

Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No. 2336

DATED 15th Nov: 1895

INDEXED.

[Despatch Abstract.]

MADRAS HACKNEY CARRIAGE ACT.

Communicating to the Hon. the Judges of the High Court, the Advocate General, the Inspector General of Police, the Chief Presidency Magistrate and the Municipal Commissioners, Madras, for favour of opinion, a letter from the Commissioner of Police, Madras, suggesting certain alterations and additions to the---

BACK PAPERS.

FURTHER PAPERS.

No. 2336, JUDICIAL, 15TH NOVEMBER 1895.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From Colonel H. W. H. COX, Commissioner of Police, Madras, to the Chief Secretary to Government, dated 18th October 1895, No. 94.

I have the honour to request that Government will be pleased to take into consideration the advisability of amending the Madras Hackney Carriage Act, 1879 (Act III of 1879) and assimilating its provisions with those of Bombay Act V of 1863 by—

- by—
- (1) making offences under the Act cognisable by the Police ;
 - (2) requiring licensed drivers to give notice of change of place of residence ; and
 - (3) requiring licensed drivers, while actually engaged as such, to be cleanly and decently dressed.
- Commissioner of Police convinces me

2. An experience of nearly four years as Commissioner of Police convinces me that these changes must be made if the public is to be well served and the law affecting hackney carriages effectually worked.

3. The present procedure is slow and uncertain and adds much to the clerical work of the Presidency Magistrate's establishments. Under the most favourable circumstances a week intervenes between the offence and trial, and in the majority of cases this period is greatly exceeded from circumstances which are unavoidable. A very large proportion of offenders against the Act escape punishment altogether.

4. I append two statements showing (A) the number of vehicles and drivers licensed and receipts and expenditure, and (B) the number of processes issued and executed during each of the five years ending December 1894. There are at present 2,256 vehicles and 2,319 drivers on the register, and during the first half of the current year 1,460 summonses and 287 warrants were issued, of which 1,132 and 117 were served and executed respectively.

5. It will be observed that the proportion of summonses served has steadily sunk from 91 per cent. in 1889 to 79 per cent. in 1894, and that the proportion of warrants executed has fallen from above 90 per cent. to below 50 per cent. The figures for the first half of the current year show a further decrease.

6. An easy way of accounting for these results is to attribute it to remissness on the part of the Hackney Carriage Police establishment. That individual instances of such remissness do occur, I have no doubt; but I am satisfied that there has been no such systematic negligence on the part of these men as would account for the results.

7. The Police establishment for working the Hackney Carriage Act is two sub-inspectors and four constables. All processes issued under the Act are executed by these four constables who have, moreover, other duties to perform, and a very large proportion of the cases prosecuted are taken up by them. If Government sees serious objections to making offences under the Act cognisable by Police, I must ask for an increase of the establishment, but I am convinced that completely satisfactory results will not be obtained until every police officer is made responsible for the detection of Hackney Carriage Act offences.

8. Under the Bombay Act *all* licensees are required to give notice of change of address under a penalty of Rs. 20. Section 18 of the Madras Act requires that the place of abode of a licensed driver shall be entered in his license, but there is no provision in the Act requiring him to notify change of abode. Owners of licensed carriages are required to give such notice under section 13. This anomaly should be removed, for these men are exceedingly migratory in their habits, and the difficulty of finding them when they are wanted is sometimes very great. If this change in the law is adopted, it will diminish the necessity for making offences cognisable, but it does not meet the case of offenders against section 20—driving without a license. A very large proportion of the offenders who escape punishment are those liable under section 20, who have given false names and addresses. The word “knowingly” in section 21 renders it almost impossible to get at such persons indirectly.

9. Some licensed drivers, especially the drivers of 1st and 2nd class carriages, are dirtily and untidily dressed and there is no remedy. A threat to refuse to renew a license in the case of drivers who systematically appear in dirty or ragged clothes might have some effect, but, as the law does not make either cleanliness or decency a condition of employment as driver of a hackney carriage in Madras, it would not be proper to refuse to renew a license on this ground.

10. I append a note (marked C) showing the alterations and additions to the Hackney Carriage Act which I consider advisable and worth the consideration of Government.

ENCLOSURES.

A.

Years.						Number of carriages.	Number of drivers.	Receipts.	Expenditure.	Creditor or debtor balance.
								RS. A. P.	RS. A. P.	RS. A. P.
1880	..	..	..	..	..	..	1,307	2,119 1 0	1,537 8 9	581 8 3
1881	..	..	..	..	..	..	2,028	3,117 14 0	2,925 12 2	192 1 10
1882	..	..	..	..	..	..	2,231	3,224 12 0	3,433 5 6	203 9 6
1883	..	..	..	..	..	..	2,255	3,367 2 0	3,215 11 2	151 6 10
1884	..	..	..	..	..	1,935	2,233	3,215 0 10	2,974 6 11	240 9 11
1885	..	..	..	..	..	1,893	2,350	3,313 7 3	3,301 2 10	12 4 5
1886	..	..	..	..	..	2,087	2,427	3,628 0 0	2,659 3 5	968 12 7
1887	..	..	..	..	..	2,304	2,545	3,717 14 0	3,243 12 11	474 1 1
1888	..	..	..	..	..	2,325	2,634	4,005 8 0	3,368 8 11	636 15 1
1889	..	..	..	..	..	2,330	2,685	3,872 8 0	3,135 1 3	737 6 9
1890	..	..	..	..	..	2,319	2,597	3,828 8 0	3,802 1 0	26 7 0
1891	..	..	..	..	..	2,242	2,527	3,721 14 0	2,411 14 6	1,309 15 6
1892	..	..	..	..	..	2,181	2,737	3,919 4 0	2,507 4 4	1,411 15 8
1893	..	..	..	..	..	2,245	2,728	3,915 4 0	2,765 14 6	1,149 5 6
1894	..	..	..	..	..	2,214	2,415	3,668 10 0	2,552 15 8	1,145 10 4

B.

Year.	Summonses.		Warrants.	
	Issued.	Served.	Issued.	Executed.
1889	1,611	1,467	96	90
1890	2,019	1,833	112	97
1891	2,564	2,304	226	179
1892	2,600	2,244	272	180
1893	2,567	2,182	334	195
1894	2,466	1,956	426	211

C.

PROPOSED amendments and additions to the Madras Hackney Carriage Act (Act III of 1879).

Section 13.—After the words “section 8” insert “or section 18.”

Section 38.—After the words “infectious disease” add “or who shall be dirty in person or attire, or otherwise than respectably dressed.”

Adopt section 32 of the Bombay Act as follows or something to the same effect :—

New Section.—Any Police officer may arrest without a warrant any person committing in his view any offence against this Act and may seize and detain in any place of safety until judgment shall be given in the case any conveyance which, for the better fulfilment of the true intent and meaning of this Act, it may be necessary so to seize and detain.

ORDER—No. 2336, Judicial, dated 15th November 1895.

The foregoing letter will be communicated to the Hon'ble the Judges of the High Court, the Advocate-General, the Inspector-General of Police, the Chief Presidency Magistrate and the Municipal Commissioners, Madras, for favour of opinion.

(True Extract.)

Chief Secretary.

To the Hon'ble the Chief Justice, with C.L.

Government Solicitor.
Inspector-General of Police.
Commissioner of Police.
Chief Presidency Magistrate.
President, Madras Municipal Commission,
through Local and Municipal Department.

Exd. Shaik Karim.

Gobt. of {1895} Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., No. 2336, 15th November 1895.

NOVEMBER.

Madras Hackney Carriage Act.

Communicating to the Hon'ble the Judges of the High Court, the Advocate-General, the Inspector-General of Police, the Chief Presidency Magistrate and the Municipal Commissioners, Madras, for favour of opinion, a letter from the Commissioner of Police, Madras, suggesting certain alterations and additions to the —.

No. 94.

CURRENT No. 4936
City Police Office.

Madras, 18th October, 1895.

From

Colonel H. W. S. P. S.
THE COMMISSIONER OF POLICE,
MADRAS.

To

The Chief Secretary to Government
Fort Saint George
Madras.

Sir, I have the honour to request that Government will be pleased to take into consideration the advisability of amending the Madras Hackney Carriage Act 1879 (Act III of 1879) and assimilating its provisions with those of Bombay Act V of 1863 by —

- 1st Making offences under the act cognisable by the Police.
- 2nd Requiring licensed drivers to give notice of change of place of residence, and
- 3rd Requiring licensed drivers while actually engaged as such to be cleanly and decently dressed.

— In experience of nearly four years as Commissioner of Police convinces me that these changes must be made if the public is to be well served and the law affecting Hackney Carriages effectually worked.

(Ind 2336 of 15/11/95)

3 — The present procedure is slow and uncertain and adds much to the clerical work of the Presidency Magistrate's Establishment. Under the most favorable circumstances a week intervenes between the offence and trial and in the majority of cases this period is greatly exceeded, from circumstances which are unavoidable. A very large proportion of offenders against the Act escape punishment altogether.

4 — I append two statements showing (A) the number of Vehicles and Drivers licensed and Receipts and Expenditure and (B) the number of Processes issued and executed during each of the 5 years ending December 1894. There are at present 2256 Vehicles and 2319 Drivers on the Register and during the first half of the Current year 1460 Summonses and 287 Warrants were issued of which 1132 and 117 were served and executed respectively.

5 — It will be observed that the proportion of Summonses served has steadily sunk from 91 per cent in 1889 to 79 per cent in 1894 and that the proportion of Warrants executed has fallen from above 90 per cent to below 50 per cent. The figures for the first half of the Current year show a further decrease.

6 — An easy way of accounting for these results is to attribute it to remissness on the part of the Hackney Carriage Police Establishment. But individual instances of such remissness do occur. I have no doubt but I am satisfied that there

has been no such systematic negligence on the part of these men as would account for the results.

7 — The Police Establishment for working the Hackney Carriage Act is 2 Sub. Inspectors and 4 Constables. All processes issued under the Act are executed by these 4 Constables who have moreover other duties to perform and a very large proportion of the cases prosecuted are taken up by them. If Government sees serious objections to making offences under the Act cognizable by Police Inspectors for an increase of the Establishment but I am convinced that completely satisfactory results will not be obtained until every Police Officer is made responsible for the detection of Hackney Carriage Act offences.

8 — Under the Bombay Act all licensees are required to give notice of change of address under a penalty of Rupees 20. Section 18 of the Madras Act requires that the place of abode of a licensed driver shall be entered in his license but there is no provision in the Act requiring him to notify change of abode. Owners of licensed Carriages are required to give such notice under Section 13. This anomaly should be removed for these men are exceedingly migratory in their habits and the difficulty of finding them when they are wanted is sometimes very great. If the change in the law is adopted it will

diminish the necessity for making Offences Cognisable but it does not meet the Case of Offenders against Section 20 - driving without a license - A very large proportion of the Offenders who escape punishment are those liable under Section 20, who have given false names and addresses. The word "knowingly" in Section 21 renders it almost impossible to get at such persons indirectly

9 - Some Licensed Drivers - especially the Drivers of 1st and 2nd class Carriages are dirtily and untidily dressed and there is no remedy. A threat to refuse to renew a license in the Case of Drivers who systematically appear in dirty or ragged clothes might have some effect, but as the law does not make either cleanliness or decency a Condition of employment as Driver of a Hackney Carriage in London, it would not be proper to refuse to renew a license on this ground.

10 - I appended a note (marked C) showing suggestions and additions to the Hackney Carriage Act. I consider advisable and worthy the consideration of Government.

I have the honor to be
Your most Obedient Servant

H. L. C.

Commissioner of Police

A

39

Year	Number of Carriages	Number of Drivers	Receipts			Expenditure			Credit or Debit on Balance			Remarks
			£	s	d	£	s	d	£	s	d	
1880		1307	2119	1	"	1537	8	9	581	8	3	
1881		2028	3117	14	"	2925	12	2	192	1	10	
1882		2231	3224	12	"	3433	5	6	208	9	6	
1883		2255	3367	2	"	3215	11	2	151	6	10	
1884	1935	2233	3215	"	10	2974	6	11	240	9	11	
1885	1893	2350	3313	7	3	3307	2	10	12	4	5	
1886	2087	2427	3628	"	"	2659	3	5	968	12	7	
1887	2304	2545	3717	14	"	3213	12	11	474	1	1	
1888	2325	2634	4005	8	"	3368	8	11	636	15	1	
1889	2330	2685	3872	8	"	3135	1	3	737	6	9	
1890	2319	2597	3828	8	"	3802	1	"	26	7	"	
1891	2242	2527	3721	14	"	2411	14	6	1309	15	6	
1892	2181	2737	3919	4	"	2507	4	4	1411	15	8	
1893	2245	2728	3915	4	"	2765	14	6	1149	5	6	
1894	2214	2415	3668	10	"	2552	15	8	1115	10	4	

H. L. C.
Comptroller

thru L & M

B

Year	Summonses		Arrests		Remarks
	Issued	Served	Issued	Executed	
1889	1611	1467	96	90	
1890	2909	1833	112	97	
1891	2564	2304	226	179	
1892	2600	2244	272	180	
1893	2567	2182	334	195	
1894	2466	1956	426	211	

C

Proposed Amendments and additions to the Madras Hackney Carriage Act (Act III of 1879.)

Section 13. After the words "Section 8" insert "or Section 18."

Section 38 After the words "infectious disease" add, "or who shall be dirty in person or attire, or otherwise than respectably dressed."

Adopt Section 32 of the Bombay Act as follows and something to the same effect.

New Section Any Police Officer may arrest

6

49W
without a warrant any person committing in this town any offence against this Act and may seize and detain in any place of safety until judgment shall be given in the case any conveyance which, for the better fulfilment of the true intent and meaning of this Act, it may be necessary to seize and detain.

Commissioner of Police
M. C. J.

thru L & M

CURRENT NO. 4936

10/6/79 N.A. 108 singl ind. L ✓
2/11/79 200 20 - 21 S.C. ✓
13/12/79 N.A. 76-77 N.A. ✓
4/10/79 N.A. 64/66 S.C. ✓
Leg. 10/6/79 N.A. 64 - - - - -
- 25/4/79 N.A. 46 - - - - -

For orders.

As to whether the opinions of the
Honble the Judges of the High Court, or the
Adv. General, or the D.G. of Police, or the
Chief Presy. Magistrate may be invited
on the proposed amendments?

The lion out of Hackney
Carnage in Bombay is
now included a fresh contract
to the state of things in Madras
which though better than it
used to be is still disgraceful.

From what I have seen lately
I consider that the Society for
the Prevention of Cruelty to
Animals brought well and
with any prospect of making
a large haul of offenders.
Look up the Hackney carriages
of the City. I have seen some
hybrid cases.

LD

11/11/95

The proposed reforms may be made -
also ask the Honble. Comrs' opinion

WV

18/11/95

C12/11

R13/11

WV

18/11/95

From
The Commissioner of Police
Madras

The Chief Secretary to
Government
of Madras

Dated 18 October 1895
Received

C 6/4

Madras Hackney Carriage

Suggesting certain alterations
and additions to the — and
requesting that Govt. will
take them into favorable
consideration

(one)

Jud. DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No.

4936

of 1895, dated 18 Oct. from the Comr. of Police, Madras.

A (letter
Encls).

" "

" 189 , " , "

" "

" 189 , " , "

ORDER.

P.S.

N^o 2336 d/15 Nov '95

The foregoing letter will be comd.
to the Honble the Judges of the High Court,
the Advocate General, the D.G. of Police,
the Chief Presidency Magistrate and
the President, Madras Municipal Commis-
sioners for favor of opinion.

(From order)

WV
13-11-95

WV

To
The Hon: the C. J. with C. J.
Gout. Solicitor
D.G. of Police
Comr. of Police
Chief Presy. Magistrate
President, Madras Municipal Comm.
thru Ltm

Amendment of the Indian
Hunting and
Act.

(From order)

N
X
P.S.

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O. No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILLED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B. —

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24
12
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