of time, and in default of immediate payment, such fare and compensation may be recovered as a fine.

(2) If any person who has used any such vehicle attempts to evade payment of the legal fare, or any portion thereof, he shall, on conviction, be punishable with fine which may extend to fifty rupees in addition to any payment which may have been ordered under sub-section (1).

### **40. Penalty for defacing or destroying badge or table of fares :-**

(1) Every person who wilfully tears, destroys, defaces, obliterates,

or removes any list of fares, table of distances, or driver's badge kept under the provisions of this Act, shall, on conviction, be punishable with fine which may extend to fifty rupees.

(2) Any portion of the fine may be awarded to the person to whom such list of fares, table of distances or driver's badge, belongs.

**41. Penalty for wilful injury to public conveyance :-**

Every person using a public conveyance who wilfully injures the same shall, on conviction, be punishable with fine which may extend to fifty rupees, and shall also pay to the owner such compensation for the injury as the Magistrate may direct; and such compensation shall be leviable as if it were a fine.

**42. Carriage stands :-**

(1) The Controller shall appoint sufficient number of public stands for public conveyances.

(2) Every public stand so appointed shall have a board placed in a conspicuous place on the same containing a notice in English and Kannada and any other language prescribed by rules and made under this Act, stating that the stand is a public stand under this Act, and specifying the number of vehicles that may stand upon it.

**CHAPTER 5**

**Lost Property**

**43. Deposit with police of property left in public conveyances :-**

(1) The owner or driver of every public conveyance wherein any property is left by any person shall carry such property to the nearest police station and deposit it with the officer on duty, at such police station.

(2) Any such owner or driver making default herein shall, on conviction, be punishable with fine which may extend to fifty rupees or with imprisonment for a period which may extend to one month, or with both.

**44. Police to register particulars of property deposited and arrange return :-**

**CHAPTER 6**

**Prosecutions**

**45. Ex parte disposal of criminal charges :-**

If in any prosecution under this Act the person charged does not appear as directed by the summons, the Magistrate may, upon proof of service and if no sufficient cause be shown for the non-appearance, proceed to dispose of the case in his absence.

**46. Limitation restricting criminal proceedings :-**

(1) No person shall be liable to prosecution for any offence under this Act unless the complaint respecting such offence be made within thirty days next after the commission of such offence.

(2) For the purposes of this section every failure or contravention punishable under this Act shall be deemed to be a continuing offence so long as the failure or contravention continues.

**47. Compensation for frivolous prosecution :-**

Where the Magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution, he may 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.

CHAPTER 7

Miscellaneous

**48. Power to make rules :-**

(1) The State Government, may, after previous publication, make rules to carry out the purposes of this Act.

(3) In making any rule under this section, the State Government may provide that a person guilty of breach of any rule shall, on conviction, be punishable with fine which may extend to fifty rupees.

(4) The rules made under this section shall not take effect until the expiration of thirty days from the date of their publication in the official Gazette.

(5) Every rule made under this Act, shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so said or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such

modified or be of no effect, as the case may be; so however that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**49. Power to arrest without warrant :-**

A police officer not below the rank of a Sub-Inspector may arrest without warrant.- Any person concerned in an offence under this Act is reasonably suspected to have been so concerned if the police officer has reason to believe that he will abscond or otherwise avoid the service of summons.

**50. Repeal and savings :-**

The Karnataka Public Conveyance Act, 1911 (Karnataka Act VII of 1911), the Bombay Public Conveyance Act, 1920 (Bombay Act VII of 1920), the Hyderabad Public Conveyance Act, 1956 (Hyderabad Act XXXIV of 1956), the Madras Hackney Carriages Act, 1911 (Madras Act V of 1911), and any other enactment in force in any area of the State of Karnataka relating to the regulation and control of public conveyances, are hereby repealed: