



The Calcutta Vehicles Act, 1927

Act 1 of 1927

Keyword(s):

Calcutta, Public Place, Vehicle, Horse, Drawn Vehicle, Reckless Driving

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Bengal Act I of 1927

[THE CALCUTTA VEHICLES ACT, 1927.]¹

ADAPTED

- (a) The Government of India (Adaptation of Indian Laws) Order, 1937.
- (b) The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.
- (c) The Adaptation of Laws Order, 1950.

[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 I

Preliminary.

1. (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 date² as the ³[State Government] may, by notification, direct.
2. The ³[State Government] may, by notification—
 - (a) extend this Act or any portion thereof, to any town or local area other than Calcutta; and

Short title, extent and commencement.

Further provisions as to extent.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette* of 1927, Pt. IV, page 44; and for proceedings in Council, see the Proceedings of the Bengal Legislative Council, 1927, Vol. XXVI, page 169.

²This Act came into force on the 1st August, 1928—*vide* Notification No. 3263Pl., dated the 29th June, 1928, published in the *Calcutta Gazette* of 1928, Pt. I, page 1419.

³The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

(Part I.—Preliminary.—Section 3.—Part II.—Provisions of
General Application.—Section 4.)

- (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 ¹[Central Government]:

Provided also that, before finally publishing any notification under this section, the ²[State Government] shall publish a draft of the same in such manner as it may think fit, and 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 ²[State Government] within six weeks from its publication, and the ²[State Government] shall take such objection into consideration.

Definitions.

3. 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, 1923¹;
- (2) "notification" means a notification published in the ⁴[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.

Ben. Act III
of 1923.Ben. Act I of
1919.

PART II

Provisions of General Application.

4. (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 the event of a contravention of sub-section (1), the Court may presume that the vehicle was driven with the consent of the owner or person in charge.

Prohibition
of driving
vehicles by
persons
under
eighteen.

¹The words within square brackets were substituted for the words "Governor General in Council", by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

²See foot-note 3 on page 147, *ante*.

³The Calcutta Municipal Act, 1923 was repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951) and this reference should now be construed as a reference to the latter Act.

⁴The words within square brackets were substituted for the words "Calcutta Gazette" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

of 1927.]

(Part II.—Provisions of General Application.—Sections 5, 6.—
Part III.—Licensing and Control.—Sections 7-11.)

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

Duty to stop vehicle for regulating traffic and in case of accident.

- (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. 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.

Reckless driving.

PART III

Licensing and Control.

7. 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.

Licensing of drivers.

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

Transfer of licence.

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

Production of licence.

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

Extent of validity of licence of driver.

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

Registration of vehicles.

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

(Part III.—Licensing and Control.—Section 12.)

Power of
State &
Government
to make
rules.

12. (1) The ¹[State Government], subject to the condition of previous publication, shall make rules for the purpose of carrying into effect the provisions of this Act and of regulating, in the whole or any part of ²[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 ¹[State Government] may make rules for all or any of the following purposes, namely:—

- (a) providing for the registration of vehicles, and the conditions subject to which they may be registered, the fees payable in respect of an 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;
- (f) 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 ¹[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.

¹See foot-note 3 on page 147, *ante*.

²The words "West Bengal" were substituted for the word "Bengal" by paragraph (2) of Article 3 of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

of 1927.]

(Part III.—Licensing and Control.—Sections 13, 14.—
Part IV.—Miscellaneous.—Sections 15-17.)

(3) All rules made under this section shall be published in the ¹[*Official Gazette*]; and, on such publication, shall have effect as if enacted in this Act.

13. The prescribed authority shall give, in the prescribed manner, public notice of any rule, made by the ²[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.

Posting of notices.

14. The ²[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.

Power to State Government to exclude areas and to exempt vehicles from this Part.

PART IV

Miscellaneous.

15. 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.

Penalties.

16. 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.

Cognisance of offences.

17. (1) The ²[State Government] may ³* * * declare any person disqualified for obtaining a licence under this Act either permanently or for such period as it thinks fit.

Cancellation and suspension of licence and disqualification for obtaining licence.

(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

¹See foot-note 4 on page 148, *ante*.

²See foot-note 3 on page 147, *ante*.

³The words "in its discretion" were omitted by para. 3 and Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[Ben. Act I of 1927.]

(Part IV.—Miscellaneous.—Section 17.)

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 (1) on the ¹[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.

¹See foot-note 3 on page 147, *ante*.