

West Bengal Act XLV of 1975
THE WEST BENGAL TRANSPORT UNDERTAKINGS
(PREVENTION OF TICKETLESS TRAVEL) ACT, 1975.

AMENDED West Ben. Act XXIX of 1992.
Wesi Ben. Act XXII of 1995.

[5th January, 1976.]

An Act to provide for the prevention of ticket less travel in the Transport Undertakings in West Bengal.

WHEREAS it is expedient to provide for the prevention of ticketless travel in the Transport Undertakings in West Bengal;

It is hereby enacted in the Twenty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Transport Undertakings (Prevention of Ticketless Travel) Act, 1975.

(2) It extends to the whole of West Bengal.

2. In this Act, unless the context otherwise requires,—

(a) "fare" means the amount payable for carriage of a person in a transport vehicle belonging to a Transport Undertaking; ³(b) "State Transport Undertaking" means—

- (i) the Calcutta State Transport Corporation,
- (ii) the North Bengal State Transport Corporation, or
- (iii) the South Bengal State Transport Corporation,

established under section 3 of the Road Transport Corporations Act, 1950, and includes—

- (A) the Calcutta Tramways Company (1978) Limited, referred to in section 5A of the Calcutta Tramways Company (Acquisition of Undertaking) Act, 1976, or
- (B) the West Bengal Surface Transport Corporation Limited, formed and registered as a Government company in accordance with the provisions of the Companies Act, 1956;

(c) "Transport Undertaking" means a State Transport Undertaking;

¹For Statement of Objects and Reasons, *see* the *Calcutta Gazette, Extraordinary*, Part IV, of date 29th November, 1975, pages 2587-2588; for proceedings of the West Bengal Legislative Assembly, *see* the proceedings of the meeting of that Assembly held on the 8th December, 1975.

²Clause (b) was substituted for the original clause by s. 2(1) of the West Bengal Transport Undertakings (Prevention of Ticketless Travel) (Amendment) Act, 1995 (West Ben. Act XXII of 1995).

³Clause (c) was substituted for the original clause by s. 2(2) *ibid.*

Short title and extent.

Definitions.

64 of 1950,

West Ben. Act LIV of 1976.

] of 1956.

*The West Bengal Transport Undertakings (Prevention of Ticketless Travel) Act,
1975.*

[West Ben. Act

(Sections 3-6.)

¹(c) "Transport vehicle" means a public service vehicle, as defined in clause (35) of section 2 of the Motor Vehicles Act, 1988, or a passenger vehicle, belonging to, or a passenger, or cargo vessel operated by, a State Transport Undertaking;

(e) words and expressions used in this Act but not defined shall have the meanings assigned to them in the Motor Vehicles Act, 1988.]

Prohibition
against
travelling
without
ticket.

3. No person shall travel in any transport vehicle without a proper ticket issued for the journey.

Supply or
ticket on pay-
ment of
fare.

4. Every person travelling in a transport vehicle shall, upon payment of his fare, be supplied with a ticket for the journey which such person intends to perform or has already performed.

59 of 1938.

Exhibition or
ticket.

5. Any person who travels in a transport vehicle shall, whenever required by an employee of a Transport Undertaking not below the rank of a conductor or any other person not below the rank of a Sub-Inspector of Police, to be authorised by the State Government in this behalf, present his ticket to such employee or other person for examination.

Penalty for
ticketless
travel.

6. (1) Any person who travels in a transport vehicle without having a proper ticket or having alighted therefrom fails or refuses to present his ticket for examination on requisition shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both and shall also be liable to pay the excess charge specified in sub-section (2), in addition to the actual fare, for the distance which he has travelled, or where there is any doubt as to the stage from which he started, the fare from the stage from which the passenger vehicle originally started, or from the place, if any, where the tickets were last examined, to the place where he was detected to be travelling without ticket.

(2) The excess charge referred to in sub-section (1) shall be the actual fare for the distance referred to in that sub-section or a sum of rupees ten whichever is greater.

¹Clause (d) was substituted for the original clause by s. 2(3) of the West Bengal Transport Undertakings (Prevention of Ticketless Travel) (Amendment) Act, 1995.

The words and figures within the square brackets were substituted for the words and figures "Motor Vehicles Act, 1939." by s. 2(4). *ibid.*

*The West Bengal Transport Undertakings (Prevention of Ticketless Travel) Act,
1975.*

XLV of 1975.]

(Sections 7-9B.)

7. If an employee of a Transport Undertaking whose duty is— (L) to supply a ticket to a person travelling in a transport vehicle on payment of fare by such person, either wilfully or negligently,—

- (a) omits or refuses to accept the fare when tendered, or
- (b) omits or refuses to supply a ticket, or
- (c) supplies an invalid ticket, or
- (d) supplies a ticket of lesser value, or

(2) to check any season ticket, either wilfully or negligently omits or refuses to do so,

he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both.

Penally for
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or duly.

8. Any person, who travels or attempts to travel in a transport vehicle without having proper ticket with him or beyond the place authorised by his ticket or who, being inside a transport vehicle, fails or refuses to present his ticket for examination when required to do so, may be removed from such vehicle by an employee of the Transport Undertaking or any other person, authorised in that behalf or by any other person whom such employee or other person may call to his aid unless he then and there pays the fare.

Power to
remove
Persons
from
transport
vc hides.

9. If any person wilfully obstructs an employee of a Transport Undertaking or any other person, authorised under this Act, in the discharge of his duty, he shall be punishable with imprisonment for a term which may extend to one month or with Fine which may extend to two hundred and fifty rupees or with both.

Obstructing
employee of
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Transport
Undertaking or
other
authorised
person in his
duty.

9A. All offences under this Act shall be cognizable and bailable.

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under (he
Act to be
cognizable
and
bailable.

9B. (1) Any offence, whether committed before or after the commencement of the West Bengal Transport Undertakings (Prevention of Ticketless Travel) (Amendment) Act, 1992, punishable under section 6 or section 9 may, either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Composition
of certain
offences.

Section 9A and 9B were inserted by s. 2 of the West Bengal Transport Undertakings (Prevention of Ticketless Travel) (Amendment) Act, 1992 (West Ben. Act XXIX of 1992),

The West Bengal Transport Undertakings (Prevention of Ticketless Travel) Act, 1975.

[West Ben. Act XLV of 1975.]

(Sections 10-15.)

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceeding shall be taken against him in respect of such offence."

Magistrate having jurisdiction under the Act

10. No Magistrate other than a Judicial Magistrate of the first class specially empowered for trying offences in a summary way shall try an offence punishable under this Act.

Cases to be tried summarily.

11. In the trial of offences punishable under this Act, the Magistrate shall follow the procedure laid down in the Code of Criminal Procedure, 1973, for trial of offences in a summary way.

Excess charge to be paid to the Transport Undertaking.

12. Any amount recovered by way of excess charge under section 6 shall be paid to the concerned Transport Undertaking.

Overriding effect of the Act.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to make rules.

14. The State Government may make rules for carrying out all or any of the purposes of this Act.

Repeal and savings.

15. (1) The West Bengal Transport Undertakings (Prevention of Ticketless Travel) Ordinance, 1975, is hereby repealed.

(2) Anything done or any action taken under the West Bengal Transport Undertakings (Prevention of Ticketless Travel) Ordinance, 1975, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 26th day of September, 1975.