

MOTOR VEHICLES ACT, 1939

4 of 1939

[16th February, 1939]

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MOTOR VEHICLES ACT, 1939

4 of 1939

[16th February, 1939]

An Act to consolidate and amend the law relating to motor vehicles. WHEREAS it is expedient to consolidate and amend the law relating to motor vehicles b[* * *]; It is hereby enacted as follows:

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may Be called, THE MOTOR VEHICLES ACT, 1939,

1 [(2) It extends to the whole of India [* * * *]. Provided that Chapter VIII shall take effect in the State of Kerala only from such date as the Central Government may, by notification in the Official Gazette, appoint; and until that Chapter so takes effect in that State, Travancore-Cochin Motor Vehicles Act, 1125, shall have effect in that State as if enacted in this Act.]

1. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), Section 2 (w.e.f. 2-3-1970).

2. Definitions :-

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

1(1) "Area", in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision specify by Notification in the official Gazette.

(1A) "articulated vehicle" means a tractor to which a trailer is attached in such a manner that a part of the trailer is super-imposed on, and a part of the weight of the trailer is borne by, the tractor;]

"The 'Committee are of the opinion that the explanation In Form E of the First Schedule the terms "area" and "route", which occur in the various sections of the principal Act which the various expressions have been and In the clauses of the Bill, should be defined. The Committee have accordingly defined. The Committee also feel that the definitions of these terms In the clause. "-J.C. R.-Gaz of India. 25-11- 1968, Pt. U, S. 2, Ext.. p. 1400.

2[(1B)] "axle weight" means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface whereon the vehicle rests;

(1B) "attendant's chit" means the document issued by the prescribed authority authorising the person specified therein to act as an attendant"-J. and K. Act 36 of 1988, S. 2 (w.e.f. 28-11-1968).

(2) "certificate of registration" means the certificate Issued by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter III.

3[(2A) "Commission" means the Inter-State Transport Commission consti- tuted under section 63A ;]

4[(2B) "conductor", in relation to a stage carriage, means a person engaged in collecting fares from passengers, regulating their entrance into, or exit from, the stage carriage and performing such other functions as may be prescribed;]

4[(2C) "conductor's licence", means the document issued by a competent an- thority under Chapter IIA authorizing the person specified therein to act as a conductor;]

(3) "contract carriage" means a motor vehicle which carries a passenger or passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a **6**[fixed or agreed rate or sum-(i) on a time basis, whether or not with reference to any route or distance, or (ii) from one point to another, and in either case with- out stopping to pick up] or set down along the line of route passengers not included in the contract; and includes a motor cab notwithstanding that the passengers may pay separate fares;

7[* * * * *]

8[(4) "dealer" includes a person who **18** engaged in the manufacture of motor vehicles or in building bodies for attachment to chassis;]

Clause 2-Sub-clause (a).- At present a State Government may make rules under clause (k) of sub-section (2) of section 41 of the Motor Vehicles Act, 1939 to exempt, from the provisions of the Act relating to regis- tration. motor vehicles in the possession of dealers and specify the conditions subject to which such exemptions may be granted and the fees payable therefor. This sub-clause seeks to define the expression "dealer" so as to include a person who is engaged in the manufacture of motor vehicles or in building bodies tor attachment to chassis.-S.O.R. Gaz. of India. 17-8-78, Pt. II 8.2, Ext., p. 1120.

(5) "driver" includes, where a separate person acts as steersman of a motor vehicle, that person as well as any other person engaged in the driving of the vehicle;

9[(5A) "driving licence" means the document issued by a competent au- thority under Chapter II authorising the person specified therein to drive a motor vehicle or a motor vehicle of any specified class or description;]

(6) "fares" includes sums payable for a season ticket or in respect of the hire of a contract carriage.

(7) "goods" includes live-stock, and anything (other than equipment ordi- narily used with the vehicle) carried by a vehicle except living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to a motor car or the personal luggage of passengers travell- ing in the vehicle.

(8) "goods vehicle" means any motor vehicle constructed or adapted for use for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods solely or in addition to pas- sengers.

10[(9) "heavy goods vehicle" means any goods vehicle the registered laden weight of which, or a tractor the unladen weight of which, exceeds 11,000 kilograms;]

Sub-clauses (b) and (c).-Clause (9) of sec- tion 2 of the Act defines the expression "heavy motor vehicile" and clause (14) there- of "medium motor vehicle". Since the tech- nicalities to drive a truck and a bus are dif- ferent, it is proposed to give separate licences for driving buses and trucks. Accordingly It is proposed to classify "heavy motor vehi- des" Into "heavy goods vehicles" and "heavy passenger motor vehicles" and "medlium mo- tor vehicles" into "medium goods vehicles" and "medium passenger motor vehicles". These sub-clauses give effect to this propo- sal.-S.O.R., Gaz. of India. 17-8-78 Pt. II, S. 2. Ext.. p. 1120.

11[(9A) "heavy passenger motor vehicle" means any public service vehicle or omnibus the registered laden weight of either of which, or a motor car the unladen weight of which, exceeds 11.000 kilograms;]

See under S. 2 (9)

(10) "invalid carriage" means a motor vehicle the unladen weight which does not exceed **12**[300 kilograms], specially designed and construct and not merely adapted, tor the use of a person suffering from some phy- sical defect or disability, and used solely by or for such a person;

13[(11) * * * *]

(12) "licensing authority" means an authority empowered to grant licences, appointed by the State Government by rule made under section 21 **14**[or section 21J];

15[(13) "light motor vehicle" means a transport vehicle or omnibus the registered laden weight of which, or a

motor car or tractor the unladen weight of which, does not exceed ¹⁶[4,000] kilograms;]

17[(14) "medium goods vehicle", means any goods vehicle, other than a light motor vehicle, heavy goods vehicle or roadroller;]

18[(14A) "medium passenger motor vehicle" means any public service vehicle, other than a motor cycle, invalid carriage, light motor vehicle or heavy passenger motor vehicle;]

(15) "motor cab" means any motor vehicle constructed, adapted or used to carry not more than six passengers excluding the driver, for hire or reward;

(16) "motor car" means any motor vehicle other than a transport vehicle, ¹⁹[omnibus], road-roller, tractor, motor-cycle or invalid carriage; [Cf. Road Traffic Regulation Act, 1967 (1967, c. 76), S. 99 (2).]

20[(17) "motor cycle" means a two-wheeled motor vehicle, the unladen weight of which, inclusive of the unladen weight of any detachable side car, having an extra wheel, attached to motor vehicle, does not exceed 600 kilograms;]

"The Committee led that the three-wheeled vehicles (such as two seater scooters, four seater rickshaws and tempos) should, according to their use, fall appropriately in the category either of "motor cabs" or "goods vehicles" and not in the category of "motor cycles" as contemplated in the principal. The Committee have therefore suitably revised the definition of the term 'motor-cycle'."-J.C.R.

(18) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or ²¹[a vehicle of a special type adapted for use only in a factory or in any other enclosed premises];

[Cf. Road Traffic Regulation Act, 1967 (1967, c. 76), S. 99 (1).]

22[(18A) "omnibus" means any motor vehicle constructed or adapted to carry more than six persons excluding the driver];

"Under S. 2 (15) a "motor cab" has been defined to mean a motor vehicle which may carry not more than six passengers excluding the driver. In the proposed Cl. (18-A) 'omnibus' has been defined to mean any motor vehicle which may carry more than seven persons excluding the driver. When a motor vehicle is constructed for carrying seven persons only excluding the driver, it comes neither within the definition of 'motor-cab' nor within the definition of 'omnibus'. To remove this defect, the Committee have in the definition of 'omnibus' substituted the words "six persons" for "seven persons"-J. C. R.

(19) "owner" means where, the person in possession of a motor vehicle is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchase agreement, the person in possession of the vehicle under that agreement;

(20) "permit" means the document issued by ²³[the Commission or] a State or Regional Transport Authority authorizing the use of a transport vehicle as a contract carriage, or stage carriage, or authorizing the owner as a private carrier or public carrier to use such vehicle;

(21) "prescribed" means prescribed by rules made under this Act.

(22) "private carrier" means an owner of a transport vehicle other than a public carrier who uses that vehicle solely for the carriage of goods which are his property or the carriage of which is necessary for the purposes of his business not being a business of providing transport, or who uses the vehicle for any of the purposes specified in sub-section (2) of section 42 ;

(23) "public carrier" means an owner of a transport vehicle who transports or undertakes to transport goods, or any class of goods, for another person at any time and in any public place for hire or reward, whether in pursuance of the terms of a contract or agreement or otherwise, and includes any person, body, association or company engaged in the business of carrying the goods of persons associated with that person, body, association or company for the purpose of having their goods transported;

(24) "public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage;

(25) "public service vehicle" means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a motor cab, contract carriage, and stage carriage;

24[(25A) "re-built vehicle" means a motor vehicle re-built with an engine and a chassis both of which had not been registered under this Act as one vehicle.]

Sub-clause (d).- At present the Act does not specify any condition subject to which re-built vehicles may be registered. It is considered necessary to vest in that behalf powers in State Governments to make rules to regulate the registration of such re-built vehicles. Accordingly this sub-clause seeks to define the expression "re-built vehicle".- S. O. R., Gaz. of India, 17-8-78. Pt. II. S. 2, Ext., p. 1120.

25[(26) "registered axle weight" means, in respect of the axle of any vehicle, the axle weight certified and

registered by the registering authority as permissible for that axle;]

(27) "registered laden weight" means in respect of any vehicle the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle.

(28) "registering authority" means an authority empowered to register motor vehicles under Chapter III;

26[(28A) "route" means a line of travel which specifies the highway which may be traversed by a motor vehicle between one terminus and another"]

See under clause (1-A)

(29) "stage carriage" means a motor vehicle carrying or adapted to carry more than six persons excluding the driver which carries passengers for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey;

27[(29A) "tourist vehicle" means a contract carriage constructed or adapted and equipped and maintained in accordance with such specifications as the State Government may, by notification in the Official Gazette, specify in this behalf;]

(30) "tractor" means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion **28**[* * *]); but excludes a road-roller;

(31) "traffic signs" includes all signals, warning sign posts, direction posts, or other devices for the information, guidance or direction of drivers of motor vehicles;

(32) "trailer" means any vehicle other than a side-car drawn or intended to be drawn by a motor vehicle;

29 [(33) "transport vehicle" means a public service vehicle or a goods vehicle:]

(34) "unladen weight" means the weight of a vehicle or trailer including all equipment ordinarily used with the vehicle or trailer when working, but excluding the weight of a driver or attendant; and where alternative parts or bodies are used the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body;

(35) "weight" means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests.

1. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), Section 2 (w.e.f. 2-3-1970).
2. Original clause (1) was re-numbered as clause (1-B) by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 2 (2-3-1978).
3. Clauses (2A), (2B) and (2C) were inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1958), S. 2 (a) (18-2-1957).
4. See Foot-note under Cl. (2-A).
6. Substituted for the words "fixed or agreed rate or sum and from one point to another without stopping to pick up," by the Motor Vehicles (Amendment) Act, 1969 (58 of 1969), S. 2 (2-3-1970).
7. Explanation to clause (3) was omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 2 (b) (16-2-1957).
8. Inserted by Motor Vehicles (Amendment) Act) 1978 (47 of 1978), S. a (16-1- 1979).
9. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1986), S. 2 (d) (16-2-1957).
10. Substituted for Cl.d. (9) by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 2 (16-1-1979).
11. Substituted for Cl. (9) by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 2 (18-1-1979).
12. Substituted for the words "five hundred weights" by the Motor Vehicles (Second Amendment) Act, 1960 (51 of 1960), S. 2 (w.e.f. 1-1-1961).
13. Clause (11) was omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 2(f) (w.e.f. 16-2-1957).
14. Added by the Motor Vehicles (Amendment Act, 1956 (100 of 1956), S. 2 (g) 16-2-1957).
15. Substituted for clause (13) by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 2 (h) (16-2-1957).
16. Substituted for the figure "3,000" by the Motor Vehicles (Amendment) Act, 1969 (56 Of 1969), S. 2 (2-3-1970).
17. Substituted for Cl. (14) by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 2 (16-1-1979).
18. See footnote under Cl. (14).
19. Substituted for the word "locomotive", by the Motor Vehicles (Amendment Act, 1956 (100 of 1956), S. 2 (1) (16-2-1957).
20. Substituted for Cl. (17) by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 2 (e) (2-3-1970).
21. Substituted for the words "used solely upon the premises of the owner" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1986), S. 2 (j) (16-2-1957).
22. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. (16-2-1887).
23. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 2 (1) (16-2-1957).
24. Inserted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 2 (16-1- 1979).
25. Substituted for the original clause, by the Motor Vehicles (Amendment) Act. 1956 (100 of 1956), S. 2 (m) (16-2-1957).
26. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 2 (2-3-1970).
27. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 2 (g) (2-3-1970).
28. The words and figures "the unladen weight of which does not exceed 16,000 pounds avoirdupois" were omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 2(n) (16-2-1957).
29. Substituted for the original clause by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 2 (o) (16-2-1957).

3. Necessity for driving licence :-

(1) No person shall drive a motor vehicle in any public place unless he holds an effective ¹[driving licence] issued to himself authorizing him to drive the vehicle; and no person shall so drive a motor vehicle as a paid employee or shall so drive a ²[transport vehicle] unless his ¹[driving licence] specifically entitles him so to do.

(2) A ⁴[State Government may prescribe the conditions subject to which sub-section (1) shall not apply to a person receiving instruction in driving a motor vehicle.

⁵ [(3) Notwithstanding anything contained in sub-section (1), a person who holds an effective driving licence authorising him to drive a motor car may drive any motor cab hired by him for his own use.]

1. Substituted for former Cl. (1) by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 4 (2-3-1970).

2. Substituted for the words "and shall contain the information required by the form" by Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 2(a) 1982).

4. Substituted for the word "licence" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956). S. 5 (a) (16-2-1957).

5. Omitted by Motor Vehicles (Amendment) Act, 1982 (47 of 1982). S. 2 (b) (1-10 1982).

4. Age limit in connection with driving of motor vehicles :-

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

(2) Subject to the provisions of section 14 , no person under the age of twenty years shall drive a transport vehicle in any public place.

¹ [* * * * *]

1. Substituted for former Cl. (1) by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 4 (2-3-1970).

5. Responsibility of owner of motor vehicles for contraventions of sections 3 and 4 :-

No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle.

6. Restrictions on the holding of driving licences :-

(1) No person shall, while he holds any ¹[driving licence] for the time being in force, hold any other ¹[driving licence] except a ¹[driving licence] issued in accordance with the provisions of section 14 , or a document authorizing, in accordance with the rules made under section 92 , the person specified there into drive a motor vehicle.

(2) No holder of a ¹[driving licence] shall permit it to be used by any other person.

(3) Nothing in this section shall prevent a licensing authority having the jurisdiction referred to in sub-section (1) of section 7 from adding to the classes of vehicle which the ¹ [driving licence] authorizes the holder to drive.

1. Substituted for former Cl. (1) by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 4 (2-3-1970).

7. Grant of driving licence :-

¹[(1) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving licence may apply to the licensing authority having jurisdiction in the area-

(i) in which he ordinarily resides or carries on business; or

(ii) in which the school or establishment where he is receiving or has received instruction in driving a motor vehicle is situate, or

(iii) if the application is for driving licence to drive as a paid employee, in which the employer resides or carries on business,

(2) Every application under sub-section (1) shall be in Form A as set forth in the First Schedule, shall be signed by, or bear the thumb impression of, the applicant in two places, ²[shall contain the information required by the form and shall be accompanied by three clear copies of a recent photograph of the applicant].

(3) Where the application for a ³[driving licence] to drive as a paid employee or to drive a transport vehicle, or where in any other case the licensing authority for reasons to be stated in writing so requires, the application shall be accompanied by a medical certificate in Form C, as set forth in the First Schedule, signed by a registered medical practitioner.

⁴[(4) * * * * *]

(5) If, from the application or from the medical certificate referred to in sub-section (3), it appears that the applicant is suffering from any disease or disability specified in the Second Schedule or any other disease or

disability which is likely to cause the driving by him of a motor vehicle of the class which he would be authorised by the ³[driving licence] applied for to drive to be a source of danger to the public or to the passengers, the licensing authority shall refuse to issue the ³[driving licence]: Provided that-

(a) a ³[driving licence] limited to driving an invalid carriage may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage;

(b) the applicant may, except where he suffers from disease or disability specified in the Second Schedule, claim to be subjected to a test of his fitness or ability to drive a motor vehicle of a particular construction or design, and, if he passes such test to the satisfaction of the licensing authority and is not otherwise disqualified, the licensing authority shall grant him a ³[driving licence] to drive such motor vehicle as the licensing authority may specify in the ³[driving licence.]

(6) No ⁴[driving licence] shall be issued to any applicant unless-

11[* * *] he passes to the satisfaction of the licensing authority the test of competence to drive specified in the Third Schedule,

12[* * *]

13[* * * * *]

14[Provided that, where the application is for a licence to drive a motor cycle or a light motor vehicle, the licensing authority shall exempt the applicant from Part I of the test specified in the Third Schedule, if the licensing authority is satisfied-

(a) that the applicant has previously held a licence to drive and that the period between the date of expiry of that licence and the date of such application does not exceed five years; or

(b) that the applicant holds a driving licence issued by a competent authority of any country outside India:] Provided further that where the application is for a ³[driving licence] to drive a motor vehicle (not being a transport vehicle) otherwise than as a paid employee, the licensing authority may exempt the applicant from ¹⁶[* * *] the test specified in the Third Schedule if the applicant possesses a driving certificate issued by an automobile association recognised in this behalf by the State Government.

17[(7) The test of competence to drive shall be carried out in a vehicle of the type to which the application refers, and, for the purposes of Part I of the test-

18[(a) a person who passes the test in driving a heavy goods vehicle shall be deemed also to have passed the test in driving any medium goods vehicle or light motor vehicle;

(b) a person who passes the test in driving a heavy passenger motor vehicle shall be deemed also to have passed the test in driving any medium passenger motor vehicle or light motor vehicle;

(c) a person who passes the test in driving a medium goods vehicle or a medium passenger motor vehicle shall be deemed also to have passed the test in driving any light motor vehicle.]

19[(7A) Notwithstanding anything contained in sub-section (7), any person, who has a valid driving licence granted before the commencement of the Motor Vehicles (Amendment) Act, 1978, authorising him to drive a heavy motor vehicle or, as the case may be, a medium motor vehicle, shall, for the period specified in such licence, be permitted to drive-

(a) any heavy goods vehicle, heavy passenger motor vehicle, medium goods vehicle, medium passenger motor vehicle, or light motor vehicle, where the licence is for driving any heavy motor vehicle:

(b) any medium goods vehicle, medium passenger motor vehicle, or light motor vehicle, where the licence is for driving any medium, motor vehicle.]

(8) When an application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his physical fitness and of his competence to drive and has paid to the authority ²⁰[such fee as the Central Government may, by rules made under this Act, specify,] the licensing authority shall grant the applicant a ³[driving licence] unless the applicant is disqualified under section 4 for driving a motor vehicle or is for the time being disqualified for holding or obtaining a ³[driving licence]: Provided,-

23[* * * * *]

24[* * *] a licensing authority may issue a ³[driving licence] to drive a motor cycle or a ²⁶[light motor vehicle] notwithstanding that it is not the appropriate licensing authority, if the licensing authority is satisfied that there is good reason for the applicant's inability to apply to the appropriate licensing authority: ²⁷ [Provided further that the licensing authority shall not issue a new driving licence to the applicant, if he had previously held a driving licence issued under this Act, unless it is satisfied that there is good reason for his inability to obtain a duplicate copy of his former licence.]

Clause 4.-"At present a person has to apply for a driving licence to the licensing authority of the area where he ordinarily resides or carries on business. It has been pointed out that motor driving training schools do not exist in all the districts and it will be convenient to a person who under- goes training in a school to secure his driv- ing licence before leaving the school. This clause enables a person to obtain a driving licence from the licensing authority of the area in which the school where he gets training in motor driving is situated".- S. O. R. (Act 56 of 1969). Section 7 (6).- "Sub-section (6) of S. 7 of the Act provides for the exemption of expe- rienced drivers from Part I of the driving tests. The amendment of sub-section (6) seeks to provide exemption of persons who hold a driving licence issued by a competent authority in a foreign country also".- S.O.R. (Act C of 1856). "The Committee feel that an applicant for a licence to drive a motor cycle or a light motor vehicle who has previously held a li- cence should be exempted from Part I of the driving test, in case the period between the date of expiry of that licence and the date of his application does not exceed five years".-J. C. R. (Act C of 1956).

1. Substituted for former Cl. (1) by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 4 (2-3-1970).
2. Substituted for the words "and shall contain the information required by the form" by Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 2(a) 1982).
3. Substituted for the word "licence" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956). S. 5 (a) (16-2-1957).
4. Omitted by Motor Vehicles (Amendment) Act, 1982 (47 of 1982). S. 2 (b) (1-10 1982).
11. Brackets and letter (a) omitted, Omitted by Motor Vehicles (Amendment) Act, 1982 (47 of 1982). S. 2 (b) (1-10 1982),1942 (20 of 1942), S. 4 (3-4-1942).
12. Word 'or' omitted, Brackets and letter (a) omitted, Omitted by Motor Vehicles (Amendment) Act, 1982 (47 of 1982). S. 2 (b) (1-10 1982),1942 (20 of 1942), S. 4 (3-4-1942).
13. Clause (b) omitted, Word 'or' omitted, Brackets and letter (a) omitted, Omitted by Motor Vehicles (Amendment) Act, 1982 (47 of 1982). S. 2 (b) (1-10 1982),1942 (20 of 1942), S. 4 (3-4-1942).
14. Substituted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Sec. tion 5 (b) (16-2-1957).
16. Words "Part I of" omitted Substituted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Sec. tion 5 (b) (16-2-1957), 1942 (20 of 1942), S. 4 (3-4-1942).
17. Substituted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Sec- tion 5 (c) (16-2-1957).
18. Substituted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 3 (16-1-1979).
19. Inserted Substituted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 3 (16-1-1979).
20. Substituted for the words 'a fee of eleven rupees' by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), 1977 (27 of 1977), Sec- tion 2 (1-1-1978).
23. Omitted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), Sec. 4 (3-4-1942).
24. Brackets and letter (b) omitted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), Sec. 4 (3-4-1942).
26. Substituted for the words "motor car" by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), 1956 (100 of 1956), S. 5 (d) (16-2 1957),
27. Inserted Substituted for the words "motor car" by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), 1956 (100 of 1956), S. 5 (d) (16-2 1957)

8. Form of contents of driving licence :-

(1) Every ¹[driving licence], ex- cept a ¹[driving licence], issued under section 14 , shall be in Form D as set forth in the First Schedule and shall have affixed thereto one of the signa- tures or thumb impressions given on the form of application for the ¹[driving licence] ⁴[and one of the photographs referred to in sub-section (2) of section 7].

(2) A ¹[driving licence] shall specify whether the holder is entitled to drive as a paid employee and whether he is entitled to drive a ⁶[transport vehicle] and shall further be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely:-

(a) a motor cycle,

⁷[(b) invalid carriage,

(c) light motor vehicle,

⁸ [(d) medium goods vehicle,

(e) medium passenger motor vehicle,

(ei) heavy goods vehicle,

(eii) heavy passenger motor vehicle.]

(f) road roller.

(g) motor vehicle of a specified description.]

1. Substituted for the word "Licence" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 6 (16-2-1957).

4. Substituted for the words and brackets "and, in the case of a driving licence to drive as a paid employee or to drive a transport vehicle, one of the photo- graphs referred to in sub-section (2) of Section 7" by the Motor Vehicles (Am- endment) Act, 1982 (47 of 1982), S. 3 (1-10-1982).

6. Substituted for the words "Public Service Vehicle" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 6 (16-2-1957).

7. Substituted for clauses (b), (c) and (g), (h), (i), (j) and (k) by the Motor Vehi- cles (Amendment) Act, 1956 (100 of 1956), S. 6 (16-2-1957).

8. Substituted for clauses (d) to (e) by Motor Vehicles (Amendment) Act, 1973 (47 of 1978), S. 4 (16-1-1979).

8A. Additions to driving licence :-

(1) Any person holding a driving li- cence issued under this Chapter who is not for the time being disqualified for

holding or obtaining a driving licence may apply in Form AA as set forth in the First Schedule, to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business or, if the application relates to a licence to drive as a paid employee, in which the employer resides or carries on business, for the addition of another class of motor vehicle to the licence. The ¹[provisions of section 7 (except the provisions requiring the application thereunder to be accompanied by three clear copies of a recent photograph of the applicant)] shall apply to an application under this section as if the application were for the grant of a licence under that section to drive the class of motor vehicle which the applicant desires to be added to his licence: Provided that the provisions of ² [sub-section (3)] of that section shall not apply where the applicant is the holder of a licence to drive as a paid employee or to drive a transport vehicle.

(3) No fee other than a fee for the test of competence to drive shall be charged for an addition to a driving licence under this section.]

1. Substituted for the words and figure "provisions of section 7" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982) S. 4 (1-10-1982).

2. Substituted for the words, brackets and figures "sub-sections (3) and (4)", Substituted for the words and figure "provisions of section 7" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982) S. 4 (1-10-1982).

9. Extent of validity of driving licence :-

(1) Subject to any rules made by a ¹[State Government] under sub-section (3), a ²[driving licence] issued under the foregoing sections shall be effective throughout ³[India].

4[* * * * *]

(3) A ¹[State Government] may, by rules made under section 21 , -

(a) provide that a specification entitling the holder of a ²[driving licence] ³[to drive as a paid employee or to drive a transport vehicle] shall be made in the ⁴[driving licence] only by or under the authority of the Regional Transport Authority constituted under Chapter IV,

(b) regulate the submission of application for such licences to the said authority ⁹[* * *]

10[* * * * *]

11 [* * * * *]

1. Substituted for the words "Provincial Government" by A.L.O., 1950.

2. Substituted for the word 'licence' by Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 8 (16-2-1957).

3. Substituted for the word 'States' by Part B States (Laws) Act, 1951 (3 of 1951).

4. Sub-section (2) omitted by the Central Laws (Extension to Jammu and Kashmir) Act, 1968 (25 of 1968), S. 2 and Sch. (15-8-1968).

9. Substituted for "to drive a transport vehicle" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 5 (16-1-1979).

10. Word "or" and clause (c) omitted, Substituted for "to drive a transport vehicle" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 5 (16-1-1979).

11. Sub-section (4), omitted by the Central Laws (Extension to Jammu and Kashmir) Act, 1968 (25 of 1968), S. 2 and Sch. (15-8-1968).

10. Currency of driving licence :-

A driving licence issued or renewed under this Act ¹[after the commencement of the Motor Vehicles (Amendment) Act, 1978] shall, subject to the provisions contained in this Act as to the cancellation of driving licences and the disqualification of holders of driving licences for holding or obtaining driving licences, be effective without renewal for a period of ²[five years] only, from the date of the issue of the licence or, as the case may be, from the date with effect from which the licence is renewed under section 11 ; and the driving licence shall be deemed to continue to be effective for a period of thirty days after the date of its expiry.] ² [Provided that a driving licence issued or renewed to drive as a paid employee or to drive a transport vehicle shall be effective without renewal for a period of three years only.] Clauses 9 and 10.-"It is proposed to raise the period of currency of driving licences from one to three years and to provide that a driving licence shall be renewed from the date of its expiry in the case of applications made within the period of grace and with effect from the date of renewal in the case of applications made after the expiry of that period. The existing section 10 and section 11 make no provision for the renewal of a driving licence which has lapsed for a considerable period of time, e.g., owing to illness or absence abroad. It is desirable to provide for the continuity of old licences, rather than the issue of a new one in every such case, in order to preserve the previous record of the holder. If the period during which a driving licence has not been renewed is as long as five years, clause 10 (now sec Section 11(3A)) provides that the licensing authority may compel the applicant to undergo a driving test. The period of grace is also being increased from 15 to 30 days" .- S. O. R. Gaz. of Ind., 12-11-1985, Pt. II, Section 2, Ext., p. 629. Clause 6.-This clause seeks to amend section 10 of the Act to increase the period of validity of driving licences issued hereafter to persons, other than those working as paid drivers or drivers of transport vehicles, from three years to five years. In the case of paid drivers and drivers of transport vehicles, the driving licences will be valid only for three years as at present.-S.O.R. Gaz. of India, 17-8-78, Pt. II, S. 2. Ext., page 1120.

1. Inserted by Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 6 (16-1-1979).

2. Substituted for the words "three years", Inserted by Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 6

(16-1- 1979).

11. Renewal of driving licences :-

¹[(1) Any licensing authority may, on application made to it, renew a licence issued under the provisions of this Act with effect from the date of its expiry: Provided that in any case where the application for the renewal of a licence is made more than thirty days after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal ;] ²[Provided further that where the application is for the renewal of a licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate, the same shall be accompanied by a fresh medical certificate in Form C as set forth in the First Schedule, signed by a registered medical practitioner, and the provisions of sub-section (5) of section 7 shall apply to every such case.]

(2) An application for the renewal of a ³[driving licence] shall be made in Form B as set forth in the First Schedule and shall contain the declaration required by that form : provided that where the applicant does not or is unable to subscribe to the said declaration the provisions of sub-section (5) of section 7 shall apply.

⁴[(3) Where an application for the renewal of a driving licence is made previous to, or not more than thirty days after, the date of its expiry, the fee payable for such renewal shall be ⁵[the amount specified in the rules made by the Central Government in this behalf].

(3A) Where an application for the renewal of a driving licence is made more than thirty days after the date of its expiry, the fee payable for such renewal shall be ⁶[the amount specified in the rules made by the Central Government in this behalf.] Provided that the fee referred to in sub-section (3) may be accepted by the licensing authority, if it is satisfied that the applicant was prevented by good cause from applying within the time specified in that sub-section: Provided further that if the application is made more than five years after the driving licence has ceased to be effective, the licensing authority may refuse to renew the driving licence, unless the applicant undergoes and passes to its satisfaction the test of competence to drive specified in the Third Schedule.]

⁶[(3B) When the authority to whom an application for the renewal of a licence to drive as a paid employee or to drive a transport vehicle is made. is not the authority which issued the licence sought to be renewed, it may for the purpose of deciding whether the application for such renewal may be granted verify the antecedents of the applicant in such manner as may be prescribed and pending the verification, such authority may grant a provisional licence for such period or periods not exceeding six months in the aggregate, subject to the condition that every such provisional licence shall cease to be effective immediately on the renewal of the licence sought to be renewed, or, as the case may be, on the refusal to renew the licence, and

(i) where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed,

(ii) where the application for renewal has not been rejected within the said period, the licence shall be renewed.]

(4) When the authority renewing the ³[driving licence] is not the authority which issued the ³[driving licence], it shall intimate the fact of renewal to the authority which issued the ³ [driving licence] .

Clause 5 - Sub-clause (a).- At present, a driver of a transport vehicle and paid drivers of other motor vehicles are required to produce medical certificates only when they get the driving licence for the first time. With a view to reducing the risk of accidents owing to any disease or disability from which the holder of the licence may suffer, it is proposed to provide by this sub-clause for the production of medical certificate for the renewal of driving licence of such person. Sub-clause (b).- This sub-clause is designed to ensure that unscrupulous drivers with a bad record of driving do not get their licences renewed in other places where their antecedents are not known. To prevent hardship to the drivers a provision has been made for the grant of provisional licences pending the verification, of their antecedents. S.O.R.

1. Substituted for the former sub-section. (1), by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 10 (16-2-1957).

2. Proviso to sub-section (1) and sub-section (3B) added by the Motor Vehicle (Amendment) Act, 1969 (56 of 1969) S. 5 (2-3-1970).

3. Substituted for the word "licence" by Act 100 of 1956, S. 10 (16-2-1957).

4. Substituted for former sub-section (3) Substituted for the word "licence" by Act 100 of 1956, S. 10 (16-2-1957).

5. Substituted for the words 'nine rupees' by the Motor Vehicles (Amendment) Act, 1977 (27 of 1977), S. 3 (1-1-1978).

6. Substituted for the words 'eleven rupees', Substituted for the words 'nine rupees' by the Motor Vehicles (Amendment) Act, 1977 (27 of 1977), S. 3 (1-1-1978).

11A. Special provisions as to affixation of photograph in certain cases on driving licences :-

(1) Every person whose application for the issue or renewal of a driving licence to drive other than as a paid employee or to drive a vehicle other than a transport vehicle is pending before any licensing authority immediately before the appointed day, shall, on or as soon as may be after the appointed day, forward three clear copies of his recent photograph to such licensing authority along with an application in writing for the affixation of such photograph on the driving licence.

(2) A driving licence to drive other than as a paid employee or to drive a vehicle other than a transport vehicle issued or renewed under this Act before the appointed day shall cease to be effective on the expiry of six months from the appointed day, if it does not cease to be effective otherwise earlier, unless the holder of such licence

makes, before the expiry of the said period of six months, an application to any licensing authority for the affixation of his photograph on the driving licence.

(3) An application under sub-section (2) shall give particulars relating to the name of the holder of the driving licence his temporary and permanent addresses, number and date of issue of the driving licence and the name of the licensing authority by whom the licence was issued and shall be accompanied by the driving licence and three clear copies of a recent photograph of the holder.

(4) No fee shall be chargeable with respect to any application made under this section.

(5) Where the authority to whom an application is made under sub-section (2) in respect of a driving licence is not the authority which issued the driving licence, it shall intimate the fact of affixation of the photograph on the driving licence to the authority which issued the driving licence.

Explanation.-For the purposes of this section "appointed day" means the date of commencement of section 5 of the Motor Vehicles (Amendment Act, 1982.)

12. Revocation of driving licence on grounds of disease or disability :-

Notwithstanding anything contained in the foregoing sections, ¹[any licensing authority] may at any time revoke a ²[driving licence] ³[* * *], or may require, as a condition of continuing to hold such ²[driving licence], the holder thereof to furnish a fresh medical certificate in Form C as set forth in the First Schedule signed as required by sub-section (3) of section 7, if the licensing authority has reasonable grounds to believe that the holder of the ²[driving licence] is, by virtue of any disease or disability, unfit to drive a motor vehicle ⁶ [and where the authority revoking a driving licence is not the authority which issued the same: it shall intimate the fact of revocation to the authority which issued that licence.] Amendments made in 1956.- "Under Section 12. a licensing authority may revoke a licence on grounds of disease or disability only if the licence was issued by it: but if the licence-holder has moved from the place where he obtained the licence the licensing authority of the area to which he has removed has no such powers. The latter is in the best position to examine the case and to hear any representations the holder may like to make. This clause provides for such powers, and further provides that the licensing authority, which revokes any licence issued by it shall inform the licensing authority which originally issued the licence."- S.O.R.

1. Substituted for the words "a licensing authority", by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 11 (16-2-1957).

2. Substituted for the word "licence" Substituted for the words "a licensing authority", by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 11 (16-2-1957).

3. The words "issued by it" were omitted, Substituted for the word "licence" Substituted for the words "a licensing authority", by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 11 (16-2-1957).

6. Inserted, The words "issued by it" were omitted, Substituted for the word "licence" Substituted for the words "a licensing authority", by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 11 (16-2-1957).

13. Orders refusing or revoking driving licences and appeals therefrom :-

(1) Where ¹[a licensing authority refuses to issue or renew or revokes, any driving licence, or refuses to add a class of motor vehicle to any driving licence], it shall do so by an order communicated to the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or revocation.

²[(2) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority making the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority making the order.]

³ [* * * * *]

Amendment made in 1956.- The existing section 13 (2) gives the licensing authority but not the aggrieved person, an opportunity of being heard. The amendment in sub-section (2) is designed to clarify the position.- S. O. R.

1. Substituted for the words "the licensing authority refuses to issue or revokes or refuses to renew any licence" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 12 (16-2-1957).

2. Substituted for the original sub-section (2), Substituted for the words "the licensing authority refuses to issue or revokes or refuses to renew any licence" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 12 (16-2-1957).

3. Sub-section (3) omitted, Substituted for the original sub-section (2), Substituted for the words "the licensing authority refuses to issue or revokes or refuses to renew any licence" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 12 (16-2-1957).

14. Licences to drive motor vehicles, the property of the Central Government :-

(1) The authority specified in Part A of the Fourth Schedule may grant ¹[driving licences], valid throughout ²[India], to persons who have completed their eighteenth year to drive motor vehicles which are the property ³[or for the time being under the exclusive control] of the Central Government ³[and are used for Government purposes unconnected with any commercial enterprise.]

(2) A ¹[driving licence] issued under this section shall specify the class or classes of vehicle which the holder is entitled to drive and the period for which he is so entitled.

(3) A ²[driving licence] issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle which is the property ³[or for the time being under the exclusive control] of the Central Government.

(4) The authority issuing any ⁸[driving licence] under this section shall at the request of any State Government furnish such information respecting any person to whom a ¹ [driving licence] is issued as that Government may at any time require.

Amendment made in 1956.- The amendment made in Section 14(1) "is designed to make it clear that the provisions of Section 14 apply only to motor vehicles used for Government purposes and not to vehicles used for a commercial purpose or in connection with any commercial department of the Central Government."-S. O. R.

1. Substituted for the word "licences" or "licence" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 13 (16-2-1957).

2. Substituted for the words "the State", by the Part B States (Laws) Act, 1951 (3 of 1951), S, 3 and Sch. (1-4-1951).

3. Inserted by Act M. V. Amdt. Act. 1956 (100 of 1956), S. 13 (16-2-1957).

8. Inserted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1842), Section 5 (3-4-1942).

15. Power of licensing authority to disqualify for holding a driving licence :-

(1) If a licensing authority is satisfied after giving him an opportunity of being heard that any person-

(a) is a habitual criminal or a habitual drunkard, or

(b) is using or has used a motor vehicle in the commission of a cognizable offence, or

(c) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public,

¹[any driving licence or a licence to drive a particular class or description of vehicle.]

(2) Upon the issue of any such order a person affected, if he is the holder of ²[driving licence], shall forthwith surrender his ²[driving licence] to the licensing authority making the order, if the ²[driving licence] has not already been surrendered, and the licensing authority shall-

(a) if the ²[driving licence] is a licence issued under this Act, keep it until the disqualification has expired or has been removed, or

(b) if it is not a ²[driving licence] issued under this Act, endorse the disqualification upon it and send it to the licensing authority by which it was issued: ⁷ [Provided that where the driving licence of a person authorises him to drive more than one class or description of motor vehicles and the order, made under sub-section (1), disqualifies him from driving any specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder.]

(3) Any person aggrieved by an order made by a licensing authority under this section may, within thirty days of the receipt of the order, appeal to the prescribed authority, and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and may make such inquiry into the matter as it thinks fit. An order made by any such appellate authority shall be final.

1. Substituted for the words "a driving licence" by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969). S. 6(2-3-1970).

2. Substituted for the word "licence", by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 14 (16-2-1957).

7. Proviso to sub-section (2), added, Substituted for the word "licence", by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 14 (16-2-1957).

16. Power of Regional Transport Authority to disqualify :-

(1) A Regional Transport Authority, constituted under Chap. IV may for reasons to be recorded in writing and subject to any prescribed conditions declare any person disqualified, for as specified period, for holding or obtaining a licence to drive ¹[any transport vehicle or a transport vehicle of a particular class or description] in the province.

² [(1A) Upon the issue of an order under sub-section (1), the holder of a driving licence shall forthwith surrender his driving licence to the licensing authority which issued the driving licence (hereafter in this section referred to as the issuing authority), or, as the case may be, to the licensing authority by which the driving licence was last renewed (hereafter in the section referred to as the renewing authority), and the issuing authority or, as the case may be, the renewing authority shall endorse the fact of disqualification in the driving licence and keep it until the period of disqualification has expired or the disqualification has been removed: Provided that where the driving licence authorises a person to drive more than one class or description of motor vehicles and the order, made under sub-section (1) disqualifies him from driving any specified class or description of motor vehicles the authority to which the driving licence was surrendered shall endorse the fact of disqualification in the driving licence and return the same to the holder.

(1B) Where an order of disqualification has been made under sub-s. (1) the period of disqualification shall be reckoned from the date of surrender of the driving licence to the issuing authority or the renewing authority, as the case may be, under sub-section (1A), or from the date on which the relevant endorsement is made on the driving

licence, whichever is earlier: Provided that in a case where the driving licence is, on the date on which the said order is made, in the possession of the issuing authority or the renewing authority or a police officer, the disqualification shall take effect from the date of the said order.]

(2) Any person aggrieved by an order of a Regional Transport Authority made under sub-section (1) may within thirty days of the receipt of intimation of such order appeal against the order to the prescribed authority.

Clause 7.-This clause seeks to amend section 16 of the Act to require a person who is disqualified by a Regional Transport Authority to forthwith surrender the driving licence to the licensing authority, whether such authority issued or renewed such licence. The intention behind this amendment is to prevent the evasion of punishment in regard to holding such licence. The licensing authority will keep with it such licence until the disqualification expires or is removed. The period of disqualification shall be reckoned from the date of surrender of the driving licence or from the date on which the relevant endorsement is made on the driving licence, whichever is earlier. Where the driving licence is at the time of the said order in the possession of the licensing authority or a police officer, the disqualification shall take effect from the date of the said order-S. O. R. Gaz. of India. 17-8-78, Pt. II, S. 2, Ext., p. 1120.

1. Substituted for the words "a transport vehicle" by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 7 (2-3-1970).

2. Inserted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), Sec. 7 (16-1-1979).

17. "Power of Court to disqualify" :-

(1) Where a person is convicted of an offence under this Act, or of an offence in the commission of which a motor vehicle was used the Court by which such person is convicted may, subject to the provisions of this Section, in addition to imposing any other punishment authorised by law, declare the person so convicted to be disqualified, for such period as the Court may specify, for holding any ¹[driving licence] or for holding a ¹[driving licence] to drive a particular class or description of vehicle.

(2) A Court shall not order the disqualification of an offender convicted for the first or second time of an offence punishable under section 115 .

(3) A Court shall order the disqualification of an offender convicted of an offence punishable under section 117 , and such disqualification shall be for a period of not less than six months.

(4) A Court shall order the disqualification of an offender convicted of an offence against the provisions of clause (c) of sub-section (1) of section 87 or of section 89 , and such disqualification shall be for a period of not less than one month.

(5) A Court shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of an offender-

(a) who having been convicted of an offence punishable under section 116 is again convicted of an offence punishable under that section;

(b) who is convicted of an offence punishable under section 120 , or

(c) who is convicted of an offence punishable under section 123 ; Provided that the period of disqualification shall not exceed ³ [in the case referred to in clause (a), five years, or, in the case referred to in clause (b), two years] or in the case referred to in clause (c), one year.

(6) A Court ordering the disqualification of an offender convicted of an offence punishable under section 116 may direct that the offender shall, whether he has previously passed the test of competence to drive specified in the Third Schedule or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.

(7) The Court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made by the Court below, and the Court to which appeals ordinarily lie from any Court may set aside or vary any order of disqualification made by that Court, notwithstanding that no appeal lies against the conviction in connection with which such order was made.

1. Substituted for the word "licence", by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 16 (16-2-1957).

3. Substituted for the words "in the cases referred to in clauses (a) and (b), two years, by the Motor Vehicles (Amendment) Act, 1977 (27 of 1977), Section 4 (1-9-1977).

17A. Suspension of driving licence in certain cases :-

(1) Where, in relation to a person who had been previously convicted of an offence punishable under section 116 , a case is registered by a police officer on the allegation that such person has by such reckless or dangerous driving as is referred to in the said section 116 , cause the death of, or grievous hurt to, one or more persons, the driving licence held by such person shall become, and shall remain, suspended-

(a) for a period of six months from the date on which the case is registered, or

(b) if such person is discharged or acquitted before the expiry of the period aforesaid, until such discharge or acquittal, as the case may be.

(2) Where by virtue of the provisions of sub-section (1), the driving licence held by a person becomes suspended,

the police officer, by whom the case referred to in sub-section (1) is registered, shall bring such suspension to the notice of the Court competent to take cognizance of such offence, and, thereupon, such Court shall take possession of the driving licence, endorse the suspension thereon and forward it to the licensing authority by which it was granted or last renewed and that authority shall, on receipt of the driving licence, keep it in its safe custody until the expiry of the period of suspension, or, as the case may be, until the holder of the licence is discharged or acquitted by the Court trying the offence and shall, on such expiry or discharge or acquittal, as the case may be, return the licence to the holder thereof on an application made by him for such return: Provided that no such licence shall be returned unless the holder thereof has, after such expiry, discharge or acquittal, undergone and passed, to the satisfaction of the licensing authority by which the licence was issued or last renewed, a fresh test of competence to drive specified in the Third Schedule.

(3) Where the person referred to in sub-section (1) is acquitted or discharged, the Court competent to take cognizance of the offence referred to in sub-section (1) shall, on the application of the holder of the driving licence, cancel the endorsement thereon with regard to the suspension of such driving licence.

(4) If a licence to drive a particular class or description of motor vehicles is suspended under sub-section (1), the person holding such licence shall be debarred from holding or obtaining any licence to drive such particular class or description of motor vehicles so long as the suspension of the driving licence remains in force.]

17B. Suspension or cancellation of driving licence on conviction :-

(1) Without prejudice to the provisions of sub-section (5) of section 17, where a person, referred to in sub-section (1) of section 17A, is convicted of an offence of causing, by such reckless or dangerous driving as is referred to in section 116, the death of, or grievous hurt to, one or more persons, the Court, trying such person on such charge, may cancel or suspend for such period as it may think fit, the driving licence held by such person.

(2) Without prejudice to the provisions of sub-section (3) of section 17, if a person, having been previously convicted of an offence punishable under section 117, is again convicted of an offence punishable under that section, the Court, making such subsequent conviction, shall, by order, cancel the driving licence held by such person.

(3) If a driving licence is cancelled or suspended under this section, the Court shall take the driving licence in its custody, endorse the cancellation or as the case may be, suspension thereon and send the driving licence so cancelled or endorsed to the authority by which the licence was issued or last renewed and such authority shall, on receipt of the licence, keep the licence in its custody, and in the case of a suspended licence, return the licence to the holder thereof after the expiry of the period of suspension on an application made by him for such return: Provided that no such licence shall be returned unless the holder thereof has, after the expiry of the period of suspension, undergone and passed, to the satisfaction of the licensing authority by which the licence was issued or last renewed, a fresh test of competence to drive specified in the Third Schedule.

(4) If a licence to drive a particular class or description of motor vehicles is suspended or cancelled under this section, the person holding such a licence shall be debarred from holding, or obtaining, any licence to drive such particular class or description of motor vehicles so long as the suspension or cancellation of the driving licence remains in force.

Explanation.-For the purpose of this section, "Court making the conviction", means the Court by which the final order of conviction is made.]"

18. Effect of disqualification order :-

(1) A person in respect of whom any disqualification order is made shall be debarred to the extent and for the period specified in such order from holding or obtaining a ¹[driving licence] and the ¹[driving licence], if any, held by such person at the date of the order shall cease to be effective ³ [to such extent and] during such period.

(2) The operation of a disqualification order made under section 17 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made, unless the appellate Court so directs.

(3) Any person in respect of whom any disqualification order has been made may at any time after the expiry of six months from the date of the order apply to the Court or other authority by which the order was made, to remove the disqualification: and the Court or authority, as the case may be, having regard to all the circumstances, either remove or vary the order of disqualification: Provided that where an application has been made under this section a second application thereunder shall not be entertained before the expiry of a further period of three months.

1. Substituted for the word "licence" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 16 (16-2-1957).

3. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), Sec. 8 (2-3-1970).

19. Endorsement :-

(1) The Court or authority making an order of disqualification shall endorse or cause to be endorsed upon the ¹[driving licence], if any, held by the person disqualified particulars of the order of disqualification and of any conviction of an offence in respect of which an order of disqualification is made; and particulars of any removal or

variation of an order of disqualification made under sub-section (3) of section 18 shall be similarly so endorsed.

(2) A Court by which any person is convicted of an offence specified in the Fifth Schedule shall, whether or not an order of disqualification is made in respect of such conviction, endorse or cause to be endorsed particulars of such conviction on any ¹[driving licence] held by the person convicted.

(3) Any person accused of an offence specified in the Fifth Schedule shall when attending the Court bring with him his ¹ [driving licence] if it is in his possession.

1. Substituted for the word "licence", by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 16 (16-2-1957).

20. Transfer of endorsement and issue of driving licence free from endorsement :-

(1) An endorsement on any ¹[driving licence] shall be transferred to any new or duplicate ¹[driving licence] obtained by the holder thereof until the holder becomes entitled under the provisions of this section to have a ¹[driving licence] issued to him free from endorsement.

(2) Where a ¹[driving licence] is required to be endorsed and the ¹[driving licence] is at the time not in the possession of the Court or authority by which the endorsement is to be made then-

(a) if the person in respect of whom the endorsement is to be made is at the time the holder of a ¹[driving licence], he shall produce the ¹[driving licence] to the Court or authority within five days, or such longer time as the Court or authority may fix, or

(b) if, not being then the holder of a ¹[driving licence], he subsequently obtains a ¹[driving licence], he shall within five days after obtaining the ¹[driving licence] produce it to the Court or authority;

¹[driving licence] is not produced within the time specified it shall on the expiration of such time be of no effect until it is produced for the purpose of endorsement.

(3) A person whose, ¹[driving licence] has been endorsed shall, if during a continuous period of three years since the last endorsement was made no further order of endorsement has been made against him, be entitled, on surrendering his ¹[driving licence] and on payment of a fee of five rupees, to receive a new ¹[driving licence] free from all endorsements. If the endorsement was only in respect of exceeding a speed limit, he shall be entitled to have a clean ¹[driving licence] issued on the expiration of one year from the date of the order: Provided that in reckoning the said period of three years and one year, respectively, any period during which the said person was disqualified for holding or obtaining a ¹[driving licence] shall be excluded.

(4) When a ¹[driving licence] is endorsed by or an order of endorsement is made by any Court, the Court shall send particulars of the endorsement or order, as the case may be, to the licensing authority by which the ¹[driving licence] was last renewed and to the licensing authority which granted the ¹[driving licence].

(5) Where the holder of a ¹[driving licence] is disqualified by the order of any Court for holding or obtaining a ¹[driving licence], the Court shall take possession of the ¹[driving licence] and forward it to the licensing authority by which it was granted or last renewed and that authority shall keep the ¹[driving licence] until the disqualification has expired or has been removed and the person entitled to the ¹[driving licence] has made a demand in writing for its return to him: Provided that, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, the Court shall endorse the ¹[driving licence] to this effect and shall send a copy of the order of disqualification to the licensing authority by which the ¹[driving licence] was granted and shall return the ¹[driving licence] to the holder.

(6) Where on an appeal against any conviction or order of a Court which has been endorsed on a licence, the appellate Court varies or set aside the conviction or order, the appellate Court shall inform the licensing authority by which the ¹[driving licence] was last renewed and the licensing authority which granted the ¹ [driving licence], and shall amend or cause to be amended the endorsement of such conviction or order.

1. Substituted for the word "licence" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 16 (16-2-1957).

20A. Power of Central Government to make rules :-

The Central Government may, by notification in the Official Gazette, make rules specifying the fees payable under sub-section (8), of section 7 and sub-sections (3) and (3A) of section 1 for the grant or renewal of driving licences].

21. Power to make rules :-

(1) A ¹[State Government], may make rules for the purpose of carrying into effect the provisions of this Chapter

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities;

²[(aa) the minimum qualifications of persons to whom licences to drive transport vehicles are issued, the time within which such qualification are to be acquired by persons holding immediately before the commencement of

the Motor Vehicles (Amendment) Act, 1969, licences to drive transport vehicles, and the duties, functions and conduct of such persons;]

3[(aaa) the minimum educational qualifications of persons to whom licences to drive transport vehicles are issued after the commencement of the Motor Vehicles (Amendment) Act, 1978 and the time within which such qualifications are to be acquired by such persons];

4[(b) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees: Provided that no fee so fixed shall exceed two rupees];

(c) the issue of duplicate licences to replace licences lost, destroyed mutilated, the replacement of photographs which have become obsolete and the issue of temporary licences to persons receiving instruction driving **5**[or to persons whose driving licences have been surrendered], and the fees to be charged therefore;

(d) the conditions subject to which a Regional Transport Authority may disqualify a person for holding a **6**[driving licence] to drive a **6**[transport vehicle];

8[(dd) the badges and uniform to be worn by drivers of **9**[transport vehicles] and the fees to be paid in respect of badges];

(e) the medical examination and testing of applicants for **6**[driving licences] and of drivers and the fees to be charged therefor;

11[(f) the exemption of prescribed persons, or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;]

(g) the granting by registered medical practitioners of the certificates referred to in sub-section (3) of section 7 ;

(h) the communication of particulars of licences granted by one licensing authority to other licensing authorities;

(i) the control of schools or establishments for the instruction of drivers of motor vehicles **12** [including the registration of such schools or establishments] and the acceptance of driving certificates issued by such schools or establishments as qualifying the holder for exemption from Part I of the test specified in the Third Schedule;

(j) the exemptions of drivers of road-rollers from all or any of the provisions of this Chapter or of the rules made thereunder; and

(k) any other matter which is to be or may be prescribed.

Amending Act 56 of 1969-Cl. 9, sub-cl, (a), sub-sec. (2) (aa).- This sub-clause enables a State Government to prescribe minimum qualifications for drivers of transport vehicles. It also contains the necessary safeguard to the effect that the existing drivers will be given sufficient time to acquire such qualifications as may be prescribed. Sub-clause (b), sub-section (2) (dd).- It has been pointed out that hold-up of inter-State traffic can be reduced if the drivers of public carriers' vehicles operating on inter-state permits wear distinctive badges and uniforms. The proposed amendment will enable the State Governments to frame rules prescribing such distinctive badges and uniforms. Sub-clause (c).-Under clause (i) of sub-section (2) of section 21 of the Act. schools for giving driving instructions are established with the approval of the licensing authority of the area in which the school is to be established. These schools have also to be inspected and controlled by the licensing authority. The approval, inspection and control involve a considerable amount of work and expenditure on the part of the licensing authority. Since the schools are run on commercial lines and adequate fees are realised from the persons receiving instruction and training, the proposed amendment provides for the levy of registration fee on these schools.-S. O. R. Clause 8.-This clause seeks to amend sub-section (2) of section 21 of the Act to enable a State Government to specify by rules minimum educational qualifications for obtaining licences to drive transport vehicles and the period within which such qualifications are to be acquired by such persons.- Amending Act 47 of 1978.-S. O. R Gaz. of India. 17-8-1978, Pt. II-S. 2. Ext., p. 1121.

1. Substituted for the words 'Provincial Government' by A. L.O., 1950.

2. Substituted for clause (aa) by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 9 (1-10-1970).

3. Inserted by Act 47 of 1972, S. 8 (16-1-1979).

4. Substituted for original clause (b) by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 6 (3-4-1942).

5. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 17 (16-2-1957).

6. Substituted for 'licence' and "public service vehicle", Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 17 (16-2-1957).

8. Inserted, Substituted for 'licence' and "public service vehicle", Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 17 (16-2-1957).

9. Substituted for "stage carriages or contract carriages", by Act, 56 of 1969, S. 9 (1-10-1970).

11. Substituted for original clause by Act 20 of 1942, S. 6 (3-4-1942).

12. Inserted by Act 56 of 1969, S. 9 (1-10-1970).

CHAPTER 2A

LICENSING OF CONDUCTORS OF STAGE CARRIAGES

21A. Necessity for conductors licence :-

(1) No person shall act as a conductor of a stage carriage unless he holds an effective conductor's licence issued to him authorizing him to act as such conductor; and no person shall employ or permit any person who is not so licensed to act as a conductor of a stage carriage.

(2) A State Government may prescribe the conditions subject to which sub-section (1) shall not apply to a driver of

a stage carriage performing the functions of a conductor or to a person employed to act as a conductor for a period not exceeding one month.

21B. Grant of conductors licence :-

(1). Any person who is not disqualified under sub-section (1) of section 21C and who is not for the time being disqualified for holding or obtaining a conductor's licence may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business for the issue to him of a conductor's licence.

(2) Every application under sub-section (1) shall be in such form as may be prescribed and shall be signed by, or bear the thumb impression of, the applicant in two places, and shall contain the information required by the form.

(3) Every application for a conductor's licence shall be accompanied by a medical certificate in such form as may be prescribed, signed by a registered medical practitioner and shall also be accompanied by two clear copies of a recent photograph of the applicant.

(4) A conductor's licence issued under this Chapter shall be in such form and contain such particulars as may be prescribed.

(5) The fee for a conductor's licence and for each renewal thereof shall be one-half of that for a driving licence.

21C. Disqualifications for the grant of conductors licence :-

(1) No person under the age of eighteen years shall hold, or be granted, a conductor's licence.

(2) The licensing authority may refuse to grant a conductor's licence-

(a) if the applicant does not possess the prescribed qualifications;

(b) if the medical certificate produced by the applicant discloses that he is physically unfit to act as a conductor; and

(c) if any previous conductor's licence held by the applicant was revoked.

21D. Revocation of a conductors licence on grounds of disease or disability :-

A conductor's licence may at any time be revoked by any licensing authority or any Regional Transport Authority constituted under Chapter IV, if the authority has reasonable grounds to believe that the holder of the licence is suffering from any disease or disability which is likely to render him permanently unfit to hold such a licence and where the authority revoking a conductor's licence is not the authority which issued the same, it shall intimate the fact of revocation to the authority which issued that licence.

21E. Orders refusing, etc., conductors licences and appeals therefrom :-

(1) Where a licensing authority refuses to issue or renew, or revokes any conductor's licence, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or revocation.

(2) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority making the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority making the order.

21F. Power of licensing authority and Regional Transport Authority to disqualify :-

(1) If any licensing authority or any Regional Transport Authority constituted under Chapter IV is of opinion that it is necessary to disqualify the holder of a conductor's licence for holding or obtaining such a licence on account of his previous conduct as a conductor, it may, for reasons to be recorded, make an order disqualifying that person for a specified period, not exceeding one year, for holding or obtaining a conductor's licence.

(2) Upon the issue of any such order, the holder of the conductor's licence shall forthwith surrender the licence to the authority making the order, if the licence has not already been surrendered, and the authority shall keep the licence until the disqualification has expired or has been removed.

(3) Where the authority disqualifying the holder of a conductor's licence under this section is not the authority which issued the licence, it shall intimate the fact of such disqualification to the authority which issued the same.

(4) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority making the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority making the order.

21G. Power of Court to disqualify :-

(1) Where any person holding a conductor's licence is convicted of an offence under this Act, the Court by which such person is convicted may, in addition to imposing any other punishment authorised by law, declare the person so convicted to be disqualified for such period, as the Court may specify for holding a conductor's licence.

(2) The Court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1)

may set aside or vary any order of disqualification made by the Court below, and the Court to which appeals ordinarily lie from the Court below, may set aside or vary any order of disqualification made by that Court, notwithstanding that no appeal lies against the conviction in connection with which such order was made.

21H. Certain provisions of Chapter II to apply to conductors licence :-

The provisions of sub-section (2) of section 6 , sub-section (1) of section 9 , section 10 , section 11 and section 18 , sub-section (1) of section 19 and section 20 shall, so far as may be, apply in relation to a conductor's licence, as they apply in relation to a driving licence.

21I. Savings :-

If any licence to act as a conductor of a stage carriage (by whatever name called) has been issued by any State Government and is effective immediately before the commencement of this Chapter in that State, it shall continue to be effective, notwithstanding such commencement, for the period for which it would have been effective, if the Motor Vehicles (Amendment) Act, 1956, had not been passed, and every such licence shall be deemed to be a licence issued under this Chapter as if this Chapter had been in force on the date on which that licence was granted.

21J. Power to make rules :-

- (1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.
- (2) Without prejudice to the generality of the foregoing power, such rules may provide for-
 - (a) the appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities under this Chapter;
 - (b) the conditions subject to which drivers of stage carriages and persons temporarily employed may be exempted from the provisions of this Chapter;
 - (c) the form of application for conductor's licences or for renewal of such licences and the particulars it may contain;
 - (d) the form in which conductor's licences may be issued or renewed and the particulars it may contain;
 - (e) the minimum qualifications of conductors; their duties and functions and the conduct of persons to whom conductor's licences are issued;
 - (f) the issue of duplicate licences to replace licences lost, destroyed or mutilated, the replacement of photographs which have become obsolete and the fees to be charged therefor;
 - (g) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees: Provided that no fee so fixed shall exceed two rupees;
 - (h) the badges and uniform to be worn by conductors of stage carriages and the fees to be paid in respect of such badges;
 - (i) the granting by registered medical practitioners of the certificates referred to in sub-section (3) of Section 21B and the form of such certificates;
 - (j) the communication of particulars of conductor's licences from one authority to other authorities; and
 - (k) any other matter which is to be, or may be, prescribed.]

CHAPTER 3
REGISTRATION OF MOTOR VEHICLES

22. Necessity of registration :-

(1) No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place for the purpose of carrying passengers or goods unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner.

1 [(2) * * * * *]

1. The brackets and figure "(1)" were omitted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 7 (8-7-1942).

23. Registration, where to be made :-

1[* * *] Subject to the provisions of **2**[section 24A ,] section 25 and section 39 , every owner of a motor vehicle shall cause the vehicle to be registered by a registering authority in the **3**[State] in which he has the residence or place of business where the vehicle is normally kept. **4** [* * * * *] Sub-section (1), Proviso.- "Experience has shown that complications arise when owners register vehicles in the name of several individuals who may be bound together by a loose unrecorded 'partnership'. This clause [of the Bill by which the Proviso is added] amends Section 24 of the Act so as to prevent this practice."-S.O.R. Clause 9 - Sub-clause (a).- According to section 24 of the Act, the registering authority has to assign to a motor vehicle a registration mark consisting of one of the groups of letters allotted to the State by the Sixth Schedule to the Act followed by a number consisting of not more than four figures. To avoid the need for frequent amendment of the Act and to provide for additional groups of

letters to States and Union territories, this clause seeks to amend sub-section (3) of section 24 so as to empower the Central Government to specify by notification in the Official Gazette the groups of letters to be assigned to the States and the Union territories and consequently omit the Sixth Schedule from the Act. Sub-clause (b)- Under section 22 of the Act, a certificate issued by a registering authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter III is permanent. This clause seeks to amend section 24 suitably to provide that the validity of a certificate of registration in respect of a motor vehicle, other than a transport vehicle, will be fifteen years and empower the State Governments to make rules to provide for the period within which an application may be made for renewing a certificate of registration, the fee payable in respect of such application and the period for which such registration may be renewed.-S. O. R.. Gaz. of India, 17-3-78, Pt. II, S. 2, Ext., P. 1121.

1. The brackets and figure "(1)" were omitted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 7 (8-7-1942).
2. Inserted, The brackets and figure "(1)" were omitted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 7 (8-7-1942), 1956 (100 of 1956), S. 20 (16-2-1957).
3. Substituted for the word "Province" by A.L.O., 1050
4. Sub-sections (2) and (3) were omitted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 7 (3-4-1942).

24. Registration how to be made :-

(1) An application by or on behalf of the owner of a motor vehicle for registration shall be in Form E as set forth in the First Schedule, shall contain the information required by that form, and shall be accompanied by the prescribed fee: ¹[Provided that where a motor vehicle is jointly owned by more persons than one, the application shall be made by one of them on behalf of all the owners and such applicant shall be deemed to be the owner of the motor vehicle for the purposes of this Act.]

(2) The registering authority shall issue to the owner of a motor vehicle registered by it a certificate of registration in Form G as set forth in the First Schedule and shall enter in a record to be kept by it particulars of such certificate.

(3) The registering authority shall assign to the vehicle, for display thereon in the prescribed manner, a distinguished mark (in this Act referred to as the registration mark) consisting of ²[one of the groups of such of those letters as are allotted to the State by the Central Government from time to time by notification in the Official Gazette,] followed by a number containing not more than four figures. ³[Provided that ⁴[the figures aforesaid shall be shown in Arabic numerals and the letters and figures aforesaid shall be shown]-

- (a) in the case of transport vehicles, in black on a white ground;
- (b) in the case of motor vehicles temporarily registered in red on a yellow ground;
- (c) in the case of motor vehicles in the possession of dealers, in white on a red ground;
- (d) in other cases, in white on a black ground.]

⁵ [(4) A certificate of registration issued under sub-section (2), whether before or after the commencement of the Motor Vehicles (Amendment) Act, 1978, in respect of a motor vehicle, other than a transport vehicle, shall, subject to the provisions contained in this Act, be valid only for a period of fifteen years from the date of issue of such certificate and shall be renewable.

(5) An application by or on behalf at the owner of a motor vehicle, other than a transport vehicle, for the renewal of a certificate of registration shall be made within such period as may be prescribed, in Form F as set forth in the First Schedule, shall contain the information required by that Form and shall be accompanied by the prescribed fee.

(6) Where in the case of a certificate of registration issued under this Act before the commencement of the Motor Vehicles (Amendment) Act, 1978, in respect of a motor vehicle, other than a transport vehicle, the period of fifteen years referred to in sub-section (4) has expired at such commencement, the holder of such certificate shall apply for the renewal of the said certificate in Form F as set forth in the First Schedule to the registering authority within six months from such commencement or within such extended period not exceeding six months as the authority may, on sufficient cause being shown, allow, and such application shall contain the information required by that Form and shall be accompanied by the prescribed fee.

(7) The registering authority may, on receipt of an application under sub-section (5) or sub-section (6), renew the certificate of registration for the prescribed period.]

1. Added by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956) (16-2-1957).
2. Substituted for the words "one of the groups of letters allotted to the State by the Sixth Schedule" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 9 (a) (i) (22-9-1979).
3. Inserted Substituted for the words "one of the groups of letters allotted to the State by the Sixth Schedule" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 9 (a) (i) (22-9-1979). S. 9 (a) (ii).
4. Substituted for the words "the letters and figures aforesaid shall be shown" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 6 (1-10-1982).
5. Inserted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 9 (b) (16-1-1979).

24A. Special provision for registration of motor vehicle of diplomatic officer, etc :-

(1) Where an application for registration of a motor vehicle is made under sub-section (1) of section 24 by or on behalf of any diplomatic officer or consular officer, then, notwithstanding anything contained in sub-section (2) or sub-section (3) of that section, the registering authority shall register the vehicle in such manner and in accordance with such procedure as may be provided by rules made in this behalf by the Central Government under sub-section (3) and shall assign to the vehicle for display thereon a special registration mark in accordance with the provisions contained in those rules and shall issue a certificate that the vehicle has been registered under this section; and any vehicle so registered shall not, so long as it remains the property of any diplomatic officer or consular officer, require to be registered otherwise under this Act.

(2) If any vehicle registered under this section ceases to be the property of any diplomatic officer or consular officer, the certificate of registration issued under this section shall also cease to be effective, and the provisions of section 23 shall thereupon apply.

(3) The Central Government may make rules¹ for the registration of motor vehicles belonging to diplomatic officers and consular officers regarding the procedure to be followed by the registering authority for registering such vehicles, the form in which certificates of registration of such vehicles are to be issued the manner in which certificates of registration are to be sent to the owners of the vehicles and the special registration marks to be assigned to such vehicles.

(4) For the purpose of this section, 'diplomatic officer' or 'consular officer' means any person who is recognised as such by the Central Government and if any question arises as to whether a person is or is not such an officer, the decision of the Central Government thereon shall be final.]

"The present practice in regard to registration of motor vehicles belonging to diplomatic staff is not wholly satisfactory. In order to avoid inconvenience to such staff it is proposed to lay down a special procedure for the registration of motor vehicles belonging to them. This is in conformity with the practice obtaining in some other countries." This section "is intended to provide for a special series of registration numbers for such vehicles and also to exercise control over their transfer to non-diplomatic personnel."- S. O. R.

1. For Motor Vehicles (Diplomatic and Consular Officers Vehicles) Registration Rules 1960 (1-6-1960) See S.O. 1047, dated 26-4-1960 published in Gaz. of India, 1960, Pt. II-Section 3 (ii), page 1358.

25. Temporary registration :-

(1) Notwithstanding anything contained in section 23, the owner of a motor vehicle may apply to any registering authority¹ [or other prescribed authority] to have the vehicle temporarily registered in the prescribed manner and for the issue in the prescribed manner of a temporary [certificate of registration and a temporary] registration mark.

(2) A registration made under this section shall be valid only for a period not exceeding one month, and shall not be renewable:² [Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted with a body, the period may, on payment of such fees, if any, as maybe prescribed, be extended by such further period or periods so, however, that the total period of such temporary registration may not exceed, in any case, three months.]

Clause 10.- "It has been observed that Chassis, registered temporarily and handed over to body-builders, are often not returned by the body-builders within a period of one month. The proposed amendment permits the registering authority to raise the maximum period of validity of temporary registration from one month to three months in respect of such chassis."-S. O. R. (Act 56 1989). "The Committee feel that the total period of temporary registration of a chassis to which a body has not been attached should not exceed 3 months. Necessary charges clarifying the position have been made in the clause."-J.C.R. (Act 56 of 1969.)

1. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S.28 (16-2-1957).

2. Proviso added by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), Section 10 (2-3-1970).

26. Production of vehicle at the time of registration :-

¹[(1)] The registering² [authority shall]³ [before proceeding to register a motor vehicle or renew the certificate of registration in respect of a motor vehicle, other than a transport vehicle, require the person applying for registration of the vehicle or, as the case may be, for renewing the certificate of registration] to produce the vehicle either before itself or such authority as the State Government may by order appoint in order that the registering authority may satisfy itself that the particulars contained in the application are true and that the vehicle complies with the requirements of Chapter V and of the rules made thereunder.

⁴ [(2) Nothing in sub-section (1) shall apply to any motor vehicle owned by or on behalf of the Government.]

Amendments made in 1956.- "At present, It is discretionary with the registering authority to require the physical production of motor vehicles for inspection, before it proceeds to register it. It has been noticed that undue advantage is being taken of this provision and dealers in motor vehicles situated in other States are evading payment of sales tax on motor vehicles purchased, in a particular State. It is, therefore, proposed to make physical production of motor vehicles compulsory before registration. Provision has, however, been made [in sub-section (2)] for the exemption of motor vehicles owned by or on behalf of Government from the requirement relating to compulsory physical production."-S.O.R.

1. Section 26 was renumbered as sub-section (1) of that section by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 34 (16-2-1957).

2. Substituted for the words "authority may before", Section 26 was renumbered as sub-section (1) of that section by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 34 (16-2-1957). (16-2-1957).

3. Substituted for the words "before the vehicle" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 10 (16-1-1979).

4. Inserted by the Motor Vehicles (Amendment) Act, 1956 (10 of 1956), S. 24 (16-2-1957).

27. Refusal of registration or renewal of the certificate of registration :-

The registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle), if in either case the vehicle is mechanically defective or fails to comply with the requirements of Chapter V or of the rules made thereunder, or if the applicant fails to furnish particulars of any previous registration of the vehicle or furnishes inaccurate particulars in the application for registration of the vehicle or, as the case may be, for renewal of the certificate of registration thereof and the registering authority shall furnish the applicant whose vehicle is refused registration, or whose application for renewal of the certificate of registration is refused, a copy of such order, together with the reasons for such refusal.]

Clauses 10 and 11.- Clause 10 seeks to amend sub-section (1) of section 26 and clause 11 to substitute section 27 of the Act and are consequential to the new proposal for renewing a certificate of registration in respect of a motor vehicle, other than a transport vehicle. A person applying for renewing the certificate of registration will have to produce the vehicle for inspection. The registering authority may refuse renewal of the certificate of registration under certain circumstances.-S. O. R., Gaz of India, 17-8-78, Pt. II. S. 2, Ext.. p. 1121.

28. Effectiveness in India of registration :-

(1) Subject to the provisions of section 29, a motor vehicle registered in accordance with this Chapter in any ¹[State] ²[* * *] shall not require to be registered ³[elsewhere in India] and a certificate of registration issued or in force under this Act in respect of such vehicle shall be effective throughout ⁴[India].

⁵[* * * * *]

⁶ [* * * * *]

1. Substituted for the word "Province" by A.L.O., 1950.
2. The words "deemed to be registered under this Act" were omitted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942). S. 8 (3-4-1942).
3. Substituted for the words "in any other Province" by A.L.O., 1950.
4. Substituted for the words "the States" by the Part B States (Laws) Act, 1951 (3 of 1953), S. 3 and Schedule(1-4-1951).
5. Proviso to sub-section (1) was omitted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942). S. 8 (3-4-1942).
6. Sub-sections (2), (3), (4) and (5), omitted by Central Laws (Extension to Jammu and Kashmir) Act, 1968 (25 of 1968), S. 2 and Sch. (15-8-1988).

29. Assignment of fresh registration mark on removal to another State :-

(1) ¹[When a motor vehicle-

(a) registered in one State has been kept in another State, ²[*]

²[* * * * *]

⁴Provided that an application under this sub-section shall be accompanied-

(i) by a no objection certificate obtained under section 29A, or

(ii) in a case where no such certificate has been obtained, by-

(a) a receipt obtained under sub-section (2) of section 29; or

(b) a postal acknowledgment received by the owner of the vehicle if he has sent an application in this behalf by registered post acknowledgment due to the registering authority referred to in section 29A,

(2) The registering authority, to which application is made under sub-section (1), shall assign the vehicle a registration mark ⁵[as specified in sub-section (3) of section 24] to be carried thenceforth on the vehicle and shall enter the mark upon the certificate of registration before returning it to the applicant and shall, in communication with the registering authority by whom the vehicle was previously registered, arrange for the transfer of the registration of the vehicle from the records of that registering authority to its own records.

³ [(2A) Where a motor vehicle is held under a hire-purchase agreement or is subject to hypothecation, the registering authority shall, after assigning the vehicle a registration mark under sub-section (2), inform the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the hire-purchase agreement or, as the case may be, the person in whose favour the vehicle is subject to hypothecation (by sending to such person a notice by registered post acknowledgment due at the address of such person entered in the certificate of registration) the fact of assignment of the said registration mark.]

(3) A State Government may make rules under section 41 requiring the owner of a motor vehicle not registered within the State, which is brought into or is for the time being in the State, to furnish to a prescribed authority in the State such information with respect to the motor vehicle and its registration as may be prescribed.

Amendments made in 1956 in Ss. 28 and 29- "Under S. 28 of the Act, a motor vehicle registered in the State of

Jammu and Kashmir, which is transferred permanently to India, requires fresh registration in accordance with the provisions of S. 23. It is proposed to liberalise the existing provision in the case of a vehicle registered in that State, so as to enable such a vehicle to be governed by S. 29. that is, although registration will not be required fresh registration mark will be allotted. Suitable safeguards are being provided so as to ensure that certificates of registration issued in Jammu and Kashmir are recognised only if they conform substantially to the legal requirements in India."-S.O.R. Clause 12.- Under sub-section (1) of section 28 of the Act, an owner of a vehicle has to apply within the period specified therein for assignment of fresh registration mark when the vehicle is removed from one State to another. This clause seeks to amend this sub-section to require such person to produce a no objection certificate and this is consequential to the new section 29A proposed to be inserted by clause 13 - Amending Act 47 of 1978.-S.O.R., Gaz. of India, 17-3-78. Pt. II, S. 2. Ext., p. 1121.0

1. Substituted for the words "when a motor vehicle registered in one State has been kept in another State for a period exceeding twelve months" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 26 (w.e.f. 16-2-1957).

2. Word 'or' in clause (a), and clause (b), omitted by the Motor Vehicles (Amendment) Act, 1968 (25 of 1968). S. 2 and Sch. (15-8-1968).

4. Inserted by the Motor Vehicles (Amendment) Act, 1918 (47 of 1978), S. 12 (a) (18-1-1979).

5. Substituted for "in accordance with the sixth Schedule", Inserted by the Motor Vehicles (Amendment) Act, 1918 (47 of 1978), S. 12 (a) (18-1-1979)., S. 12 (b) (17-1-1983).

29A. No objection certificate :-

(1) The owner of a motor vehicle when applying for the assignment of a new registration mark under sub-section (1) of section 29 to the registering authority within whose Jurisdiction the vehicle is, or the transfer of any motor vehicle when reporting the transfer under sub-section (1) of section 31 to the registering authority within whose jurisdiction the transfer is to be effected shall make an application in such form and in such manner as may be prescribed to the registering authority by which the vehicle was previously registered for the issue of a certificate (hereafter in this section referred to as the no objection certificate), to the effect that the registering authority has no objection for entering a new registration mark in the certificate of registration or, as the case may be, for entering the particulars of the transfer of ownership in the certificate of registration.

(2) The registering authority shall, on receipt of an application under sub-section (1), issue a receipt in such form as may be prescribed.

(3) On receipt of an application under sub-section (1), the registering authority may, after making such inquiry as it deems fit and within thirty days of the receipt thereof, by order in writing, communicate to the applicant that it has granted or refused to grant the no objection certificate: Provided that a registering authority shall not refuse to grant the no objection certificate unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(4) Where within a period of thirty days referred to in sub-section (3), the registering authority does not refuse to grant the no objection certificate or does not communicate the refusal to the applicant, the registering authority shall be deemed to have granted the no objection certificate.

(5) Before granting or refusing to grant the no objection certificate, the registering authority shall obtain a report in writing from the police that no case relating to the theft of the motor vehicle concerned has been reported or is pending, verify whether all the amounts due to Government including road tax in respect of that motor vehicle have been paid and take into account such other factors as the Central Government may by rules prescribe].

Clause 13.- This clause seeks to insert new section 29A in the Act to provide that before fresh registration number is assigned to a motor vehicle on its transfer from one State to another or when the ownership of the vehicle changes, a no objection certificate should be obtained by the transferor from the original registering authority. Provision has been made in the new section regarding the factors to be taken into account in granting the certificate and the period within which such certificate is to be granted.-S. O. R. Gaz. of India, 17-8-78, Pt. II, S 2, Ext., p. 1122.

30. Change of residence or place of business :-

(1) If the owner of a motor vehicle ceases to reside or have his place of business at the address recorded in the certificate of registration of the vehicle, he shall, within thirty days of any such change of address, intimate his new address to the registering authority by which the certificate of registration was issued, or, if the new address is within the jurisdiction of another registering authority, to that other registering authority, and shall at the same time forward the certificate of registration to the registering authority in order that the new address may be entered therein.

1 [(1A) If the owner of a motor vehicle fails to intimate his new address to the concerned registering authority within the period specified in sub-section (1), the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 112, such amount not exceeding one hundred rupees as may be prescribed under sub-section (1C): Provided that action under section 112 shall be initiated against the Owner where he fails to pay the said amount.

(1B) Where a person has paid the amount under sub-section (1A), no action shall be taken against him under section 112.

(1C) For the purposes of sub-section (1A). a State Government may prescribe different amounts having regard to the period of delay in intimating the change in the place of residence, or place of business, or both, as recorded in the certificate of registration.]

(2) A registering authority other than the original registering authority making any such entry shall communicate the altered address to the original registering authority.

(3) Nothing in sub-section (1) shall apply where the change of the address recorded in the certificate of registration is due to a temporary absence not intended to exceed six months in duration or where the motor vehicle is neither used nor removed from the address recorded in the certificate of registration.

Clause 14.- Under section 30 of the Act, read with section 112 thereof, proceedings may be initiated against an owner of a motor vehicle if he fails to intimate the registering authority within the period specified therein about the change of residence, or place of business, or both, as recorded in the certificate of registration. This clause seeks to amend section 30 to provide for composition of the offence by recovery of a sum not exceeding one hundred rupees by the registering authority. A State Government will be empowered to make rules for specifying different amounts, linked with the period of delay in sending the intimation, for composition of the offence.-S. O.R., Gaz. of India, 17-8-1978, Pt. II. S. 2, Ext., p. 1122.

1. Inserted by the Motor Vehicles (Amendment) Act, 1973 (47 of 1978), S. 14 (16-1-1979).

31. Transfer of ownership :-

¹[(1) Where the ownership of any motor vehicle registered under this Chapter is transferred,-

²[(a) the transferor shall-

(i) within fourteen days of the transfer, report the fact of transfer to the registering authority within whose jurisdiction the transfer is to be effected and shall simultaneously send a copy of the said report to the transferee;

(ii) within forty-five days of the transfer, forward to the registering authority referred to in sub-clause (i)-

(A) a no objection certificate obtained under section 29A ; or

(B) in a case where no such certificate has been obtained,-

(I) a receipt obtained under sub-section (2) of section 29A ; or

(II) a postal acknowledgment received by the transferor if he has sent an application in this behalf by registered post acknowledgment due to the registering authority referred to in section 29A ,

³ [(1A) If the transferor or the transferee fails to report to the registering authority the fact of transfer within the period specified in clause (a) or clause (b) of sub-section (1). the registering authority may, having regard to the circumstances of the case, require the transferor' or, as the case may be, the transferee, to pay, in lieu of any action that may be taken against the transferor or the transferee under section 112 , such amount not exceeding one hundred rupees as may be prescribed under sub-section (1C): Provided that action under section 112 shall be initiated against the transferor or the transferee, where the transferor or, as the case may be, the transferee fails to pay the said amount.

(1B) Where a person has paid the amount under sub-section (1A), no action shall be taken against him under section 112 .

(1C) For the purposes of sub-section (1A), a State Government may prescribe different amounts having regard to the period of delay on the part of the transferor or the transferee in reporting the fact of transfer of ownership of the motor vehicle];

(b) the transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he resides, and shall forward the certificate of registration to that registering authority together with the prescribed fee and a copy of the report received by him from the transferor in order that particulars of the transfer of ownership may be entered in the certificate of registration.]

(2) A registering authority other than the original registering authority making any such entry shall communicate the transfer of ownership to the original registering authority.]

Clause 15.- Sub-clause (a)- This sub-clause seeks to substitute clause (a) of sub-section (1) of section 31 of the Act for requiring the transferor of a motor vehicle to obtain a no objection certificate and is consequential to the proposed new section 29A to be inserted by clause 13. Sub-clause (b).- Under section 31 of the Act, read with section 112 thereof, proceedings may be initiated against the transferor or transferee failing to intimate the registering authority within the period specified therein about the change of ownership of a motor vehicle. This sub-clause seeks to amend section 31 to provide for composition of the offence by recovery of a sum not exceeding one hundred rupees by the registering authority. A State Government will be empowered to make rules for specifying different amounts, linked with the period of delay in sending the intimation, for composition of the offence.-S. O. R, Gaz. of India. 17-3-78, Pt. II, S. 2, Ext., p. 1122.

1. Substituted for the original sub-section by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 27 (w.e.f. 16-2-1957).

2. Substituted for cl. (a) by the Motor Vehicles (Amendment) Act, 1973 (47 of 1978), S. 15 (16-1-1979).

3. Inserted, Substituted for cl. (a) by the Motor Vehicles (Amendment) Act, 1973 (47 of 1978), S. 15 (16-1-1979).

31A. Special provisions regarding motor vehicle subject to hire-purchase agreement :-

(1) Where an application for registration of a motor vehicle which is held under a hire-purchase agreement is made, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement.

(2) When the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into a hire-purchase agreement with any person, the registering authority shall, on receipt of an application from the parties to that agreement, make an entry as to the existence of such hire-purchase agreement in the certificate of registration.

(3) Any entry made under sub-section (1) or sub-section (2), may be cancelled by the registering authority on proof of the termination of the hire-purchase agreement by the parties concerned.

(4) No entry regarding the transfer of ownership of any motor vehicle which is held under a hire-purchase agreement shall be made in the certificate of registration except with the written consent of the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement.

(5) Where the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement satisfies the registering authority that he has taken possession of the vehicle owing to the default of the registered owner under the provisions of the agreement and that the registered owner, refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representation as he may wish to make (by sending to him a notice by registered post acknowledgment due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate ¹[and issue a fresh certificate of registration to the person with whom the registered owner has entered into the hire-purchase agreement: Provided that a fresh certificate of registration shall not be issued in respect of a motor vehicle, unless the person pays the prescribed fee; Provided further that a fresh certificate of registration issued in respect of a motor vehicle, other than a transport vehicle, shall be valid only for the remaining period for which the certificate cancelled under this sub-section would have been in force.]

²[(5A) The registered owner shall, before applying to the appropriate authority, for the renewal of a permit, make an application to the person with whom the registered owner has entered into a hire-purchase agreement (such person being hereafter in this section referred to as the financier) for the issue of a no objection certificate (hereafter in this section referred to as the certificate). Explanation.- In this section, "appropriate authority", in relation to any permit, means the authority which is authorised by this Act to renew such permit.

(5B) Within seven days of the receipt of an application under sub-section (5A), the financier may issue, or refuse, for reasons which shall be recorded in writing and communicated to the applicant, to issue, the certificate applied for, and where the financier fails to issue the certificate and also fails to communicate the reasons for refusal to issue the certificate to the applicant within the said period of seven days, the certificate applied for shall be deemed to have been issued by the financier.

(5C) The registered owner shall, while applying to the appropriate authority for the renewal of any permit, submit with such application the certificate, if any, obtained under sub-section (5B) or, where no such certificate has been obtained, the communication received from the financier under sub-section, or, as the case may be, a declaration that he has not received any communication from the financier within the period specified in that sub-section.

(5D) On receipt of an application for the renewal of any permit under this section, the appropriate authority may subject to the other provisions of this Act-

(i) in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity of being heard, either renew, or refuse to renew, the permit;

(ii) in any other case, renew the permit.]

(6) The provisions of sub-sections (1) to ¹ [(5D)] shall, so far as may be, apply to a motor vehicle which is subject to hypothecation as they apply to any motor vehicle which is held under a hire-purchase agreement.)

"As present there are no substantive provisions in the Act. enabling any endorsement on the certificate of registration of a vehicle to indicate that the vehicle is either covered by hire-purchase agreement or is hypothecated against any loans. The existing forms E and G in the First Schedule relating to registration of a motor vehicle. include a provision for indicating the name of the hire-purchase financier if a vehicle at the time of registration is held under an agreement. Detailed provisions have, of course, been made by the State Governments in the Motor Vehicle Rules regarding hire-purchase transactions. However, experience has shown that statutory provisions with regard to this matter are necessary. Motor vehicles are acquired not merely on hire-purchase basis but also with loans taken from banks, etc The vehicles are offered as security for such loans. In the absence of any provision in the Act in regard to such hypothecation, it has been pointed out that banks, etc., are reluctant to finance the purchase of vehicles. This clause provides for the endorsement hire-purchase or hypothecation agreements on certificates of registration. Cancellation of such endorsement and transfer of vehicles held under such agreements".-S.O.R. Clause 16.- Section 31A of the Act contains special provisions regarding motor vehicles subject to hire-purchase agreement. Under sub-section (5) of section 31A. if the person with whom the registered owner of a motor vehicle has entered into a hire-purchase agreement satisfies the registering authority that he has taken possession of the vehicle owing to the default of the registered owner under the provisions of the agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, the registering authority may, after giving the registered owner an opportunity to make representation in the matter, cancel the certificate and issue a duplicate thereof to the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire-purchase agreement This sub-section is proposed to be amended to make the intention clear. Provision is also

made for applying for the issue of a fresh certificate within the period specified there- in. The fresh certificate so issued will be valid only for the period for which the sus- ponded certificate would have been in force - S O. R. Gaz., of India. 17-8-78, Pt. II, S. 2. Ext., p. 1122.

1. Substituted for words "and issue..... aforesaid" and brackets and figure "(5)" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), Section 16 (16-11979).

2. Inserted, Substituted for words "and issue..... aforesaid" and brackets and figure "(5)" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), Section 16 (16-11979).

32. Alteration in motor vehicle :-

(1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are no longer accurate, unless-

(a) he has given notice to the registering authority within whose jurisdic- tion he resides of the alteration he proposes to make; and

(b) he has obtained the approval of the registering authority to make such alteration: Provided that it shall not be necessary to obtain such approval for mak- ing any change in the unladen weight of the motor vehicle consequent on the addition or removal of fittings or accessories, if Such change does not ex- ceed two per cent. of the weight entered in the certificate of registration.

(2) Where a registering authority has received notice under sub-section (1), it shall, within seven days of the receipt thereof, communicate, by post, to the owner of the vehicle its approval to the proposed alteration or other- wise: Provided that where the owner of the motor vehicle has not received any such communication within the said period of seven days, the approval of such authority to the proposed alteration shall be deemed to have been given.

(3) Notwithstanding anything contained in sub-section (1), a State Gov- ernment may, by notification in the Official Gazette, authorise, subject to such conditions as may be specified in the notification, the owners of not less than ten transport vehicles to alter any vehicle owned by them so as to change its engine number by replacing the engine thereof without the approval of the registering authority.

(4) Where any alteration has been made in a motor vehicle either with the approval of the registering authority given or deemed to have been given under sub-section (2) or by reason of any change in its engine number with- out such approval under sub-section (3), the owner of the vehicle shall with- in fourteen days of the making of the alteration, report the alteration to the registering authority within whose jurisdiction he resides and shall forward the certificate of registration to that authority together with the prescribed fee in order that particulars of the alteration may be entered therein.

(5) A registering authority other than the original registering authority making any such entry shall communicate the details of the entry to the ori- ginal registering authority.]

"Sections 32 and 32A.- "Section 32 of the Act requires the owner of a vehicle to re- port to the registering authority any altera- tion made in a vehicle which renders the particulars entered in the certificate of re- gistration inaccurate. It has been noticed that owners of motor vehicles do not gene- rally comply with this requirement. It is therefore, proposed to provide that prior ap- proval of the registering authority concerned should be obtained before any alterations are made in a motor vehicle. A relaxation has, however, been proposed in the case of owners of not less than ten vehicles, who will be authorised to replace the engines whenever a major overhaul is necessary, This relaxation is necessary in order to avoid unnecessary correspondence regarding the change of engine assemblies. But even such owners will have to report to the registering authority the alterations made in their vehi- cles within fourteen days of making them. As certificates of registration do not re- quire renewal, it is necessary to empower the State Government to call them up for the entry of new particulars regarding colours, etc. The proposed Section 32A gives the State Government the necessary powers."- S. O. R.

32A. Power of State Government to require the production of certifi- cates of registration in certain cases :-

Where, a State Government is of opin- ion that particulars relating to the colour or colours of the body, wings and front end of any class of motor vehicles registered before the commencement of the Motor Vehicles (Amendment) Act, 1956, should be entered in the certi- ficates of registration relating to such vehicles the State Government may, by notification in the Official Gazette, require the owners of such class of motor vehicles to produce their certificates of registration before the registering authority within such time as may be specified in the notification.]

33. Suspension of registration :-

1 [(1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle with- in its jurisdiction-

(a) is in such a condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirements of Chapter V or of the rules made thereunder, or

(b) has been, or is being, used for hire or reward without a valid permit for being used as such,

(i) in any case falling under clause (a), until the defects are remedied to its satisfaction; and

(ii) in any case falling under clause (b), for a period not exceeding four months.]

(2) An authority other than a registering authority shall, when making a suspension order under sub-section (1),

intimate in writing the fact of suspension and the reasons therefor to the registering authority within whose jurisdiction the vehicle is at the time of the suspension,

(3) Where the registration of a motor vehicle has been suspended under sub-section (1) for a continuous period of not less than one month the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension, and when the suspension has continued without interruption for a period of not less than six months, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, may, if it is the original registering authority, cancel the registration, and, if it is not the original registering authority, shall forward the certificate of registration to that authority which may cancel it forthwith.

(4) The owner of a motor vehicle shall, on the demand of a registering authority or other prescribed authority which has suspended the certificate of registration of the vehicle under this section, surrender the certificate of registration and any token or card issued to authorise the use of the vehicle in a public place.

(5) A certificate of registration and any token or card surrendered under sub-section (4) shall be returned to the owner when the order suspending registration has been rescinded and not before.

Sub-section (1) as substituted in 1956.-"At present, the power to suspend the certificate of registration can be exercised only when a vehicle is in such a condition that its use in a public place would constitute a danger to the public. or if the vehicle fails to comply with the requirements of Chapter V of the Act and rules framed thereunder relating to the construction, equipment and maintenance of motor vehicles. There is an increasing tendency on the part of owners of vehicles (particularly private cars) to use them without a valid permit for the carriage of passengers for hire or reward. In order to check this growing abuse, it is proposed to empower the registering or other prescribed authorities to suspend the registration certificate of a vehicle engaged in operation for hire or reward without a valid permit for a period not exceeding four months. "Under the existing provisions of section 33, a registering authority has to give the owner of a motor vehicle an opportunity to make a representation before he suspends the certificate of registration in respect of the vehicle. In practice, the owner is often untraceable and many unnecessary formalities have to be observed. This clause [that is, Section 29 of the Amending Act 100 of 1956] provides that the registering authority shall take only such action as is reasonably possible to trace the owner....."-S.O.R.

1. Substituted for the original sub-section (1), by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 29 (16-2-1957).

34. Cancellation of registration :-

(1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, within fourteen days or as soon as may be, report the fact to the registering authority within whose Jurisdiction he resides and shall forward to that authority the certificate of registration of the vehicle together with any token or card issued to authorise the use of the vehicle in a public place.

(2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, or, if it is not, shall forward the report and the certificate of registration to the original registering authority and that authority shall cancel the registration and the certificate of registration.

(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as the ¹[State Government] may by order appoint and, if upon such examination and after giving the owner an opportunity to make any representation he may wish to make. ²[(by sending to the owner a notice by registered post acknowledgment due at his address entered in the certificate of registration)] it is satisfied that the vehicle is in such a condition that ²[it is incapable of being used or] its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may cancel the registration of the vehicle.

(4) If a registering authority is satisfied that a motor vehicle has been permanently removed out of ⁴[India], the registering authority shall cancel the registration.

⁵[(4A) If a registering authority is satisfied that the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, the registering authority shall after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post acknowledgment due at his address entered in the certificate of registration), and for reasons to be recorded in writing, cancel the certificate of registration of the vehicle.]

(5) A registering authority cancelling the registration of a motor vehicle under section 33 or under this section shall communicate the fact in writing to the owner of the vehicle and the owner of the vehicle shall forthwith surrender to that authority the certificate of registration of the vehicle and any token or card issued to authorise the use of the vehicle in a public place.

(6) A registering authority making an order of cancellation under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry relating to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(7) The expression "original registering authority" in this section and in section 30, section 31, section 32 and section 33 means the registering authority in whose records the registration of the vehicle is recorded.

⁴ [(8) In this section, "certificate of registration" includes a certificate of registration renewed under the provisions

of this Act.]

Clause 17.- "This clause seeks to amend section 34 of the Act for empowering a re- gistering authority to. cancel a certificate of registration of a motor vehicle where it has reason to believe that the registration was obtained on the basis of documents which were, or by representation of facts which was false in any material particular-S.O.R. Gaz. of India. 17-8-78, Pt. II, S 2. Ext., P. 1122.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.
2. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 30 (w.e.f: 16-2-1957).
4. Substituted for the words "the State" by the Part B States (Laws) Act, 1951 (3 of 1951), S. 3 and Sch (1-4-1951).
5. Inserted by the Motor Vehicles (Amendment) Act, 1978(47 of 1978), Section 17 (16-1-1979).

35. Appeals :-

(1) Any owner of a motor vehicle aggrieved by an order of refusal under section 27 ¹[to register a motor vehicle or to renew the cer- tificate of registration in respect of a motor vehicle (other than a transport vehicle) or under Section 29A to issue a no objection certificate] or under sub-section (1) of Section 38 to issue a certificate of fitness or by an order of suspension or cancellation made under Section 33 or section 34 or by an order of cancellation under subsection (3) of Section 38 may within thirty days of the date on which he has received notice of such order, appeal against the order to the prescribed authority.

(2) The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority and the ap- pellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit: ² [* * * * *]

Clause 18.- This clause seeks to amend sub-section (1) of section 35 of the Act to enable a person to prefer an appeal if he is aggrieved by an order under section 27 re- fusing the renewal of a certifi- cate of regis- tration in respect of a motor vehicle, other than a transport vehicle, (clause 11) or an order refusing to issue a no objection certi- ficate under section 29A (clause 13).-S.O.R. Gaz. of India, 17-8-78. Pt. II, S. 2, Ext., p. 1123.

1. Substituted for words "to register a motor vehicle" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 18 (16-1-1979).
2. Proviso to sub-section (2) was omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 31 (16-2-1957).

36. Special provisions in regard to transport vehicle :-

(1) Having re- gard to the number, nature and size of the tyres attached to the wheels of a transport vehicle, other than a motor cab, and its make and model and other relevant considerations, ¹[the Central Government may], by notification in the Official Gazetter, specify in relation to each make and model of a transport vehicle the maximum safe laden weight of such vehicle and the maximum safe axle weight of each axle of such vehicle.

(2) A registering authority, when registering a transport vehicle other than a motor cab, shall enter in the record of registratioon and shall also enter in the certificate of registration of the vehicle the followinjg particulars, namely:-

- (a) the unladen weight of the vehicle;
- (b) the number, nature and size of the tyres attached to each wheel;
- (c) the registered laden weight of the vehicle and the registered axle weights pertaining to the several axles thereof; and
- (d) if the vehicle is used or adapted to be used for the carriage of passen- gers solely or in addition to goods, the number of passengers for whom accommodation is provided:

(3) There shall not be entered in the certificate of registration of any such vehicle any laden weight of the vehicle or a registered axle weight of any of its axles ²[different from that] specified in the notification under sub- section (1) in relation to the make and model of the vehicle and to the num- ber, nature and size of the tyres attached to its wheels: Provided that where it appears to ¹[the Central Government] that heavier weights than those specified in the notification under sub-sections (1) may be permitted in a particular locality for vehicles of a particular type ¹ [the Central Government] may, by order in the Official Gazette, direct that the provi- sions of this sub-section shall apply with such modifications as may be speci- fied in the order.

(4) When by reason of any alteration in such vehicle, including an altera- tion in the number, nature or size of its tyres, the registered laden weight of the vehicle or the registered axle weight of any of its axles no longer accords with the provisions of sub-section (3), the provisions of section 32 shall apply and the registering authority shall enter in the certificate of registration of the vehicle revised registered weights which accord with the said sub-section.

(5) In order that the registered weight entered in the certificate of regis- tration of a vehicle may be revised in accordance with the provisions of sub- section (3), the registering aauthority may require the owners of tranport vehicles in accordance with such procedure as may be prescribed to produce the certificates of registration within such time as may be specified by the registering authority.

"Under the provisions of Ss. 36 and 37 of the Act, a registering authority has to rely upon a document signed by the maker or assembler of the vehicle for determining the maximum laden weight and axle weights for which the vehicle and axles are designed. It is thius possible for a manufacturer to bid up as a "selling point," the certified weights to the limit of the capacity of the tyres as somewhat liberally allowed in the Seventh Schedule.

Misunderstanding and confusion have also been caused owing to technical defects in these sections in respect of the load distribution. It is, therefore, now proposed that State Governments should be empowered to specify the maximum safe laden weight and axle weight in relation to any make or mode of transport vehicle and that the registering authorities shall enter in registration certificates the laden weight, etc., as specified by the State Government. It is proposed that the Central Government shall obtain recommendations regarding laden weights, etc., from motor vehicle manufacturers in India, and work them out within the limits of weight specified by the manufacturers on the basis of a formula approved by the Technical Committee of the Transport Advisory Council. A consolidated list will then be furnished to the State Governments for their guidance in notifying specifications. The Seventh Schedule will be deleted. The amendments proposed are expected to serve as a check on the growing tendency to certify exaggerated weights, ignoring safety margin, and also to safeguard against the possibility of fixation of maximum permissible weights at an unwarrantable figure by merely fixing tyres of large sizes. In consequence, some vehicles on the road will have a registered laden and axle weight in excess of that allowed in respect of vehicles registered after the date on which this provision becomes law: the clause [see sub-section (5)]. therefore, provides that the registering authorities may require certificates of registration to be revised in accordance with these new provisions: "-S.O.R.

1. substituted for the words "a State Government may, with the approval of the Central Government" in sub-sec. (1), "a State Government" and "the State Government" in the proviso to sub-sec. (3), by the Motor Vehicles (Amendment) Act, 1932 (47 of 1932), S. 7 (1-10-1932).

2. Substituted for "in excess of that" by the Motor Vehicles (Amendment) Act, 1965 (56 of 1969), S. 14 (2-3-1970).

37. 37 :-

See foot-note [a] given under section 36.]

38. Certificate of fitness of transport vehicles :-

(1) Subject to the provisions of section 39, a transport vehicle shall not be deemed to be validly registered for the purposes of section 22, unless it carries a certificate of fitness in Form H as set forth in the First Schedule, issued by the prescribed authority, to the effect that the vehicle complies for the time being with all the requirements of Chapter V and the rules made thereunder. Where the prescribed authority refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal.

¹[(2) Subject to the provisions of sub-section (3), a certificate of fitness shall remain effective for such period, not being in any case more, than two years or less than six months, as may be specified in the certificate by the prescribed authority under sub-section (1):] ²[Provided that this sub-section shall, in respect of a certificate of fitness relating to a new transport vehicle registered for the first time and not plying in hilly areas, have effect as if for the words "six months", the words "one year" were substituted.

Explanation.-In this sub-section, the expression "hilly areas" means such areas as the State Government may, having regard to the elevation and topography, by notification in the Official Gazette, declare to be hilly areas.]

(3) The issuing authority or other prescribed authority may for reasons to be recorded in writing cancel a certificate of fitness at any time, if satisfied that the vehicle to which it relates no longer complies with all the requirements of this Act and the rules made thereunder; and on such cancellation the certificate of registration of the vehicle and any permit granted in respect of the vehicle under Chapter IV shall be deemed to be suspended until a new certificate of fitness has been obtained.

³ [(4) A certificate of fitness issued under this Act, shall, while it remains effective, be valid throughout India.]

Sub-section (2) as substituted in 1956.- "Section 38(2) of the Act has proved to be defective. Under its provisions a certificate of fitness must remain effective for three years unless a shorter period, in no case less than six months, is specified. Even in a period of six months, a transport vehicle may run 20,000 miles and develop a number of serious defects while in a period of three years it is not unlikely to outrun its useful life altogether. In order to ensure that transport vehicles, especially public service vehicles, are maintained and kept in a fit mechanical condition it is essential to provide for inspection at shorter intervals. It is, therefore, proposed to reduce the maximum and minimum limits to one year and three months [raised by the Joint Committee to two years and six months] respectively, and to place in the hands of a responsible authority, the power to fix the period of validity, subject to prescribed conditions. In practice the minimum period will probably be specified only when vehicles are very old or have a bad accident record or when it is intended to give an owner time to replace a vehicle".-S. O. R. (100 of 1956). Clause 15.- "It has been pointed out that certificate of fitness in respect of new transport vehicles are granted for different periods in the different States. Since new vehicles are expected to remain road-worthy for at least one year from the date of their registration, it is considered desirable to pre- scribe this minimum period in the Act itself. It is however, felt that the certificate of transport vehicle licensed to operate in hilly areas should be subject to review after every six months because such vehicles are put to greater strain than the vehicles operating in plains".-S. O. R. (Act 56 of 1969).

1. Substituted for the former sub-section (2). by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 33 (16-2-1957).

2. Added by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), Section 15 (2-3-1970).

3. Substituted by the Central Laws (Extension to Jammu and Kashmir) Act, 1968 (25 Of 1968), S. 2(2) and the Sch. (15-8-1968).

39. Registration of vehicles, the property of the Central Government :-

(1) The authority specified in Part B of the Fourth Schedule may register any motor vehicle which is the property ¹[or for the time being under the exclusive control] of the Central Government; and any vehicle so registered shall not, so long as it remains the property ¹[or under the exclusive control] of the Central Government, require to be registered otherwise under this Act.

(2) A transport vehicle registered under this section shall carry a certificate³[to the effect that the vehicle complies for the time being with all the requirements of Chapter V and the rules made thereunder] issued by the authority referred to in sub-section (1).

(3) An authority registering a vehicle under sub-section (1) shall assign a registration mark in accordance with the provisions contained in the Fourth Schedule and shall issue a certificate in respect of the vehicle that the vehicle has been registered under this section.

(4) If a vehicle registered under this section ceases to be the property¹ [or under the exclusive control] of the Central Government, the provisions of section 23 shall thereupon apply.

(5) The authority registering a vehicle under sub-section (1) shall furnish to any State Government all such information regarding the general nature, over-all dimensions, and axle weights of the vehicle as the State Government may at any time require.

1. Inserted by the Motor Vehicles (Amendment) Act, 1942 (XX of 1942), Section 11 (3-4-1942).

3. Substituted for "of fitness in Form H as set forth in the First Schedule" by the Motor Vehicles (Amendment) Act, 1942 (XX of 1942), 1956 (100 of 1956), S. 34 (162-1957).

40. Application of Chapter III to trailers :-

(1) The registration mark assigned to a trailer shall be displayed in the prescribed manner on the side of the vehicle.

(2) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train, as the case may be.

41. Power to make rules :-

(1) A¹[State Government] may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the conduct and hearing of appeals that may be preferred under this Chapter, ²[the fees to be paid in respect of such appeals and the refund of such fees];

(b) the appointment, functions and jurisdiction of registering and other prescribed authorities;

³[(ba) the period within which an application for renewal of a certificate of registration in respect of a motor vehicle other than a transport vehicle may be made and the period for which such certificate may be renewed];

⁴[(c) ⁵[the issue or renewal] of certificates of registration and fitness and duplicates of such certificates to replace the certificates lost, destroyed or mutilated;

(cc) the production of certificates of registration before the registering authority for the revision of entries therein of particulars relating to the registered weight or the colour or colours of the body, wings and front end of vehicles];

(d) the temporary registration of motor vehicles, and the issue of temporary certificates of registration and marks;

⁵[(da) the form in which and the manner in which an application for no objection certificate may be made under sub-section (1) of section 29A and the form of receipt to be issued under sub-section (2) thereof];

(e) the manner in which registration marks and the particulars referred to in ⁷[sub-section [(2)]⁸of section 36], and other prescribed particulars shall be exhibited:

(f) the fees to be charged for ⁵[the issue or renewal] or alteration of certificates of registration, ¹⁰[for making or cancelling an endorsement in respect of an agreement of hire-purchase or hypothecation on a certificate of registration], for certificates of fitness for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees;

[(ff) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter];

(g) the forms, other than those set forth in the First Schedule, to be used for the purposes of this Chapter;

(h) the communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the State of particulars of such vehicles and their registration;

³[(i) the amount or amounts under sub-section (1C) of section 30 or sub-section (1C) of section 31];

(j) the extension of the validity of certificates of fitness pending consideration of applications for their renewal;

(k) the exemption from the provisions of this Chapter, and the conditions and fees for exemption, of motor vehicles in the possession of dealers;

(l) the exemption of road-rollers, ¹²[graders and other vehicles designed and used solely for the construction,

repair and cleansing of roads] from all or any of the provisions of this Chapter and the rules made thereunder, and the conditions governing such exemption; and the exemption of ¹³[goods vehicles, being light motor vehicles] from the provisions of section 38 and the conditions governing such exemption; and

³ [(1a) the conditions governing the registration of re-built vehicles];

(m) any other matter which is to be or maybe prescribed.

Clause 19.-Section 41 of the Act empowers a State Government to make rules in respect of the provisions contained in Chapter III relating to registration of motor vehicles. Consequential amendments are proposed to be made in sub-section (2) of this section to empower a State Government to make rules in respect of the new provisions contained in Ss. 24, 29A, 30 and 31 and to provide the conditions governing the registration of rebuilt vehicles.-S. O. R.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

2. Added by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 12 (3-4-1942).

3. Inserted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), Sec.19 (16-1-1979).

4. Substituted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), 1956 (100 of 1956), S. 35 (16-2-1937).

5. Substituted for the words "the issue" by the Motor Vehicles (Amendment Act, 1978 (47 of 1978), S. 19 (16-1-1979).

7. Substituted for the words, brackets and figures "sub-section (1) of section 31" by Repealing and Amending Act, 1960 (58 of 1960), S. 3 and Sch. II (26-12-1960).

8. Substituted for brackets and figures (3) by Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 16 (a) (1-10-1970).

10. Inserted by Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 16 (b).

12. Inserted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), Sec.12 (3-4-1942).

13. Substituted for the words "delivery vans" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1936), S. 35 (16-2-1957).

CHAPTER 4

CONTROL OF TRANSPORT VEHICLES

42. Necessity for permits :-

(1) No owner of a transport vehicle shall use or permit the use of the vehicle in any public place, ¹[(whether or not such vehicle is actually carrying any passenger or goods)], save in accordance with the conditions of a permit granted or countersigned by a Regional or ²[State] Transport Authority ³[or the Commission] authorising the use of the vehicle in that place in the manner in which the vehicle is being used: Provided that a stage carriage permit shall, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a contract carriage: Provided further that a public carrier's permit shall, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a goods vehicle either when carrying passengers or not: Provided further that a public carrier's permit shall, subject to any conditions that may be specified in the permit, authorise the holder to use the vehicle for the carriage of goods for or in connection with a trade or business carried on by him.

(2) In determining, for the purposes of this Chapter, whether a transport vehicle is or is not used for the carriage of goods for hire or reward,-

(a) the delivery or collection by or on behalf of the owner of goods sold, used or let on hire or hire-purchase in the course of any trade or business carried on by him other than the trade or business of providing transport,

(b) the delivery or collection by or on behalf of the owner of goods which have been or which are to be subjected to a process or treatment in the course of a trade or business carried on by him, or

(c) the carriage of goods in a transport vehicle by a manufacturer of or agent or dealer in such goods whilst the vehicle is being used for demonstration purposes, shall not be deemed to constitute a carrying of the goods for hire or reward; but the carriage in a transport vehicle of goods by a person not being a dealer in such goods who has acquired temporary ownership of the goods for the purpose of transporting them to another place and there relinquishing ownership shall be deemed to constitute a carrying of the goods for hire or reward.

(3) Sub-section (1) shall not apply-

⁴[(a) to any transport vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise;]

(b) to any transport vehicle owned by a local authority or by a person acting under contract with a local authority and used solely for road cleansing, road watering or conservancy purposes;

(c) to any transport vehicles used solely for police, fire brigade or ambulance purposes;

(d) to any transport vehicle used solely for the conveyance of corpses;

(e) to any transport vehicle used solely for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety;

⁵[(ee) * * * *]

(f) to any transport vehicle used for any other public purpose prescribed in this behalf;

¹[(ff) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, ⁷specify in this behalf;]

(g) to any transport vehicle owned by, and used solely for the purposes of, any educational institution which is recognised by the State Government or whose managing committee is a society registered under the Societies Registration Act, 1860;

⁸[(h) * * *]

(i) ⁹[* *] to any goods vehicle which is a light motor vehicle and does not ply for hire or reward, or to any two-wheeled trailer with a registered laden weight not exceeding ¹⁰[800 kilograms] drawn by a motor car;]

¹[(j) subject to such conditions as the Central Government may, by notification in the Official Gazette, ¹²specify, to any transport vehicle purchased in one State and proceeding to a place, situated in any other State, without carrying any passenger or goods;

(k) to any transport vehicle which has been temporarily registered under section 25, while proceeding empty to any place for the purpose of registration of the vehicle under section 24;

(l) to any transport vehicle used for such purposes (other than plying for hire or reward) as the Central Government may, by notification in the Official Gazette, specify;

(m) to any transport vehicle which, owing to flood, earthquake or any other natural calamity, is required to be diverted through any other route, whether within or outside the State, with a view to enabling it to reach its destination; or

(n) to any transport vehicle while proceeding empty to any place for purpose of repair.]

(4) Subject to the provisions of sub-section (3), sub-section (1) shall, if the State Government by rule made under section 68 so prescribes, apply to any motor vehicle adapted to carry more than nine ⁶ [persons] excluding the driver.

1. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S.17 (b) (ii) and (iv), 1-6-1973.

2. Substituted for the word "Provincial" by A.L.O., 1960.

3. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Sec. 36 (16-2-1957).

4. Substituted for former clause, the Motor Vehicles (Amendment) Act, 1956.

5. Omitted, the Motor Vehicles (Amendment) Act, 1956, w.e.f. 1-6-73.

7. Substituted for "passengers" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 36 (16-2-1957).

8. Omitted by the Central Laws (Extension to Jammu and Kashmir) Act, 1968. (25 of 1968), S. 2 and Sch. (15-8-1968).

9. The words "except as may otherwise be prescribed" omitted, the Central Laws (Extension to Jammu and Kashmir) Act, 1968, w.e.f. 1-6-1973.

10. Substituted for "1700 pounds avoirdupois" by the Motor Vehicles (Second Amendment) Act, 1960 (51 of 1960), S. 3 (1-1-1961).

12. For such notifications see Gaz. of India, 26-5-1973, Pt. II, S. 3 (ii), pp. 1930-1931 (S.O.S. 1499, 1500 and 1502).

43. Power to State Government to control road transport :-

(1) A ¹[State Government], having regard to-

(a) the advantages offered to the public, trade and industry by the development of motor transport, and

(b) the desirability of co-ordinating road and rail transport, and

(c) the desirability of preventing the deterioration of the road system, and

(d) the desirability of preventing uneconomic competition among motor vehicles, ²[may, from time to time, by notification in the Official Gazette, issue directions to the State Transport Authority-

(i) regarding the fixing of fares and freights ³[(including the maximum and minimum in respect thereof)] for stage carriages, contract carriages and public carriers;

(ii) regarding the prohibition or restriction, subject to such conditions as may be specified in the directions, of the conveying of long-distance goods traffic generally, or of specified classes of goods, by private or public carriers;

(iii) regarding the grant of permits for alternative routes or areas, to persons in whose cases the existing permits ³[are not renewed in pursuance of the provisions of sub-section (1-D) of section 68-F, or] are cancelled or the terms thereof are modified in exercise of the powers conferred by clause (b) or clause (c) of sub-section (2) of section 68-F;

(iv) regarding any other matter which may appear to the State Government necessary or expedient for giving effect to any agreement entered into with the Central Government or any other State Government or the Government of any other country relating to the regulation of motor transport generally, and in particular to its co-ordination with other means of transport and the conveying of long-distance goods traffic: Provided that no such notification shall be issued unless a draft of the proposed directions is published in the Official Gazette specifying

therein a date being not less than one month after such publication, on or after which the draft will be taken into consideration and any objection or suggestion which may be received has, in consultation with the State Transport Authority, been considered after giving the representatives of the interests affected an opportunity of being heard.]

(2) The ¹[State Government] shall permit, at such intervals of time as it may fix, the interests affected by any notification issued under sub-sec. (1) to make representations urging the cancellation or variation of the notification on the following grounds, namely :-

(a) that the railways are not giving reasonable facilities or are taking unfair advantage of the action of the ¹[State Government] under this section; or

(b) that conditions have changed since the publication of the notification; or

(c) that the special needs of a particular industry or locality require to be considered afresh.

(3) If the ¹[State Government], after considering any representation made to it under sub-section (2) and having heard the representatives of the interests affected and ²[the State Transport Authority], is satisfied that any notification issued under sub-section (1) ought to be cancelled or varied, it may cancel the notification or vary it in such manner as it thinks fit. ⁹[43-A. Power of State Government to Issue directions to Transport Authorities. - (1) The State Government may issue such directions of a general character as it may consider necessary or expedient in the public interest in respect of any matter relating to road transport to the State Transport Authority or to any Regional Transport Authority, and such Transport Authority shall give effect to all such directions. ¹⁰ [(2) Without prejudice to the generality of the provisions of sub-section (1), such directions may be given in respect of any of the following matters, namely:- (a) the number of stage carriage or contract carriage permits that may be granted in respect of any route or area; (b) the preference or the order of preference to be given to, or the quota to be fixed for, specially deserving categories such as ex-army personnel, educated unemployed persons, such persons holding driving licences as are members of co-operative societies formed for passenger transport business, persons belonging to the Scheduled Castes and Scheduled Tribes. (c) the procedure for grant of permits, and for selection from among the applicants, including selection by drawing of lots from among persons belonging to the same category. (3) Any direction under sub-section (1) may be issued with retrospective effect. (4) Where any direction is issued under sub-section (1) to any Transport Authority. then any appeal or revision pending before the State Transport Appellate Tribunal shall also be decided in such manner as to give effect to such direction. (5) Where any direction is issued under sub-section (1) with retrospective effect then- (a) any Transport Authority or the State Transport Appellate Tribunal may review any order passed earlier by it with a view to making it conform to such direction, and may for that purpose cancel any permit already issued; (b) any Transport Authority may apply to the High Court for review of any order passed by such Court earlier with a view to enabling such Authority to comply with such direction. (6) The provisions of this section shall have effect notwithstanding anything contained in sections 47, 50 and 57".]]

1. Substituted for the words "Provincial Government", by A. L.OO., 1950.

2. Substituted for certain original words by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 37 (16-2-1957).

3. Inserted by the Motor Vehicles (Amendment) Act, 1969, 56 of 1969, Sec. 18 (2-3-1970).

9. Section 43A inserted by U. P. Act 25 of 1972, S. 2 (1-5-1972).

10. Sub-sections (2) to (6) substituted for sub-section (2) by U. P. Act 15 of 1976, S. 21 (w.r.e.f. 1-5-1972).

44. Transport authorities :-

(1) The ¹[State Government] shall, by notification in the Official Gazette, constitute for the ¹[State] a ¹[State] Transport Authority to exercise and discharge the powers and functions specified in sub- section (3), and shall in like manner constitute Regional Transport Authorities to exercise and discharge throughout such areas (in this Chapter referred to as regions) as may be specified in the notification, in respect of each Regional Transport Authority, the powers and functions conferred by or under this Chapter on such Authorities: Provided that ⁴[* *] in ⁵[the Union territories] the ¹[State Government] may abstain from constituting any Regional Transport Authority: Provided further that the area specified as the region of a Regional Transport Authority shall in no case be less than an entire district, or the whole area of a Presidency-town.

(2) A ¹[State] Transport Authority or a Regional Transport Authority shall consist of ⁸[a Chairman who has had ⁹judicial experience or experience as an appellate or a revisional authority under any law relating to land revenue] ¹⁰[and in the case of a State Transport Authority, such other officials and non-officials, not being less than two, and, in the case of a Regional Transport Authority such other persons (whether officials or not), not being less than two], as the ¹[State Government] may think fit to appoint]; but no person who has any financial interest whether as proprietor, employee or otherwise in] any transport undertaking shall be appointed as or continue as a member of a ¹[State] or Regional Transport Authority, and, if any person being a member of any such Authority acquires a financial interest in any transport undertaking, he shall, within four weeks of so doing, give notice in writing to the ¹[State Government] of the acquisition of such interest and shall vacate office. ¹⁴ ¹⁵[Provided that nothing in this section shall prevent any of the members of the State Transport Authority or the Regional Transport Authority, as the case may be, to preside over a meeting of such Authority during the absence of the Chairman, notwithstanding that such member does not possess judicial experience: Provided further that the State Government may-

(i) where it considers necessary or expedient so to do, constitute Regional Transport Authority for any region so as

to consist of only one member who shall be an official with judicial experience;

(ii) by rules made in this behalf, provide for the transaction of business in the absence of the Chairman or any other member and specify the nature of business which, the circumstances under which, and the manner in which, business could be so transacted: Provided also that] nothing in this sub-section shall be construed as debarring an official (other than an official connected directly with the management or operation of a transport undertaking) from being appointed as, or continuing as a member of, any such Authority merely by reason of the fact that the Government employing the official has, or acquires, any financial interest in a transport undertaking.]

(3) A ¹[State] Transport Authority ¹⁷[shall give effect to any directions issued under section 43, and subject to such directions and save as otherwise provided by or under this Act] shall exercise and discharge throughout the State the following powers and functions, namely,-

(a) to co-ordinate and regulate the activities and policies of the Regional Transport Authorities, if any, of the ¹[State];

(b) to perform the duties of a Regional Transport Authority where there is no such authority and, if it thinks fit or if so required by a Regional Transport Authority, to perform those duties in respect of any route common to two or more regions;

(c) to settle all disputes and decide all matters on which differences of opinion arise between Regional Transport Authorities; and

(d) to discharge such other functions as may be prescribed.

(4) For the purpose of exercising and discharging the powers and functions specified in sub-section (3), a ¹[State] Transport Authority may, subject to such conditions as may be prescribed, issue directions to any Regional Transport Authority and the Regional Transport Authority shall ⁵[in the discharge of its functions under this Act, give effect to and] be guided by such directions.

⁸ [(5) The State Transport Authority and any Regional Transport Authority, if authorised in this behalf by rules made under Section 68. may delegate such of its powers and functions to such authority or person and subject to such restrictions, limitations and conditions as may be prescribed by the said rules.]

1. Substituted for the words "Province", "Provincial", and "Provincial Government" by A.L.O., 1950.

4. The words "In the North West Frontier Province and" omitted by A.O., 1948.

5. Substituted for the words, "Part C State" by 3 A.L.O., 1956.

8. Substituted for the words, "such number of officials and non-officials as the State Government may think fit to appoint", by the Motor Vehicles (Amendment) Act (100 of 1956), Section 38 (1-8-1957).

9. Substituted for the words, "judicial experience", by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 20 (16-1-1979).

10. Substituted for the words- (i) "and such other officials and non-officials, not being less than two", occurring in sub-section (2); and (ii) "provided that" occurring in proviso to sub-section (2)- by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 19 (2-3-1970).

14. inserted the Motor Vehicles (Amendment) Act, 1969.

15. Added the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 13 (3-4-1942).

17. Inserted the Motor Vehicles (Amendment) Act, 1942.

45. General provision as to applications for permits :-

¹[(1) Every application for a permit shall be made to the Regional Transport Authority of the region in which it is proposed to use the vehicle or vehicles: Provided that if it is proposed to use the vehicle or vehicles in two or more regions lying within the same State, the application shall be made to the Regional Transport Authority of the region in which the major portion of the proposed route or area lies, and in case the portion of the proposed route or area in each of the regions is approximately equal, to the Regional Transport Authority of the region in which it is proposed to keep the vehicle or vehicles: Provided further that if it is proposed to use the vehicle or vehicles in two or more regions lying in different States, the application shall be made to the Regional Transport Authority of the region in which the applicant resides or has his principal place of business.]

¹[(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the Official Gazette, direct that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in different States, the application under that sub-section shall be made to the State Transport Authority of the region in which the applicant resides or has his principal place of business.

(3) Every applicant for the grant of a new permit under section 46 or section 54 shall deposit, by way of security, with his application an amount in such manner and at such rate not exceeding rupees two hundred per motor vehicle, as the State Government may, with reference to each class of vehicle, by notification in the Official Gazette, specify.

(4) The security furnished under sub-section (3) may be forfeited in whole or in part by the transport authority if it is satisfied that the application was made for the purpose of preventing the issue of a temporary permit under section 62 and the whole or part of it as has not been forfeited shall be refunded to the applicant as soon as may be, after the disposal of the application : Provided that no such forfeiture shall be made unless the transport authority has given the applicant a reasonable opportunity of being heard.]] ³ [all applications and other

proceedings connected therewith pending before a Regional Transport Authority in respect of such vehicle or vehicles shall stand transferred to and shall be disposed of by the State Transport Authority as if such application had been made to and commenced before the latter authority, and] reference to the Regional Transport Authority in sections 47, 48, 50, 51, 53, 54, 55, 56, 58, 62, 63 and 68F shall, in respect of applications for permit for using a vehicle in two or more regions lying in the State, be construed as reference also to the State Transport Authority".- Kama. Act 25 of 1975, S. 3 (2-6-1975).

1. Section 45 renumbered as sub-section (1) thereof and sub-sections (2) to (4) inserted thereafter by Act 56 of 1969, S. 20 (2-3-1970).

3. Inserted by Kama. Act 5 of 1980, S. 3 (2) (1-5-1980).

46. Application for stage carriage permit :-

An application for a permit in respect of a service of stage carriages or to use a particular motor vehicle as a stage carriage (in this Chapter referred to as a stage carriage permit) shall, as far as may be, contain the following particulars, namely:-

(a) the route or routes or the area or areas to which the application relates;

(b) the number of vehicles it is proposed to operate in relation to each route or area and the type and seating capacity of each such vehicle;

(c) the minimum and maximum number of daily ¹[trips] proposed to be provided in relation to each route or area and the time-table of the normal ¹[trips]

(d) the number of vehicles intended to be kept in reserve to maintain the service and to provide for special occasions;

(e) the arrangements, intended to be made for the housing and repair of the vehicles, for the comfort and convenience of passengers and for the storage and safe custody of luggage;

(f) such other matters as may be prescribed.]

³ [Explanation.- For the purposes of this section, section 48 and section 57, "trip" means a single journey from one point to another, and every return journey shall be deemed to be a separate trip.]

OBJECTS AND REASONS Amendments made in Section 46, 47 and 48 by Act 100 of 1956.- "Bus services with a fleet of buses will in future be a more common feature than single bus services and the proposed amendments are designed to meet this changing situation. Opportunity is taken in the amendment of S. 46 of the Act to include among the particulars which must be supplied in the application for a stage carriage permit details regarding the number and timing of services, and the arrangements proposed for the maintenance of vehicles and the comfort and convenience of passengers, etc. Section 47 of the Act makes it obligatory on Regional Transport Authority to consider only the adequacy of existing road services, but not rail, river or any other kind of service, or prospective services to be operated either by the applicant or any one else. Section 48 remedies these defects." - S. O. R.

1. Substituted for "services" by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 21 (2-3-1970).

3. Inserted, the Motor Vehicles (Amendment) Act, 1969.

47. Procedure of Regional Transport Authority in considering application for stage carriage permit :-

¹[(1) A Regional Transport Authority shall, in considering an application for a stage carriage permit, have regard to the following matters, namely:-

(a) the interest of the public generally;

(b) the advantages to the public of the service to be provided, including the saving of time likely to be effected thereby and any convenience arising from journeys not being broken;

(c) the adequacy of other passenger transport services operating or likely to operate in the near future, whether by road or other means, between the places to be served;

(d) the benefit to any particular locality or localities likely to be afforded by the service;

(e) the operation by the applicant of other transport services, including those in respect of which applications from him for permits are pending;

(f) the condition of the roads included in the proposed route or area; and shall also take into consideration any representations made by persons already providing passenger transport facilities by any means along or near the proposed route or area, or by any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government, or by any local authority or police authority within whose jurisdiction any part of the proposed route or area lies: Provided that other conditions being equal, an application for a stage carriage permit from a co-operative society registered or deemed to have been registered under any enactment in force for the time being ²[and application for a stage carriage permit from a person who has a valid licence for driving transport vehicles] shall, as far as may be, be given preference over applications from individual owners.]

²[(1A) The Government of a State shall reserve in that State certain percentage of stage carriage permits for the Scheduled Castes and the Scheduled Tribes.

Explanation.-In this section and in sections 55 and 63, "Scheduled Castes and Scheduled Tribes" have the meanings respectively assigned to them in Article 366 of the Constitution.

(1B) The reservation of permits under sub-section (1A) shall be in the same ratio as in the case of appointments made by direct recruitment to public services in the State.

(1C) The Government of a State may, having regard to the extent to which persons belonging to economically weaker sections of the community have been granted stage carriage permits in that State,-

(a) reserve in that State such percentage of stage carriage permits, as may be prescribed, for persons belonging to economically weaker sections of the community; or

(b) notwithstanding anything contained in the proviso to sub-section (1), give preference, in such manner as may be prescribed, to applications for stage carriage permits from such persons.

Explanation 1.-In this section and in ⁴["Sections 55 and 68"], a person shall be deemed to belong to economically weaker section of the community, if and only if, on the prescribed date,-

(a) the annual income of such person together with the annual income, if any, of the members of his family; or

(b) the extent of land (whether in one class or in different classes) held by such person together with that, if any held by the members of his family; or

(c) the annual income and the extent of land aforesaid, does, or do, not exceed such limit, as may be prescribed.

Explanation II.-For the purposes of Explanation I, "family", in relation to an individual, means the wife or husband as the case may be, of such individual and the minor children of such individual.

(1D) The number of permits reserved under sub-section (1B) and clause (a) of sub-section (1C) shall not exceed fifty per cent. of the total number of stage carriage permits granted during a calendar year.

(1E) In giving effect to the provisions of sub-section (1B) and clause (a) of sub-section (1C), the Regional Transport Authority or the State Transport Authority may, if it considers necessary or expedient so to do, group the various routes within its jurisdiction.

(1F) Where any stage carriage permit is to be granted from the quota reserved under sub-section (1B) or clause (a) of sub-section (1C) to any cooperative society registered or deemed to have been registered under any enactment in force for the time being or any firm to which the provisions of the Indian Partnership Act 1932 apply, no permit shall be granted to such society or firm unless the members of the co-operative society or the partners of the firm belong to the Scheduled Castes, the Scheduled Tribes or economically weaker sections of the community: Provided that where the members of such co-operative society or the partners of such firm are partly from the Scheduled Castes, partly from the Scheduled Tribes and partly from the economically weaker sections of the community, or from any two of these categories, any permit under this subsection shall be granted to such society or firm only from the quota reserved for the category to which the largest number of members of the co-operative society, or, as the case may be, partners of the firm, belong: Provided further that where no reservation has been made in the State for economically weaker sections of the community under clause (a) of sub-section (1C), no permit under this sub-section shall be granted to a co-operative society or firm unless the members of such society or partners of such firm belong to the Scheduled Castes or the Scheduled Tribes or partly to the Scheduled Castes and partly to the Scheduled Tribes and the permit to such society or firm shall be granted only from the quota reserved for the Scheduled Castes or the Scheduled Tribes according as to whether the larger number of the members of the co-operative society, or partners of the firm, belong to the Scheduled Castes or the Scheduled Tribes.

(1G) The circumstances under which, the manner in which, and the extent to which, reservation under sub-section (1A) and clause (a) of sub-section (1C) may be carried forward shall be such as may be prescribed.

(1H) Notwithstanding anything contained in this section, an application for a stage carriage permit from a State transport undertaking for operating in any inter-State route shall be given preference over all other applications: Provided that the authority shall not grant a permit under this sub-section unless it is satisfied that the State transport undertaking would be able to operate in the inter-State route without detriment to its responsibility for providing efficient and adequate road transport service in any notified area or notified route as is referred to in sub-section (3) of section 68D where the undertaking operates the service.

Explanation;- For the purposes of this sub-section, "inter-State route" means any route lying contiguously in two or more States.]

(2) A Regional Transport Authority shall refuse to grant a stage carriage permit if it appears from any time-table furnished that the provisions of this Act relating to the speed at which vehicles may be driven are likely to be contravened: Provided that before such refusal an opportunity shall be given to the applicant to amend the time-table so as to conform to the said provisions.

⁵ [(3) A Regional Transport Authority may, having regard to the matters mentioned in sub-section (1), limit the number of stage carriages generally or of any specified type for which stage carriage permits may be granted in the region or on any specified area or on any specified route within the region.]

1. Substituted for the original sub-section (1), by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 41

(16-2-1957).

2. Inserted by the Motor Vehicles (Amendment) Act, 1078 (47 of 1978), Section 21 (16-1-1979).

4. Substituted for "sections 55, 63 and 68", vide THE MOTOR VEHICLES (AMENDMENT) ACT, 1986 (9 Of 1986), Dt. 13th March, 1986 Published in Received assent of the President on March 13, 1986 and published in the Gazette of India, Extra., Part II, Section 1, dated 14th March, 1981, pp. 1-2 [C][P]

5. Inserted, the Motor Vehicles (Amendment) Act, 1956.

48. Grant of stage carriage permits :-

(1) Subject to the provisions of section 47, a Regional Transport Authority may, on an application made to it under section 46, grant a stage carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit: Provided that no such permit shall be granted in respect of any route or area not specified in the application.

1(2) [* * * * *]

(3) The Regional Transport Authority, if it decides to grant a stage carriage permit, may grant the permit for a service of stage carriages of a specified description or for one or more particular stage carriages, and may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely:-

2[(i) that the vehicle or vehicles shall be used only in a specified area, or on a specified route or routes;

(ia) that the service or any specified part thereof shall be commenced with effect from a specified date;]

(ii) the minimum and maximum number of daily **3**['trips to be provided'] in relation to any route or area generally or on specified days and occasions;

(iii) that copies of the time-table of the service or of particular stage carriages approved by the Regional Transport Authority shall be exhibited on the vehicles and at specified stands and halts on the route or within the area;

(iv) that the service shall be operated within such margins of deviation from the approved time-table as the Regional Transport Authority may from time to time specify;

(v) that within municipal limits and such other areas and places as may be prescribed, passengers or goods shall not be taken up or set down except at specified points;

(vi) the maximum number of passengers and the maximum weight of luggage that may be carried on any specified vehicle or on any vehicle of a specified type, either generally or on specified occasions or at specified times and seasons;

(vii) the weight and nature of passengers' luggage that shall be carried free of charge, the total weight of luggage that may be carried in relation to each passenger, and the arrangements that shall be made for the carriage of luggage without causing inconvenience to passengers;

(viii) the rate of charge that may be levied for passengers' luggage in excess of the free allowance;

(ix) that vehicles of specified types fitted with bodies conforming to approved specifications shall be used: Provided that the attachment of this condition to a permit shall not prevent the continued use, for a period of two years from the date of publication of the approved specifications, of any vehicle operating on that date;

(x) that specified standards of comfort and cleanliness shall be maintained in the vehicles;

(xi) the conditions subject to which goods may be carried in any stage carriage in addition to or to the exclusion of passengers;

(xii) that fares shall be charged in accordance with the approved fare table;

(xiii) that a copy of, or extract from, the fare table approved by the Regional Transport Authority and particulars of any special fares or rates of fares so approved for particular occasions shall be exhibited on every stage carriage and at specified stands and halts;

(xiv) that tickets bearing specified particulars shall be issued to passengers and shall show the fares actually charged and that records of tickets issued shall be kept in a specified manner;

(xv) that mails shall be carried on any of the vehicles authorised by the permit subject to such conditions (including conditions as to the time in which mails are to be carried and the charges which may be levied) as may be specified;

(xvi) the reserve of vehicles to be kept by the holder of the permit to maintain the service and to provide for special occasions;

(xvii) the conditions subject to which any vehicle covered by the permit may be used as a contract carriage;

(xviii) that specified arrangements shall be made for the housing, maintenance and repair of vehicles;

(xix) that any specified bus station or shelter maintained by Government or a local authority shall be used and that any specified rent or fee shall be paid for such use;

(xx) that the conditions of the permit shall not be departed from, save with the approval of the Regional Transport Authority;

(xxi) that the Regional Transport Authority may, after giving notice of not less than one month,-

(a) vary the conditions of the permit;

(b) attach to the permit further conditions: ⁴ [Provided that the conditions specified in pursuance of clause (i) shall not be varied so as to alter the distance covered by the original route by more than 24 kilometres, and any variation within such limits shall be made only after the Regional Transport Authority is satisfied that such variation will serve the public convenience and that it is not expedient to grant a separate permit in respect of the original route as so varied or any part thereof;]

(xxii) that the holder of a permit shall furnish to the Regional Transport Authority such periodical returns, statistics and other information as the State Government may from time to time prescribe;

(xxiii) any other conditions which may be prescribed.]

1. Omitted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 22 (2-3-1970).

2. Substituted for clause (i), the Motor Vehicles (Amendment) Act, 1969.

3. Substituted for the words, "services to be maintained", the Motor Vehicles (Amendment) Act, 1969.

4. Proviso inserted, the Motor Vehicles (Amendment) Act, 1969.

49. Application for contract carriage permit :-

An application for a permit to use ¹[one or more motor vehicles as a contract carriage or carriages] (in this Chapter referred to as a contract carriage permit) shall contain the following particulars, namely: -

(a) the type and seating capacity of the vehicle ² [or each of the vehicles]

(b) the area for which the permit is required;

(c) in the case of a motor vehicle other than a motor cab, the manner in which it is claimed that the public convenience will be served by the vehicle; and

(d) any other particulars which may be prescribed.

1. Substituted for the words "a motor vehicle as a contract carriage" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 43 (16-2-1957).

2. Inserted, the Motor Vehicles (Amendment) Act, 1969.

50. Procedure of Regional Transport Authority in considering application for contract carriage permit :-

:-

A Regional Transport Authority shall ¹ [in considering an application for] a contract carriage permit, have regard to the extent to which additional contract carriages may be necessary or desirable in the public interest; and shall also take into consideration any representations which may then be made or which may previously have been made by persons already holding contract carriage permits in the region or by any local authority or police authority in the region to the effect that the number of contract carriages for which permits have already been granted is sufficient for or in excess of the needs of the region or any area within the region.

1. Substituted for the words "in deciding whether to grant or refuse" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 44 (16-2-1957).

51. Grant of contract carriage permits :-

(1) Subject to the provisions of section 50, a Regional Transport Authority may on an application made to it under section 49, grant a contract carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit: Provided that no such permit shall be granted in respect of any area not specified in the application.

(2) The Regional Transport Authority, if it decides to grant a contract carriage permit, may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely:-

(i) that the vehicle or vehicles shall be used only in a specified area or on specified route Or routes;

(ii) that, except in accordance with specified conditions, no contract of hiring, other than an extension or modification of a subsisting contract, may be entered into outside the specified area;

¹ [(iia) the maximum number of passengers and the maximum weight of luggage that may be carried on any specified vehicle or on any vehicle of a specified type, either generally or on specified occasions or at specified times and seasons and the same is prominently marked on the vehicle;]

(iii) the conditions subject to which goods may be carried in any contract carriage in addition to or to the exclusion of passengers;

(iv) that, in the case of motor cabs, specified fares or rates of fares shall be charged and a copy of the fare table shall be exhibited on the vehicle;

(v) that, in the case of vehicles other than motor cabs, specified rates of hiring not exceeding specified maxima

shall be charged;

(vi) that, in the case of motor cabs, a specified weight of passengers' luggage shall be carried free of charge and that the charge, if any, for any luggage in excess thereof shall be at a specified rate;

(vii) that, in the case of motor cabs, a taximeter shall be fitted and maintained in proper working order, if prescribed;

(viii) that the Authority may, after giving notice of not less than one month,-

(a) vary the conditions of the permit;

(b) attach to the permit further conditions;

(ix) that the conditions of permit shall not be departed from save with the approval of the Authority;

(x) any other conditions which may be prescribed.]

1. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), Section 23 (2-3-1970).

52. Application for private carriers permits :-

An application for a permit to use ¹[one or more transport vehicles] for the carriage of goods for or in connection with a trade or business carried on by the applicant (in this Chapter referred to as a private carrier's permit) shall contain the following particulars, namely:-

(a) the type and carrying capacity of vehicle ² [for each of the vehicles];

(b) the nature of the goods which the applicant expects normally to carry in connection with his trade or business;

(c) the area for which the permit is required; and

(d) any other particular which may be prescribed.

1. Substituted for "a transport vehicle", by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Section 46 (16-2-1957).

2. Inserted, the Motor Vehicles (Amendment) Act, 1969.

53. Procedure of Regional Transport Authority in considering application for private carriers permit :-

(1) (A) Regional Transport Authority shall, ¹[in considering an application for] a private carrier's permit, have regard to the conditions of the roads to be used by the vehicle or vehicles in respect of which the application is made, and shall satisfy itself that the vehicle or vehicles for which the permit is required will not be used except in connection with the business of the applicant.

²[(1A) Subject to the provisions of sub-section (1), the Regional Transport Authority may, on an application made to it under section 52, grant a private carrier's permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit: Provided that no such permit for any area in any other region or regions within the same State shall be granted except with the approval of the State Transport Authority.]

(2) The Regional Transport Authority may in granting a private carrier's permit impose conditions to be specified in the permit relating to the description of goods which may be carried, or the area in which the permit shall be valid, or the maximum laden weight and axle weights of any vehicle used ³[or any other matter which may be prescribed].

(3) If the applicant is the holder of a private carrier's permit which has been suspended or has been the holder of a private carrier's permit which has been revoked the Regional Transport Authority may ⁴ [* * *] notwithstanding anything contained in sub-section (1), refuse the application.

1. Substituted for the words "in deciding whether to grant or refuse", by the Motor Vehicles (Amendment) Act, 1956 (100 of 1958), Section 47 (18-2-1957).

2. Inserted, the Motor Vehicles (Amendment) Act, 1969.

3. Added, the Motor Vehicles (Amendment) Act, 1969.

4. The words "at its discretion" were omitted, the Motor Vehicles (Amendment) Act, 1969.

54. An application for public carriers permit :-

An application for a permit to use one or more motor vehicles for the carriage of goods for hire or reward (in this Chapter referred to as a public carrier's permit) shall, as far as may be, contain the following particulars, namely:-

(a) the area or the route or routes to which the application, relates;

(b) the number of vehicles it is proposed to operate in relation to each area or route and the type and ¹ [*], capacity of each such vehicle;

(c) the nature of the goods it is proposed to carry;

(d) the manner in which it is claimed that a public need will be served by the vehicle;

(e) the arrangements intended to be made for the housing of the vehicles and for the storage and safe custody of the goods to be carried;

(f) particulars as to whether the applicant is a co-operative society registered or deemed to have been registered under any enactment in force for the time being or is an individual owner;

(g) such particulars as the Regional Transport Authority may require with respect to any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application and of the rates charged by the applicant;

(h) particulars of any agreement, or arrangement, affecting in any material respect the provision within the region of the Regional Transport Authority of facilities for the transport of goods for hire or reward, entered into by the applicant with any other person by whom such facilities are provided, whether within or without the region;

(i) any other particulars which may be prescribed.]

1. The word 'seating' was omitted by the Repealing and Amending Act, 1960 (LVIII of 1960), S. 3 and Sch. II(26-12-1960).

55. Procedure in considering application for public carriers permit :-

(1) A Regional Transport Authority shall, in considering an application for a public carrier's permit, have regard to the following matters, namely:-

(a) the interests of the public generally;

(b) the advantages to the public of the service to be provided and the convenience afforded to the public by the provision of such service and the saving of time likely to be effected thereby;

(c) the adequacy of other goods services operating or likely to operate in the near future, whether by road or other means, between the places to be served;

(d) the operation by the applicant of other transport services, including those in respect of which applications from him for permits are pending;

(e) the benefit to any particular locality or localities likely to be afforded the service;

(f) the condition of the roads included in the proposed area or route;

(g) the nature of the goods to be carried with special reference to any of a fragile or perishable nature;

(h) the volume of traffic and the existence of marketing centres in the proposed area or along or near the proposed route; and shall also take into consideration any representations made by persons already providing goods transport facilities by any means, whether by road or otherwise, in the proposed area or along or near the proposed route, or by any local authority or police authority within whose jurisdiction any part of the proposed area or route lies: Provided that Other conditions being equal, an application for a public carrier's permit from a co-operative society registered or deemed to have been registered under any enactment in force for the time being and an application for a public carrier's permit from a person who has a valid licence for driving transport vehicles] shall, as far as may be, be given preference Over applications from individual owners.

1 [(1A) The Government of a State shall reserve in that State certain percentage of public carrier's permits for the Scheduled Castes and Scheduled Tribes.

(1B) The Government of a State may, having regard to the extent to which persons belonging to economically weaker sections of the community have been granted public carriers' permits in that State,-

(a) reserve in that State such percentage of public carriers' permits as may be prescribed, for persons belonging to economically weaker sections of the community, or

(b) notwithstanding anything contained in the proviso to sub-section (1), give preference, in such manner as may be prescribed, to applications for public carriers' permits from such persons.

(1C) The provisions of sub-sections (1B), (1D), (1F) and (1G) of section 47 shall apply to or in relation to the grant of public carrier's permits under this section as they apply to or in relation to the grant of stage carriage permits under that section.]

(2) A Regional Transport Authority may, having regard to the matters mentioned in sub-section (1), limit the number of transport vehicles generally or of any specified type for which public carrier's permits may be granted in the region or in any specified area or on any specified route within the region.]

1. Inserted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 22 (16-1-1979).

56. Grant of public carriers permits :-

(1) Subject to the provisions of section 55, a Regional Transport Authority may, on an application made to it under section 54, grant a public carrier's permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit: Provided that no such permit shall be granted in respect of any area or route not specified in the application.

(2) The Regional Transport Authority, if it decides to grant a public carrier's permit, may grant the permit for one or more goods vehicles of a specified description and may, subject to any rules that may be made under this Act,

attach to the permit any one or more of the following conditions, namely--

- (i) that the vehicle or vehicles shall be used only in a specified area, or on a specified route or routes;
- (ii) that the laden weight of any vehicle used shall not exceed a specified maximum;
- (iii) that goods of a specified nature shall not be carried;
- (iv) that goods shall be carried at specified rates;
- (v) that specified arrangement shall be made for the housing, maintenance and repair of vehicles and the storage and safe custody of the goods carried;
- (vi) that the holder of the permit shall furnish to the Regional Transport Authority such periodical returns, statistics, and other information as the State Government may, from time to time, prescribe;
- (vii) that the Regional Transport Authority may, after giving notice of not less than one month,-
 - (a) vary the conditions of the permit;
 - (b) attach to the permit further conditions;
- (viii) that the conditions of the permit shall not be departed from save with the approval of the Regional Transport Authority;
- (ix) any other conditions which may be prescribed.

(3) Where there is any free zone along or contiguous to the area or route for which a public carrier's permit is granted, the Regional Transport Authority shall include in such permit, wherever possible, an authorisation to carry any goods other than those prohibited by any law for the time being in force, anywhere in that free zone.

(4) For the purposes of this section, "free zone" means such municipal limits of a town or such other area as the State Transport Authority may, subject to any rules that may be made under section 68 and having regard to the volume of traffic in the area and other circumstances, declare to be a free zone within which goods may be carried anywhere by any motor vehicle covered by a public carrier's permit.]

57. Procedure in applying for and granting permits :-

- (1) An application for contract carriage permit or a private carrier's permit may be made at any time.
- (2) An application for a stage carriage permit or a public carrier's permit shall be made not less than six weeks before the date on which it is desired that the permit shall take effect, or, if the Regional Transport Authority appoints dates for the receipt of such applications, on such dates.
- (3) On receipt of an application for a stage carriage permit or a public carrier's permit, the Regional Transport Authority shall make the application available for inspection at the office of the Authority and shall publish the application or the substance thereof in the prescribed manner together with a notice of the date before which representations in connection therewith may be submitted and the date, not being less than thirty days from such publication, on which, and the time and place at which, the application and any representations, received will be considered: ¹[Provided that, if the grant of any permit in accordance with the application or with modifications would have the effect of increasing the number of vehicles operating in the region, or in any area or on any route within the region, under the class of permits to which the application relates, beyond the limit fixed in that behalf under sub-section (3) of section 47 or sub-section (2) of section 55, as the case may be, the Regional Transport Authority may summarily refuse the application without following procedure laid down in this sub-section.]
- (4) No representation in connection with an application referred to in sub-section (3) shall be considered by the Regional Transport Authority unless it is made in writing before the appointed date and unless a copy thereof is furnished simultaneously to the applicant by the person making such representation.
- (5) When any representation such as is referred to in sub-section (3) is made, the Regional Transport Authority shall dispose of the application at public hearing at which the applicant and the person making the representation shall have an opportunity of being heard either in person or by a duly authorised representative.
- (6) When any representation has been made by the persons or authorities referred to in section 50 to the effect that the number of contract carriages for which permits have already been granted in any region or any area within a region is sufficient for or in excess of the needs of the region or of such area, whether such representation is made in connection with a particular application for the grant of a contract carriage permit or otherwise, the Regional Transport Authority may take any such steps as it considers appropriate for the hearing of the representation in the presence of any persons likely to be affected thereby.
- (7) When a Regional Transport Authority refuses an application for a permit of any kind, it shall give to the applicant in writing its reasons for the refusal

²[(8) An application to vary the conditions of any permit, other than a temporary permit, by the inclusion of a new route or routes' or a new area or, in the case of a stage carriage permit, by increasing the ³ [number of trips above the specified maximum or by altering the route covered by it] or in the case of a contract carriage permit or a public carrier's permit, by increasing the number of vehicles covered by the permit, shall be treated as an

application for the grant of a new permit: Provided that it shall not be necessary so to treat an application made by the holder of a stage carriage permit who provides the only service on any route or in any area to increase the frequency of the service so provided without any increase in the number of vehicles.

(9) A Regional Transport Authority may, before such date as may be specified by it in this behalf, replace any stage carriage permit, contract carriage permit or public carrier's permit granted by it before the said date by a fresh permit conforming to the provisions of section 48 or section 51 or section 58, as the case may be, and the fresh permit shall be valid for the same route or routes or the same area for which the replaced permit was valid: Provided that no condition other than a condition which was already attached to the replaced permit or which could have been attached thereto under the law in force when that permit was granted shall be attached to the fresh permit except with the consent in writing of the holder of the permit.

(10) Notwithstanding anything contained in section 58, a permit issued under the provisions of sub-section (9) shall be effective without renewal for the remainder of the period during which the replaced permit would have been so effective-]

1. Added by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Section 51 (18-2-1957).
2. Inserted, the Motor Vehicles (Amendment) Act, 1969.
3. Substituted for the words, "number of services above the specified maximum" by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 24 (2-3-1971).

58. Duration and renewal of permits :-

¹[(1)

(a) A stage carriage permit or a contract carriage permit other than a temporary permit issued under section 62 shall be effective without renewal for such period, not less than three years and not more than five years, as the Regional Transport Authority may specify in the permit.

(b) A private carrier's permit or a public carrier's permit other than a temporary permit issued under section 62 shall be effective without renewal for a period of five years.]

(2) A permit may be renewed on an application made and disposed of as if it were an application for a permit: ²[Provided that the application for the renewal of a permit shall be made,-

(a) in the case of a stage carriage permit or a public carrier's permit, not less than ³[one hundred and twenty days] before the date of its expiry, and

(b) in any other case, not less than ³[sixty days] before the date of its expiry:] Provided ²[further] that, other conditions being equal, an application for renewal shall be given preference over new applications for permits.

⁶[(2A) Notwithstanding anything contained in sub-section (2), an application for the renewal of a permit may be made by a State Transport undertaking in the case of a stage carriage permit or a public carrier's permit or a contract carriage permit, not less than fifteen days before the date of expiry of the permit.]

²[(3) Notwithstanding anything contained in the ⁸[first] proviso to sub-section (2), the Regional Transport Authority may entertain an application for the renewal of a permit after the last date specified in the said proviso for the making of such an application, if the application is made not more than fifteen days after the said last date and is accompanied by the prescribed fee.]

⁹ [(4) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 62, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded.]

1. Substituted for the original sub-section (1), by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 52 (16-2-1957).
2. Inserted, the Motor Vehicles (Amendment) Act, 1969.
3. Substituted for the words, "sixty days" and "thirty days" occurring in Cls. (a) and (b) respectively by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 25 (1-11-1970).
6. Inserted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 23 (16-1-1979).
8. inserted by the Repealing and Amending Act, 1960 (58 of 1960), S. 3 and Sch. II (26-12-1960).
9. Inserted by the Motor Vehicles (Amendment) Act, 1968 (56 of 1969), S. 25 (1-11-1970).

59. General conditions attaching to all permits :-

(1) Save as provided in section 61, a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not without such permission operate to confer on any person to whom a vehicle covered by the permit is transferred any right to use that vehicle in the manner authorised by the permit.

(2) The holder of a permit may, with the permission of the authority by which the permit was granted, ¹[replace any vehicle covered by the permit by any other vehicle of the same nature.]

(3) The following shall be conditions of every permit-

(a) that the vehicle or vehicles to which the ²[permit relates carry valid certificates of fitness issued under section 38 and] are at all times so maintained as to comply with the requirements of Chapter V and the rules made thereunder;

(b) that the vehicle or vehicles to which the permit relates are not driven at a speed exceeding the speed lawful under this Act;

(c) that any prohibition or restriction imposed and any ³[* * * *] fares or freights fixed by notification made under section 43 are observed in connection with any vehicle or vehicles to which the permit relates;

(d) that the vehicle or vehicles to which the permit relates are not driven in contravention of the provisions of ⁴ [section 5 or section 72];

(e) that the provision of this Act limiting the hours of work of drivers are observed in connection with any vehicle or vehicles to which the permit relates; and

(f) that the provisions of Chapter VIII so far as they apply to the holder of the permit are observed.

1. Substituted for the words "replace by another vehicle of the same nature and capacity any vehicle covered by the permit" by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 26 (2-3-1970).

2. Substituted for the words, "permit relates", the Motor Vehicles (Amendment) Act, 1969.

3. Words "maximum or minimum", omitted, the Motor Vehicles (Amendment) Act, 1969.

4. Substituted for the words, "Section 72", the Motor Vehicles (Amendment) Act, 1969.

59A. General form of permits :-

Every permit other than a temporary permit issued under section 62 shall consist of two parts, Part A of which shall be complete in itself and shall contain all the necessary particulars of the permit and the conditions attached thereto, and Part B of which shall be a summary of the permit containing such particulars as may be prescribed; and where a permit covers more than one vehicle, there shall be issued to the holder of the permit as many copies of Part B as there are vehicles authorised by the permit to be in operation at any one time.] OBJECTS AND REASONS "At present, the form of permit is left to be regulated by rules made by the State Governments. In order to ensure uniformity, it is desirable to lay down a general provision for the guidance of the States in this matter. It has, therefore, been proposed that every regular permit shall consist of two parts. Part 'A' being the complete document in respect of the vehicles for which a permit is sought and Part 'B' being a summary for display on each vehicle".-S.O. R.

60. Cancellation and suspension of permits :-

(1) The transport authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit-

(a) on the breach of any condition specified in sub-section (3) of section 59, or of any condition contained in the permit; or

(b) if the holder of the permit uses or causes or allows a vehicle to be used in any manner not authorised by the permit; or

(c) if the holder of the permit ceases to ¹[own] the vehicle or vehicles covered by the permit; or

(d) if the holder of the permit has obtained the permit by fraud or misrepresentation; ²[or]

²[(e) if the holder of the permit, not being a private carrier's permit, fails without reasonable cause to use the vehicle or vehicles for the purposes for which the permit was granted; or

(f) if the holder of the permit acquires the citizenship of any foreign country:] Provided that no permit shall be cancelled unless an opportunity has been given to the holder of the permit to ⁴[furnish] his explanation.

²[(1A) The transport authority which granted a permit may after giving the holder thereof an opportunity to furnish his explanation, reduce either permanently or for such period as it thinks fit, the number of vehicles or the route or area covered by the permit on any of the grounds mentioned in sub-section (1).]

⁶[(1B) The transport authority may exercise the powers conferred on it under sub-sections (1) and (1 A) in relation to a permit granted by any authority or person to whom power in this behalf has been delegated under sub-section (5) of section 44 as if the said permit was a permit granted by the transport authority.]

(2) Where a transport authority cancels or suspends a permit ²[or reduces the number of vehicles or the routes or area covered by a permit], it shall give to the holder in writing its reasons for ⁸[the action taken]..

⁴[(2A) The powers exercisable under sub-section (1) or sub-section (1A) (other than the power to cancel a permit) by the transport authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under sub-section (5) of section 44: Provided that-

(i) no such authority or person shall pass an order suspending the permit for a period exceeding one month or reducing the period thereof by more than one month; and

(ii) any such order shall be placed within the said period of one month before the transport authority who may

vacate the order or extend the said period of one month where it has not expired or cancel the permit or take action under sub-section (3), as it may deem fit.]

²[(3) Where a permit is liable to be cancelled or suspended under clause (a) or clause (b) or clause (e) of sub-section (1) and the transport authority is of opinion that having regard to the circumstances of the case, it would not be necessary or expedient so to cancel or suspend the permit if the holder of the permit agrees to pay a certain sum of money, then, notwithstanding anything contained in sub-section (1), the transport authority may, instead of cancelling or suspending the permit, as the case may be, recover from the holder of the permit the sum of money agreed upon.]

³ [(4) The powers exercisable by the transport authority under sub-section (3) may, where an appeal has been preferred under section 64, be exercised also by the appellate authority.]

Tamil Nadu: In its application to the State of Tamil Nadu, in S. 60 (1), after cl. (d) add the following clauses,- "(dd) if the holder of the stage-carriage permit has made a wrong statement about the number of stage carriage permits held by him on the date of the application, or "(ddd) if, subsequent to the grant of the stage carriage permit, it is brought to the notice of the transport authority that the stage carriage permit is held by the grantee as a benamidar, or"-T. N. Act 16 of 1971, S. 7 (w.r.e.f, 18-6-1971).

1. Substituted for the word "possess" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 54 (16-2-1956).
2. Inserted, the Motor Vehicles (Amendment) Act, 1969.
4. Substituted for the word "submit", the Motor Vehicles (Amendment) Act, 1969.
6. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 27 (2-3-1970).
8. Substituted for the words "revocation or suspension", the Motor Vehicles (Amendment) Act, 1969.

61. Transfer of permit on death of holder :-

(1) Where the holder of a permit dies, the person succeeding to the possession of the vehicles covered by the permit may, for a period of three months, use the permit as if it had been granted to himself: Provided that such person has, within thirty days of the death of the holder, informed the transport authority which granted the permit of the death of the holder and of his own intention to use the permit: Provided further that no permit shall be so used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder.

(2) The transport authority may, on application made to it within three months of the death of the holder of a permit, transfer the permit to the person succeeding to the possession of the vehicles covered by the permit.

62. Temporary permits :-

¹[(1)] A Regional Transport Authority may ²[* * *] without following the procedure laid down in section 57, grant permits, to be effective for a limited period not in any case to exceed four months, to authorise the use of a transport vehicle temporarily-

- (a) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or
- (b) for the purposes of a seasonal business, or
- (c) to meet a particular temporary need, ³[or]

³[(d) pending decision on an application for the renewal of a permit,] and may attach to any such permit any condition it thinks fit: ³[Provided that a temporary permit under this section shall, in no case, be granted in respect of any route or area specified in an application for the grant of a new permit under section 46 or section 54 during the pendency of the application: Provided further that a temporary permit under this section shall, in no case, be granted more than once in respect of any route or area specified in an application for the renewal of a permit during the pendency of such application for renewal.]

⁶[(2) Notwithstanding anything contained in sub-section (1), a temporary permit may be granted thereunder in respect of any route or area where-

(i) no permit could be issued under section 48 or section 51 or section 54 in respect of that route -or area by reason of an order of a Court or other competent authority restraining the issue of the same, for a period not exceeding the period for which the issue of the permit has been so restrained; or

(ii) as a result of the suspension by a Court or other competent authority of the permit of any vehicle in respect of that route or area, there is no transport vehicle of the same class with a valid permit in respect of that route or area, or there is no adequate number of such vehicles in respect of that route or area, for a period not exceeding the period of such suspension: Provided that the number of transport vehicles in respect of which the temporary permit is so granted shall not exceed the number of vehicles in respect of which the issue of a permit has been restrained or, as the case may be, the permit has been suspended.] ⁷ [62DD. Permission to be granted to transfer permit to State Transport Undertaking.- Notwithstanding anything contained in section 62D, where the holder of stage carriage permits in excess of ten, applies to the transport authority for permission to transfer to any State Transport Undertaking any stage carriage permits under sub-section (1) of section 59, the transport authority shall grant such permission.] 62E. Benami transfer to be refused.- Where the holder of any stage carriage permit applies

for permission to transfer any stage carriage permit under sub-section (1) of section 59, the Transport Authority shall refuse such permission If It appears to such authority, after making such enquiry as it deems fit, that the transfer sought for is a benami transfer: Provided that no such refusal shall be made unless the Transport Authority has given the applicant a reasonable opportunity of being heard.-Tamil Nadu Act 16 of 1971, Section 8 (with retrospective effect from 18-6-1971).

1. The brackets and figure "(1)" added by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 28 (2-3-1970).
2. The words, "at its discretion, and" were omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 55 (16-2-1957).
3. Inserted, the Motor Vehicles (Amendment) Act, 1969
6. Inserted by the Motor Vehicles (Amendment) Act, 1969 (55 of 1969), S. 28 (2-3-1970).
7. Inserted by T. N. Act 48 of 1974, S. 3 (5-12-1974).

63. Validation of permits for use outside region in which granted :-

(1) Except as may be otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region, and a permit granted in any one State shall not be valid in any other State unless countersigned by the State Transport Authority of that other State or by the Regional Transport Authority concerned: ¹[Provided that a private carrier's permit, granted by the Regional Transport Authority of any one region with the approval of the State Transport Authority, for any area in any other region or regions within the same State shall be valid in that area without the countersignature of the Regional Transport Authority of the other region or of each of the other regions concerned.] ²(Provided further that where both the starting point and the terminal point of a route are situated within the same State, but part of such route lies in any other State and the length of such part does not exceed sixteen kilometres, the permit shall be valid in the other State in respect of that part of the route which is in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State.) ¹[Provided also that-

(a) where a motor vehicle covered by a permit granted in one State is to be used for the purposes of defence in any other State, -such vehicle shall display a certificate, in such form, and issued by such authority, as the Central Government may, by notification in the Official Gazette, specify, to the effect that the vehicle shall be used for the period specified therein exclusively for the purposes of defence; and

(b) any such permit shall be valid in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State.]

²[(1A) Notwithstanding anything contained in sub-section (1), a permit granted or countersigned by a State Transport Authority shall be valid in the whole State or in such regions within the State as may be specified in the permit.)

(2) A Regional Transport Authority when countersigning the permit may attach to the permit any condition which it might have imposed if it had granted the permit, and may likewise vary any condition attached to the permit by the Authority by which the permit was granted.

(3) The provisions of this Chapter relating to the grant, revocation and suspension of permits shall apply to the grant, revocation and suspension of countersignatures of permits: ¹[Provided that it shall not be necessary to follow the procedure laid down in section 57 for the grant of countersignatures of permits, where the permits granted in any one State are required to be countersigned by the State Transport Authority of another State or by the Regional Transport Authority concerned as a result of any agreement arrived at between the State after complying with the requirements of sub-section (3-A) or for the grant of countersignatures of permits in pursuance of any direction issued by the Commission under clause (c) of sub-section (2) of section 63-A.]

²[(3A) Every proposal to enter into an agreement between the States referred to in the proviso to sub-section (3) and every proposal in such agreement to fix the number of permits which is proposed to be granted or countersigned in respect of each route or area, shall be published by each of the State Governments concerned in the Official Gazette together with a notice of the date before which representations in connection therewith may be submitted, and the date, not being less than thirty days from the date of such publication, on which, and the authority by which, and the time and place at which, the proposal and any representations received in connection therewith will be considered: Provided that no person, association or authority, other than those mentioned hereunder, shall have a right to make such representation, namely,-

(i) any person already providing passenger or goods transport facilities by any means in the proposed area or along or near the proposed route;

(ii) any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government,'

(iii) any local authority or police authority within whose jurisdiction any part of the proposed area or route lies.

(3B) Every agreement arrived at between the States shall, in so far as it relates to the grant of countersignature of permits, be published in the Official Gazette by each of the States concerned and the State Transport Authority of the State and the Regional Transport Authority concerned shall give effect to it.]

(4) Notwithstanding anything contained In sub-section (1), a Regional Transport Authority of one region may issue a temporary permit under clause (a) or clause (c) of sub-section (1) of section 62 to be valid in another region or State with the concurrence, given generally or for the particular occasion, of the Regional Transport Authority of that other region or of the State Transport Authority of that other State, as the case may be,

(5)[* * *]

(6) Notwithstanding anything contained in sub-section (1), but subject to any rules that may be made under this Act, the Regional Transport Authority of any one region may, for the convenience of the public, grant a special permit in relation to a public service vehicle for carrying a passenger or passengers for hire or reward under a contract, express or implied, for the use of the vehicle as a whole without stopping to pick up or set down along the line of route passengers not included in the contract, and in every case where such special permit is granted, the Regional Transport Authority shall assign to the vehicle, for display thereon a special distinguishing mark in the form and manner specified by the Central Government and such special permit shall be valid in any other region or State without the countersignature of the Regional Transport Authority of the other region or of the State Transport Authority of the other State, as the case may be.]

(7) Notwithstanding anything contained in sub-section (1) but subject to any rules that may be made under this Act, any State Transport Authority may for the purpose of promoting tourism, grant [permits valid for the whole or any part of India, in respect of such number of tourist vehicles] as the Central Government may, in respect of that State, specify in this behalf, and the provisions of sections 49, 50, 51, 57, 58, 59, 59-A, 60, 61 and 64 shall, as far as may be, apply in relation to such permit. [Provided that preference shall be given to applications for permits from-

(i) the India Tourism Development Corporation;

(ii) a State Tourism Development Corporation;

(iii) a State Tourist Department;

(iv) such operators of tourist cars, or such travel agents, as may be approved in this behalf by the Ministry of the Central Government dealing in tourism.]

(8) Every applicant for a permit under sub-section (7) shall deposit, by way of security, in such manner and such amount, not exceeding rupees two thousand per motor vehicle, as the Central Government may, with reference to each class of vehicle, by notification in the Official Gazette, specify, and such security shall be refunded wholly or in part to the applicant if his application for permit has not been granted, or, as the case may be, granted for a lesser number of vehicles than what was applied tor.

(9) Any amount deposited by way of security under sub-section (8) may, at any time, be forfeited in whole or in part by the State Transport Authority if it is satisfied after making such inquiry as it thinks fit that-

(a) the permit was obtained by fraud or misrepresentation, or

(b) the holder of the permit has failed without reasonable cause to use the vehicle or vehicles for the purpose for which the permit was granted, or

(c) the holder of the permit has committed a breach of any condition of the permit, or

(d) the holder of the permit has used or caused it to be used in any manner not authorised by the permit: Provided that no such forfeiture shall be made unless the State Transport Authority has given the permit-holder a reasonable opportunity of being heard.

(10) The following shall be conditions of every permit granted under sub-section (7), namely:

(i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity. standards of comforts, amenities and other matters, as the Central Government may specify in this behalf;

(ii) every such motor vehicle shall be driven by a person having such qualifications and satisfying such conditions as may be specified by the Central Government; and

(iii) such other conditions as may be prescribed by the Central Government.]

[**7*]

Explanation.- In this section-

(a) "national permit" means a permit granted by the appropriate authority [to the owner of a motor vehicle authorising him to operate as a public carrier] throughout the territory of India or in such contiguous States, not being less than five in number (including the State in which the permit is issued), as may be specified in such permit in accordance with the choice [indicated by such owner] to whom such permit is granted;

(b) "appropriate authority" in relation to a national permit means the authority which is authorised by this Act to grant a public carrier's permit

[**8*]

(12) ⁹[***], the appropriate authority shall, in considering an application for a national permit, ¹⁰ [***] have regard to the following matters, namely,-

(a) no national permit shall be issued-

(i) to an individual if he already holds in his own name three or more valid national permits, or, when he holds valid national permits as well as valid inter-State region permits, if the aggregate number of such permits is three or more;

(ii) to a company which already holds in its own name seven or more valid national permits, or, when it holds valid national permits as well as valid inter-State region permits, if the aggregate number of such permits is seven or more;

(b) other conditions being equal, preference shall be given to applicants who are ex-army personnel [and] who have valid licences for driving transport vehicles.

Explanation.- In this sub-section "company" includes a body corporate.

(13) If, as a result of the acquisition of one or more inter-State region permits by an individual owner or a company after one or more national permits have been granted to him or it, the aggregate number of the permits held by such individual or company exceeds, in the case of the individual, three, or in the case of a company, seven, the appropriate authority shall, notwithstanding anything contained in section 60, cancel such number of national permits as would bring down the aggregate number of national permit and inter-State region permit held by such individual, to three, or, in the case of a company, to seven: Provided that before cancelling any national permit, the appropriate authority shall give to the individual owner or the company, as the case may be, an option to indicate which of the national permits held by him or it should be so cancelled.

(14) Nothing contained in sub-sections (12) and (13) shall apply to a State Transport Undertaking.

1. Sections 63A, 63B and 66C were Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Section 57 (16-2-1957).

2. inserted by the Motor Vehicles (Amendment) Act, 1969 (59 of 1969), S. 30 (2-3-1970).

7. Omitted for " h (11) Notwithstanding anything contained in sub-section (1), but, subject to the rules that may be made by the Central Government under sub-section (15), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, i [grant, in a State, national permits to the owners of motor vehicles who use, or intend to use, such vehicles for the carriage of goods, for hire or reward, 2 [***], and the provisions of 3 ["Section 45, 54"], 56, 57, 58, 59, 59A, 60, 61 and 64 shall, as far as may be, apply to or in relation to the grant of national permits: Provided that the number of national permits specified for a State shall not be varied or modified except after consultation with the concerned State Government. ", vide THE MOTOR VEHICLES (AMENDMENT) ACT, 1986 (9 Of 1986), Dt. 13th March, 1986 Published in Received assent of the President on March 13, 1986 and published in the Gazette of India, Extra., Part II, Section 1, dated 14th March, 1981, pp. 1-2 [C][P]

8. Omitted for "[11A) The Government of a State shall reserve in that State certain percentage of national permits for the Scheduled Castes and the Scheduled Tribes. (11B) The Government of a State may, having regard to the extent to which persons belonging to economically weaker sections of the community have been granted national permits in that State,- (a) reserve in that State such percentage of national permits, as may be prescribed, for persons belonging to economically weaker sections of the community; or (b) notwithstanding anything contained in clause (b) of sub-section (12), give preference, in such manner as may be prescribed, to applications for national permits from such persons. (11C) The provisions of sub-sections (1B), (1D), (1F) and (1G) of section 47 shall apply to or in relation to the grant of national permits under this section as they apply to or in relation to the grant of stage carriage permits under that section.] ", vide THE MOTOR VEHICLES (AMENDMENT) ACT, 1986 (9 Of 1986), Dt. 13th March, 1986 Published in Received assent of the President on March 13, 1986 and published in the Gazette of India, Extra., Part II, Section 1, dated 14th March, 1981, pp. 1-2 [C][P]

9. Omitted for "Without prejudice to the provisions of sub-section (1) of section 55", vide THE MOTOR VEHICLES (AMENDMENT) ACT, 1986 (9 Of 1986), Dt. 13th March, 1986 Published in Received assent of the President on March 13, 1986 and published in the Gazette of India, Extra., Part II, Section 1, dated 14th March, 1981, pp. 1-2 [C][P]

10. Omitted for "also", vide THE MOTOR VEHICLES (AMENDMENT) ACT, 1986 (9 Of 1986), Dt. 13th March, 1986 Published in Received assent of the President on March 13, 1986 and published in the Gazette of India, Extra., Part II, Section 1, dated 14th March, 1981, pp. 1-2 [C][P]

63A. Inter-State Transport Commission :-

(1) The Central Government may, by notification in the Official Gazette, constitute an Inter-State Transport Commission consisting of a Chairman and such other members, not being less than two, as it thinks fit to appoint for the purpose of developing, co-ordinating and regulating the operation of transport vehicles in respect of any area or route common to two or more States (hereinafter referred to as interstate region) and performing such other functions as may be prescribed under section 63-C.

(2) The Commission shall perform throughout an inter-State region all or such of the following functions as it may be authorised to do by the Central Government by notification in the Official Gazette, namely:-

(a) to prepare schemes for the development, co-ordination or regulation of the operation of transport vehicles and in particular of goods vehicles in an inter-State region;

(b) to settle all disputes and decide all matters on which differences of opinion arise in connection with the development, co-ordination or regulation of the operation of transport vehicles in an inter-State region,

(c) to issue directions to the State Transport Authorities or Regional Transport Authorities interested regarding the grant, revocation and suspension of permits and of countersignatures of permits for the operation of transport vehicles in respect of any route or area common to two or more States;

(d) to grant, revoke or suspend any permit or countersign any permit for the operation of any transport vehicle in respect of such route or area common to two or more States as may be specified in this behalf by the Central Government;

(e) to perform such other functions as may be prescribed by the Central Government under section 63C.

1 (2A) If any direction issued by the State Government under section 43 is repugnant to any direction made by the Commission under clause (c) of sub-section (2), then, the direction of the Commission, whether issued before or after the direction issued by the State Government, shall prevail and the direction made by the State Government shall, to the extent of the repugnancy be of no effect.)

(3) For the purpose of assisting the Commission in the performance of its functions in relation to any area or route common to two or more States, the Commission shall associate with itself for such purposes as may be determined by rules made under section 63C, a representative of each of the Governments interested, who shall be chosen by the Government concerned,' and a person so associated shall have the right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Commission and shall not be a member of the Commission for any other purpose.

(4) Where the Commission, in the exercise and discharge of its powers and functions under clause (c) of sub-section (2), issues directions to any State Transport Authority or Regional Transport Authority interested, the State Transport Authority or the Regional Transport Authority, as the case may be, shall give effect to, and be guided by, such directions.

(5) Where, by a notification issued by the Central Government, the Commission is authorised to perform the functions specified in clause (d) of sub-section (2) in respect of any route or area common to two or more States, then, on the issue of such a notification,-

(a) the Regional Transport Authorities or State Transport Authorities interested shall cease to exercise and discharge any powers and functions in respect of such route or area,'

(b) the powers and functions of the Regional Transport Authorities and State Transport Authorities interested in respect of such route or area shall be exercised and discharged by the Commission; and any permit granted or countersigned by the Commission for any such route or area shall be valid for that route or area, notwithstanding anything contained in this Chapter;

(c) subject to any rules that may be made under section 63C, the provisions of this Chapter relating to the grant, revocation and suspension of permits and of countersignatures of permits by a State Transport Authority or Regional Transport Authority shall, as far as may be, apply to the grant, revocation and suspension of permits and of countersignatures at permits by the Commission;

(d) any permit granted in respect of any such route or area before the issue of the notification shall, notwithstanding such issue, continue to be effective for the period specified in the permit and shall be deemed to have been granted by the Commission under this section as if this section were in force on the day on which the permit was granted.

(6) Nothing in this section shall be construed to preclude the State Transport Authority or any Regional Transport Authority in a State from exercising and discharging its powers and functions in respect of any route or area in the inter-State region which lies wholly within that State.

(7) For the purposes of this section the expression "Governments interested", "State Transport Authorities interested" or "Regional Transport Authorities interested", in relation to the Commission, means the Government of such States, such State Transport Authorities or such Regional Transport Authorities, as the case may be, as are likely to be interested in, or affected by, the functioning of the Commission under this section.]

1. inserted b7 the Motor Vehicles (Amendment) Act, 1969 (59 of 1969), S. 30 (2-3-1970).

63B. Delegation of powers, etc :-

(1) The Commission may by general or special order in writing, delegate to the Chairman or any other member, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under sub-section (2) of section 63A as it may deem necessary for efficient discharge of its functions.

(2) All orders, decisions and other instruments issued by the Commission shall be authenticated by the signature of the Chairman or any other member or any officer of the Commission authorised by the Commission in this behalf.)

63BB. Appeal against decision, direction or order under Section 63A :-

(1) Any person or authority (including Government) aggrieved by the decision, direction or order of the Commissioner under clause (b) or clause (c) or clause (d) or clause (e) of sub-section (2) of section 63A may, within sixty days from the date of the communication to him or it, of such decision, direction or order, as the case may be, appeal to the authority specified by the Central Government under clause (h) of section 63C, which shall

decide the appeal after giving the person or the authority an opportunity of being heard and pass such order thereon as it may deem fit and such order shall be final: Provided that the authority aforesaid may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) Every appeal under sub-section (1) shall be preferred in such manner and accompanied by such fee as may be prescribed by the Central Government.]

63C. Power of Central Government to make rules :-

The Central Government may make rules" to provide for all or any of the following matters, namely:-

(a) the period of appointment and the terms of appointment of the members of the Commission, the manner of filling vacancies among members, the conduct of business by the Commission and the reports to be furnished by it;

(b) the powers and functions of the Commission;

(c) the purposes for which representatives of the State Governments may be associated with the Commission under sub-section (3) of section 63A;

(d) the form and manner in which an application for a permit or counter- signature of a permit may be made;

(e) the fees, if any, to be levied by the Commission;

(f) the procedure to be followed in considering an application for a permit or countersignature of a permit;

(g) the grant of a permit and the countersignature of a permit and the conditions which may be attached to a permit;

1 (h) the authority to which, the manner in which and the fees on payment of which, an appeal against any decision, direction or order of the Commission may be preferred;]

(i) any other matter which has to be, or may be, prescribed.]

1. Substituted for clause (h) by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 32 (2-3-1970).

64. Appeals :-

1

[(1)] any person-

(a) aggrieved by the refusal of the State or a Regional Transport Authority to grant a permit, or by any condition attached to a permit granted to him, or

(b) aggrieved by the revocation or suspension of the permit or by any variation of the conditions thereof, or

(c) aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit, or

(d) aggrieved by the refusal of the State or a Regional Transport Authority to countersign a permit, or by any condition attached to such counter- signature, or

(e) aggrieved by the refusal of renewal of a permit, or

(f) being a local authority or police authority or an association which, or a person providing transport facilities who, having opposed the grant of a permit, is aggrieved by the grant thereof or by any condition attached thereto, or

2[(g) aggrieved by the refusal to grant permission under sub-section (1), or sub-section (2) of section 59, or

(h) aggrieved by a reduction under sub-section (1A) of section 60 in the number of vehicles or routes or area covered by a permit, or

3[(hh) aggrieved by an order of forfeiture passed under sub-section (4) of section 45 or under sub-section (9) of section 63, or]

(i) aggrieved by any other order which may be prescribed,] may, within the prescribed time and in the prescribed manner, appeal to [the State Transport Appellate Tribunal constituted under sub-section (2), who shall, after giving such person and the original authority an opportunity of being heard, give a decision thereon which shall be final.]

4[(2) The State Government shall constitute for the State a State Transport Appellate Tribunal which shall consist of **5** [*****] judicial officer not below the rank of a District Judge: Provided that in relation to a Union territory the Tribunal may consist of the Administrator of that territory or any officer who has judicial experience.

(3) Notwithstanding anything contained in sub-section (1) or sub-sec. (2), every appeal pending at the commencement of the Motor Vehicles (Amendment) Act, 1969, shall be proceeded with and disposed of as if that Act had not been passed. Explanation.-For the removal of doubts, it is hereby declared that when any order is made by the State Transport Authority or the Regional Transport Authority in pursuance of a directions issued by the Commission under clause (c) of sub-section (2) of section 63A and any person feels aggrieved by such order on the ground that it is not in consonance with such direction, he may appeal under sub-section (1) to the State

Transport Appellate Tribunal against such order but not against the direction so issued.]

1. Original S. 64 re-numbered as sub-section (1) thereof by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 33 (1-4-1971).
2. Substituted for clause (g), by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 58 (16-2-1957).
3. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 33 (1-4-1971).
4. Inserted, Substituted for the words "the prescribed authority who shall give such person and the original authority an opportunity of being heard", Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 33 (1-4-1971).
5. Words "whole time" omitted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 26 (16-1-79).

64A. Revision :-

¹The State Transport Appellate Tribunal] may, either on its own motion or on an application made to it, call for the record of any case in which an order has been made by a ²[State Transport Authority or Regional Transport Authority] and in which no appeal lies, and if it appears to the ¹[State Transport Appellate Tribunal] that the order made by the ²[State Transport Authority and Regional Transport Authority] is improper or illegal, ¹[State Transport Appellate Tribunal] may pass such order in relation to the case as it deems fit ⁶[and every such order shall be final] Provided that the ¹[State Transport Appellate Tribunal] shall not entertain any application from a person aggrieved by an order of a ²[State Transport Authority or Regional Transport Authority] unless the application is made within thirty days from the date of the order: ⁹(Provided further that the State Transport Appellate Tribunal may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time:] 'I Provided ¹⁰[also] that the ¹ [State Transport Appellate Tribunal] shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.]

1. Substituted for the words "State Transport Authority" by Act 56 of 1969, Section 34 (1-4-1971).
2. Substituted for the words "Regional Transport Authority", "State Transport Authority" by Act 56 of 1969, Section 34 (1-4-1971).
6. Inserted, Substituted for the words "Regional Transport Authority", "State Transport Authority" by Act 56 of 1969, Section 34 (1-4-1971).
9. Inserted by the Motor Vehicles (Amendment) Act 1978 (47 of 1978), Section 25 (a) (16-1-79).
10. Substituted for the word "further", the Motor Vehicles (Amendment) Act, 1978, S, 25 (b).

65. Restriction of hours of work of drivers :-

(1) No person shall cause or allow any person who is employed by him for the purpose of driving a transport vehicle or who is subject to his control for such purpose to work-

(a) for more than five hours before he has had an interval of rest of at least half an hour; or

(b) for more than ¹[eight hours) in one day; or

(c) for more than ¹[forty-eight hours] in the week

(2) The ³[State Government] may by rule made under section 68 grant such exemptions from the provisions of sub-section (1) as it thinks fit, to meet cases of emergency or of delays by reason of circumstances which could not be foreseen.

(3) The ²[State Government] [or, if authorized in this behalf by the ²[State Government] by rules made under section 68, the ² [State] or a Regional Transport Authority] may require persons employing any persons whose work is subject to any of the provisions of sub-section (1) to fix beforehand the hours of work of such persons so as to conform with those provisions, and may provide for the recording of the hours so fixed.

(4) No person shall work or shall cause or allow any other person to work outside the hours fixed or recorded for the work of such persons in compliance with any rule made under sub-section (3).

(5) The State Government may prescribe the circumstances under which any period during which the driver of a vehicle although not engaged in work is required to remain on or near the vehicle may be deemed to be an interval for rest within the meaning of sub-section (1).

1. Substituted for the words 'nine hours' occurring in clause (b) and 'fifty-four hours' occurring in clause (c), by the Motor Vehicles (Amendment) Act, 1969 (58 of 1969, S. 35 (2-3-1970).
3. Substituted for the word and words "Province" and "Provincial Government" by A. L. O., 1950.

66. Voidance of contracts restrictive of liability :-

Any contract for the conveyance of a passenger in a stage carriage or contract carriage, in respect of which a permit has been issued under this Chapter, shall, so far as it purports to negative or restrict the liability of any person in respect of any claim made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

66A. Agent or canvasser to obtain licence :-

(1) No person shall engage himself-

(i) as an agent or canvasser, in the sale of tickets for travel by public service vehicles or in otherwise soliciting

custom for such vehicles, or

(ii) as an agent in the business of collecting, forwarding or distributing goods carried by public carriers, unless he has obtained a licence from such authority and subject to such conditions as may be prescribed by the State Government.

(2) The conditions referred to in sub-section (1) may include all or any of the following matters, namely: -

(a) the period for which a licence may be granted or renewed;

(b) the fee payable for the issue or renewal of the licence;

(c) the deposit of security-

(i) of a sum not exceeding rupees five thousand in the case of an agent in the business of collecting, forwarding or distributing goods carried by public carriers.

(ii) of a sum not exceeding rupees five hundred in the case of any other agent or canvasser, and the circumstances under which the security may be forfeited;

(d) the provision by the agent of insurance of goods in transit;

(e) the authority by which and the circumstances under which the licence may be suspended or revoked;

(f) such other conditions as may be prescribed by the State Government.]

66B. Penalty for ticketless travel in stage carriages of State Transport Undertakings :-

". .-

(1) Any passenger who, while travelling or having travelled in a stage carriage of a State Transport Undertaking avoids or attempts to avoid the payment of the fare for the journey undertaken by him at the rate fixed by the undertaking, or part of such fare, shall, on demand by any officer or servant of the undertaking authorised by general or special order in this behalf by its General Manager, be liable to pay, in addition to the unpaid amount of the fare and passenger tax, an excess charge of an amount equal to the unpaid fare and passenger tax or five rupees, whichever is greater. Explanation.-In case of doubt as to the stop from which such passenger commenced the journey, the fare shall be calculated from the starting station.

(2) Any passenger who fails to pay the amounts payable by him under sub-section (1) or any part thereof shall be punishable with fine which may extend to one hundred rupees in case of first offence and to three hundred rupees in case of any subsequent offence.

(3) An offence punishable under this section shall be cognizable and bailable and it shall be lawful for the officer or servant of the undertaking referred to in sub-section (1), and all persons called in by any one of them for assistance, to arrest the offender and hand him over to the officer-in-charge of the nearest Police Station.

(4) An officer of the State Transport Undertaking empowered by the State Government in this behalf by notification may compound an offence punishable under this section, either before or after the institution of the prosecution, on realisation of the amounts remaining unpaid under sub-section (1) together with such amount of composition fee as he thinks fit not exceeding one-half of the maximum amount of fine fixed for the offence; and where the offence is so compounded-

(i) before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;

(ii) after the institution of the prosecution, the composition shall amount to acquittal of the offender.

67. Power to make rules as to stage carriages and contract carriages :-

(1) A ¹[State Government] may make rules to regulate, in respect of stage carriages and contract carriages,-

2(a) * * * *]

(b) the conduct of passengers in such vehicles.

(2) Without prejudice to the generality of the foregoing provision, such rules may-

(a) authorise the removal from such vehicle of any person infringing the rules by the driver or conductor of the vehicle, or, on the request of the driver or conductor, or any passenger, by any police officer;

(b) require a passenger who is reasonably suspected by the driver or conductor of contravening the rules to give his name and address to a police officer or to the driver or conductor on demand;

(c) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle and to pay the fare for the whole of such journey and to accept any ticket provided therefor;

(d) require, on demand being made for the purpose by the driver or conductor or other person authorised by the owner of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;

(e) require a passenger, if so-requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;

(f) require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him;

3 [(ff) require a passenger to abstain from doing anything which is likely to obstruct or interfere with the working of the vehicle or to cause damage to any part of the vehicle or its equipment or to cause injury or discomfort to any other passenger;

(fff) require a passenger not to smoke in any vehicle on which a notice prohibiting smoking is exhibited;]

(g) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

2. Clause (a) was omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 60 (1-8-1957).

3. Inserted, Clause (a) was omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 60 (1-8-1957) (16-2-1957).

68. Power to make rules for the purposes of this Chapter :-

(1) A **1**[state Government] may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely:-

(a) the period of appointment and the terms of appointment of and the conduct of business by Regional and **1**[State] Transport Authorities and the reports to be furnished by them,

3[(aa) the conduct of business by any such authority in the absence of any member (including the Chairman) thereof and the nature of business which, the circumstances under which and the manner in which, business could be so conducted;]

(b) the conduct and hearing of appeals that may be preferred under this Chapter, **4**[the fees to be paid in respect of such appeals and the refund of such fees;]

(c) the forms to be used for the purposes of this Chapter, including the forms of permits;

5(ci) the percentage of stage carriage permits, **6**["or public carriers' permits"]to be reserved under section 47 or section 55 **7**[***]for economically weaker sections of the community;

(cii) the manner in which preference shall be given in the grant of stage carriage permits, **8**["or public carriers' permits"]to economically weaker sections of the community where no reservation is made to such applicants;

(cii) the date and limits of annual income and the extent of land, for the purposes of Explanation I below sub-section (1C) of section 47;

(civ) the circumstances under which, the manner in which, and the extent to which, reservation may be carried forward in respect of stage carriage permits, **9**["or public carriers' permits"];]

2[(cc) the manner in which and the time within which every application for a stage carriage permit or a public carriers' permit shall be published, as required by sub-section (3) of section 57, and the circumstances under which and the fees on payment of which copies of such applications may be granted;]

(d) the issue of copies of permits in place of permits **11**[lost, destroyed or mutilated];

(e) the documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed;

12[(f) * * * * *]

13[(g) the fees to be paid in respect of applications for permits, duplicate permits and plates;]

9[(gg) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;]

(h) the custody, production and cancellation on revocation or expiration of permits and the return of permits which have become void or have been revoked;

15(hh) the conditions subject to which, and the extent to which a permit granted in another State shall be valid in the State without counter signature;]

16[(i) the conditions subject to which, and the extent to which, a permit granted in one region shall be valid in another region within the State without counter-signature;

(ii) the conditions to be attached to permits for the purpose of giving effect to any agreement such as is referred to

in clause (iv) of sub-section (1) of section 43;]

(j) the authorities to whom, the time within which and the manner in which appeals may be made;

(k) the construction and fittings of, and the equipment to be carried by, stage and contract carriages, whether generally or in specified areas;

(l) the determination of the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried;

(m) the conditions subject to which goods may be carried on stage and contract carriages partly or wholly in lieu of passengers;

(n) the safe custody and disposal of property left in a stage or contract carriage;

(o) **17**[regulating the painting or marking of transport vehicles and the display of advertising matter thereon, and in particular prohibiting the painting or marking of transport vehicles] in such colour or manner as to induce any person to believe that the vehicle is used for the transport of mails;

(p) the conveyance in stage or contract carriages of corpses or persons suffering from any infectious or contagious disease or goods likely to cause discomfort or injury to passengers and the inspection and disinfection of such carriages, if used for such purposes;

(q) the provision of taximeters on motor cabs requiring approval or standard types of taximeters to be used and examining, testing and sealing taximeters;

(r) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in specified areas or at places other than duly notified stands or halting places and requiring the driver of a stage carriage to stop and remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place;

[(s) the requirements which shall be complied with in the construction or use of any duly notified stand or halting place, including the provision of adequate equipment and facilities for the convenience of all users thereof, the fees, if any, which may be charged for the use of such facilities, the records which shall be maintained at such stands or places, the staff to be employed thereat, and the duties and conduct of such staff, and generally for maintaining such stands and places in a serviceable and clean condition; (ss) the regulation of motor-cab ranks;]

(t) requiring the owners of transport vehicles to notify any change of address or to report the failure of or damage to any vehicles used for the conveyance of passengers for hire or reward;

12[(tt) authorising specified persons to enter at all reasonable times and inspect all premises used by permit-holders for the purposes of their business;

(u) requiring the person in charge of a stage carriage to carry any person tendering the legal or customary fare;

(v) the conditions under which and the types of containers or vehicles in which animals or birds may be carried and the seasons during which animals or birds may or may not be carried;

[(w) the licensing of and the regulation of the conduct of agents or canvassers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit custom for such vehicles;]

12[(ww) the licensing of agents engaged in the business of collecting, "(or forwarding and distributing] goods carried by public carriers;]

(x) the inspection of transport vehicles and their contents and of the permits relating to them;

(y) the carriage of persons other than the driver in goods vehicles;

12 [(yy) the specification of the municipal limits of a town or of any other area as a free zone within which goods may, subject to the prescribed conditions, be carried anywhere by a motor vehicle covered by a public carrier's permit;]

(z) the records to be maintained and the returns to be furnished by the owners of transport vehicles; and

(za) any other matter which is to be or may be prescribed.

OBJECTS AND REASONS Amending Act 58 of 1969 Clause 37 - Sub-clause (a),- This amendment is consequential upon the insertion of proviso (ii) in sub-section (2) of Section 44 by clause 19 (b). Sub-clause (b).- It has been pointed out that applications for permits which are required to be published under Section 57. for any representations by the interests affected, are not published for considerable periods - thereby delaying a decision on the applications. It has also been represented that copies of the applications should be supplied to those who, on payment of specified fee, desire to be placed on the list of subscribers for this purpose. This amendment, therefore, authorises the State Government to provide for the publication of applications within a reasonable time from the date of their receipt and also for the grant of copies of applications to the interests affected on payment of fee to be specified in this behalf. Sub-clause (c).- This is a clarificatory amendment.-S.O.R. Clause 27.- Section 68 of the Act empowers a State Government to make rules in regard to the provisions contained in Chapter IV relating to control of transport vehicles. This clause seeks to amend sub-section (2) of this section to empower a State Government to make rules to specify percentage of stage carriage permits, public carriers' permits or national

permits, to be reserved for persons belonging to economically weaker sections of the community, the manner in which preference shall be given in the grant of such permits where no such percentage has been reserved for them, the date and limits of. annual income and the extent of land for the purposes of Explanation I below sub-section (1C) of section 47, and the circumstances under which, the manner in which, and the extent to which, the aforesaid categories of permits reserved for the Scheduled Castes, the Scheduled Tribes and economically weaker sections of the community may be carried forward.- S O.R. Gaz. of Ind, 17-8-78. Pt. II. S. 2, Ext" p. 1125.

1. Substituted for the word and the words "Provincial" and "Provincial Government" by A.L.O, 1959.
3. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 37 (1-10-1970).
4. Added by Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 16 (3-4-1942).
5. Inserted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), Section 27 (16-1-1979).
6. Substituted for "public carriers' permits or national permits ", vide THE MOTOR VEHICLES (AMENDMENT) ACT, 1986 (9 Of 1986), Dt. 13th March, 1986 Published in Received assent of the President on March 13, 1986 and published in the Gazette of India, Extra., Part II, Section 1, dated 14th March, 1981, pp. 1-2 [C][P]
7. Omitted for "or section 63 ", vide THE MOTORVEHICLES (AMENDMENT) ACT, 1986 (9 Of 1986), Dt. 13th March, 1986 Published in Received assent of the President on March 13, 1986 and published in the Gazette of India, Extra., Part II, Section 1, dated 14th March, 1981, pp. 1-2 [C][P]
8. Substituted for " public carriers' permits or national permits ", vide THE MOTOR VEHICLES (AMENDMENT) ACT, 1986 (9 Of 1986), Dt. 13th March, 1986 Published in Received assent of the President on March 13, 1986 and published in the Gazette of India, Extra., Part II, Section 1, dated 14th March, 1981, pp. 1-2 [C][P]
9. Substituted for "public carriers' permits or national permits", vide THE MOTOR VEHICLES (AMENDMENT) ACT, 1986 (9 Of 1986), Dt. 13th March, 1986 Published in Received assent of the President on March 13, 1986 and published in the Gazette of India, Extra., Part II, Section 1, dated 14th March, 1981, pp. 1-2 [C][P]
11. Substituted for "lost or destroyed" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 6] (16-2-1957).
12. Clause (f) was omitted, Substituted for "lost or destroyed" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 6] (16-2-1957)., S. 61 (1-8-1957).
13. Substituted, Clause (f) was omitted, Substituted for "lost or destroyed" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 6 (16-2-1957)., S. 61 (1-8-1957).
15. Inserted, Substituted, Clause (f) was omitted, Substituted for "lost or destroyed" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 6 (16-2-1957)., S. 61 (1-8-1957).
16. Substituted for clause (1),(f) was omitted, Substituted for "lost or destroyed" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 6 (16-2-1957)., S. 61 (1-8-1957)
17. Substituted for the words "prohibiting the painting or marking of a stage or a contract carriage", clause (1),(f) was omitted, Substituted for "lost or destroyed" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 6 (16-2-1957)., S. 61 (1-8-1957).

CHAPTER 4A CHAPTER 4A

68A. Definitions :-

In this Chapter unless the context otherwise requires,-

- (a) "road transport service" means a service of motor vehicles carrying passengers or goods or both by road for hire or reward;
- (b) "state transport undertaking" means any undertaking providing road transport service, where such undertaking is carried on by,-
 - (i) the Central Government or a State Government;
 - (ii) any Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950;
 - 1(iii) * * * *]
 - (iv) any municipality or any corporation or company owned or controlled by ¹ [the Central Government or one or more State Governments, or by the Central Government and one or more State Governments].

1. Substituted for the words "the State Government", Clause (iii) omitted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), Section 38 (2-3-1970).

68B. Chapter IV-A to override Chapter IV and other laws :-

The provisions of this Chapter and the rules and orders madethereunder shall have effect notwithstanding anything inconsistent therewith contained in Chapter IV of this Act or in any other law for the time being in force or in any instrument having effect by virtue of any such law.

68C. Preparation and publication of scheme of road transport service of a State Transport Undertaking

:-

Where any State transport undertaking is of opinion that, for the purpose of providing an efficient, adequate, economical and properly co-ordinated road transport service, it is necessary in the public interest that road transport services in general or any particular class of such service in relation to any area or route or portion thereof should be run and operated by the State transport undertaking whether to the exclusion, complete or partial, of other persons or otherwise, the State transport undertaking may prepare a scheme giving particulars of the nature of the services proposed to be rendered, the area or route proposed to be covered and such other particulars respecting thereto as may be prescribed, and shall cause every such scheme to be published in the Official Gazette and also in such other manner as the State Government may direct.

68D. Objection to the Scheme :-

1

[(1) On the publication of any scheme in the Official Gazette and in not less than one newspaper in regional language circulating in the area or route which is proposed to be covered by such scheme-

(i) any person, already providing transport facilities by any means along or near the area or route proposed to be covered by the scheme;

(ii) any association representing persons interested in the provision of road transport facilities recognised in this behalf by the State Government; and

(iii) any local authority or police authority within whose jurisdiction any part of area or route proposed to be covered by the scheme lies, may, within thirty days from the date of its publication in the Official Gazette, file objections to it before the State Government.]

(2) The State Government may, after considering the objections and after giving an opportunity to the objector or his representatives and the representatives of the State Transport Undertaking to be heard in the matter, if they so desire, approve or modify the scheme.

(3) The scheme as approved or modified under sub-section (2) shall then be published in the Official Gazette by the State Government and the same shall thereupon become final and shall be called the approved scheme and the area or route to which it relates shall be called the notified area or notified route: Provided that no such scheme which relates to any inter-State route shall be deemed to be an approved scheme unless it has been published in the Official Gazette with the previous approval of the Central Government.

1. Substituted for sub-section (1) by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 39 (2-3-1970).

68E. Cancellation or modification of scheme :-

1

[(1)] Any scheme published under sub-section (3) of section 68D may at any time be cancelled or modified by the State Transport Undertaking and the procedure laid down in section 68C and section 68D shall, so far as it can be made applicable, be followed in every case where the scheme is ¹[proposed to be cancelled or modified as if the proposal were a separate scheme: Provided that the State Transport Undertaking may, with the previous approval of the State Government, modify without following the procedure laid down in section 68C and section 68D any such scheme relating to any route or area in respect of which the road transport services are run and operated by the State Transport Undertaking to the complete exclusion of other persons in respect of the following matters, namely:-

(a) increase in the number of vehicles or the number of trips;

(b) change in the type of vehicles without reducing the seating capacity;

(c) extension of the route or area, without reducing the frequency of the service or

(d) alteration of the time-table without reducing the frequency of the service].

3 (2) Notwithstanding anything contained in sub-section (1), the State Government may, at any time, if it considers necessary in the public interest so to do, modify any scheme published under sub-section (3) of section 68D, after giving-

(i) the State Transport Undertaking, and

(ii) any other person who, in the opinion of the State Government, is likely to be affected by the proposed modification, an opportunity of being heard in respect of the proposed modification].

1. Section 68E renumbered as sub-section (1) and In sub-section (1) as so renumbered, the words "proposed to be modified as if the modification proposed were a separate scheme", substituted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 40 (with effect from 2-3-1970).

3. After sub-section (1) as so renumbered, new sub-section (2), Inserted, Section 68E renumbered as sub-section (1) and In sub-section (1) as so renumbered, the words "proposed to be modified as if the modification proposed were a separate scheme", substituted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 40 (with effect from 2-3-1970).

68F. Issue of permits to State transport undertaking :-

(1) Where in pursuance of an approved scheme, any State transport undertaking applies ¹[in such manner as may be prescribed by the State Government in this behalf] for a stage carriage permit or a public carrier's permit or a contract carriage permit in respect of a notified area or notified route, the ²[State Transport Authority in any case where the said area or route lies in more than one region and the Regional Transport Authority in any other case] shall issue such permit to the State Transport Undertaking, notwithstanding anything to the contrary contained in Chapter IV.

3[(1A) Where any scheme has been published by a State Transport Undertaking under section 68C, that Undertaking may apply for a temporary permit, in respect of any area or route or portion thereof specified in the said scheme, for the period intervening between the date of publication of the scheme and the date of publication of the approved or modified scheme, and where such application is made, the State Transport Authority or the Regional Transport Authority, as the case may be, shall, if it is satisfied that it is necessary to increase, in the public

interest, the number of vehicles operating in such area or route or portion thereof, issue the temporary permit prayed for by the State Transport Undertaking.

(1B) A temporary permit issued in pursuance of the provisions of sub-section (1A) shall be effective,-

(i) if the scheme is published under sub-section (3) of section 68D until the grant of the permit to the State Transport Undertaking under sub-section (1), or

(ii) if the scheme is not published under sub-section (3) of section 68D, until the expiration of the one week from the date on which the order under sub-section (2) of section 68D is made.

(1C) If no application for the temporary permit is made under sub-section (1A), the State Transport Authority or the Regional Transport Authority, as the case may be, may grant, subject to such conditions as it may think fit, temporary permit to any person in respect of the area or route or portion thereof specified in the scheme and the permit so granted shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route or portion thereof.

(1D) Save as otherwise provided in sub-section (1A) or sub-sec. (1C), no permit shall be granted or renewed during the period intervening between the date of publication, under section 68C of any scheme and the date of publication of the approved or modified scheme, in favour of any person for any class of road transport service in relation to an area or route or portion thereof covered by such scheme: Provided that where the period of operation of a permit in relation to any area, route or portion thereof specified in a scheme published under section 68C expires after such publication, such permit may be renewed for a limited period, but the permit so renewed shall cease to be effective on the publication of the scheme under sub-section (3) of section 68D.]

⁴[(1E) Where a State transport undertaking applies for renewal of a permit within the period specified in sub-section (2A) of section 58, the State Transport Authority or, as the case may be, the Regional Transport Authority, shall, renew such permit, notwithstanding anything to the contrary contained in Chapter IV.]

(2) For the purpose of giving effect to the approved scheme in respect of a notified area or a notified route [the State Transport Authority or, as the case may be, the Regional Transport Authority concerned] may, by order,-

(a) refuse to entertain any application for ⁵[the grant or renewal of any other permit or reject any such application as may be pending];

(b) cancel any existing permit,

(c) modify the terms of any existing permit so as to-

(i) render the permit ineffective beyond a specified date-,

(ii) reduce the number of vehicles authorised to be used under the permit;

(iii) curtail the area or route covered by the permit in so far as such permit relates to the notified area or notified route.

(3) For the removal of doubts, it is hereby declared that no appeal, shall lie against any action taken, or order passed by, ⁶ [the State Transport Authority or any Regional Transport Authority] under sub-section (1) or sub-section (2).

1. Substituted for words and figures "In the manner specified in Chapter IV" by Motor Vehicles (Amendment) Act, 1968 (56 of 1969), S. 41 (a) (1) (1-10-1970).

2. Substituted for the words "Regional Transport Authority", the Motor Vehicles (Amendment) Act, 1968. S. 41 (a) (ii) (2-3-1970).

3. Sub-sections (1A), (1B), (1C), (1D) inserted, the Motor Vehicles (Amendment) Act, 1968, S. 41 (b) (2-3-1970).

4. Inserted by Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 28 (16-1-1979).

5. Substituted for the words "the renewal of any other permit" the Motor Vehicles (Amendment) Act, 1969, S. 41 (c) (ii) (2-3-1970).

6. Substituted for the words "the Regional Transport Authority" the Motor Vehicles (Amendment) Act, 1969, S. 41 (d) (2-3-1970).

68FF. Restriction on grant of permits in respect of a notified area or notified route :-

Where a scheme has been published under sub-section (3) of section 68D in respect of any notified area or notified route, the State Transport Authority or the Regional Transport Authority, as the case may be, shall not grant any permit except in accordance with the provisions of the scheme. Provided that where no application for a permit has been made by the State Transport Undertaking in respect of any notified area or notified route in pursuance of an approved scheme, the State Transport Authority or the Regional Transport Authority, as the case may be, may grant temporary permits to any person in respect of such notified area or notified route subject to the condition that such permit shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route.]

68G. Principles and method of determining compensation :-

(1) Where, in exercise of the powers conferred by clause (b) or clause (c) of sub-sec. (2) of section 68F, any existing permit is cancelled or the terms thereof are modified, there shall be paid by the State Transport Undertaking to the holder of the permit compensation the amount of which shall be determined in accordance with

the provisions of sub-section (4) or sub-section (5), as the case may be.

(2) Notwithstanding anything contained in sub-section (1), no compensation shall be payable on account of the cancellation of any existing permit or any modification of the terms thereof, when a permit for an alternative route or area in lieu thereof has been offered by the State Transport Authority or the Regional Transport Authority, as the case may be,] and accepted by the holder of the permit.

(3) For the removal of doubts, it is hereby declared that no compensation shall be payable on account of the refusal to renew a permit under clause (a) of sub-section (2) of section 68F.

(4) Where, in exercise of the powers conferred by clause (b) or sub-clause (i) or sub-clause (ii) of Cl. (c) of sub-section (2) of S. 68F, any existing permit is cancelled or the terms thereof are modified so as to prevent the holder of the permit from using any vehicle authorised to be used thereunder for the full period for which the permit would otherwise have been effective, the compensation payable to the holder of the permit for each vehicle affected by such cancellation or modification shall be computed as follows:-

(a) for every complete month or part of a month Two hundred rupees exceeding fifteen days of the unexpired period of the permit:

(b) for part of a month not exceeding fifteen days One hundred rupees of the unexpired period of the permit: Provided that the amount of compensation shall, in no case, be less than four hundred rupees.

(5) Where, in exercise of the powers conferred by sub-clause (iii) of clause (c) of sub-section (2) of section 68F, the terms of an existing permit are modified so as to curtail the area or route of any vehicle authorised to be used thereunder, the compensation payable to the holder of the permit on account of such curtailment shall be an amount computed in accordance with the following formula, namely:- YXA

Explanation.-In this formula,- (i) "Y" means the length or area by which the route or area covered by the permit is curtailed; (ii) "A" means the amount computed in accordance with sub-section (4); (iii) "R" means the total length of the route or the total area covered by the permit.

68H. Payment of compensation :-

The amount of compensation payable under section 68G shall be paid by the State Transport Undertaking to the person or persons entitled thereto within one month from the date on which the cancellation or modification of the permit becomes effective: Provided that where the State Transport Undertaking fails to make the payment within the said period of one month, it shall pay interest at the rate of 3 1/2 per cent. per annum from the date on which it falls due.

68HH. Disposal of articles found in vehicles :-

Where any article found in any transport vehicle operated by the State Transport Undertaking is not claimed by its owner within the prescribed period, the State Transport Undertaking may sell the article in the prescribed manner and the sale proceeds thereof, after deducting the costs incidental to sale, shall be paid to the owner on demand.]

68I. Power to make rules :-

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely;-

(a) the form in which any scheme or approved scheme may be published under section 68C or sub-section (3) of section 68D;

(b) the manner in which objections may be filed under sub-section (1) of section 68D;

(c) the manner in which objections may be considered and disposed of under sub-section (2) of section 68D.

¹ [(cc) the manner in which application under sub-section (1) of sec. 68F may be made;

(ccc) the period within which the owner may claim an article found left in any transport vehicle under section 68HH and the manner of sale of such article;]

(d) the manner of service of orders under this Chapter;

(e) any other matter which has to be, or may be, prescribed.

1. Inserted by Act 56 of 1969, S. 45 (1-10-1970).

68J. Certain powers of State Government exercisable by the Central Government :-

The powers conferred on the State Government under this Chapter shall, in relation to a corporation or company owned or controlled by the Central Government or by the Central Government and one or more State Governments, be exercisable only by the Central Government in relation to an inter-State route or area.] OBJECTS AND REASONS Amending Act 56 of 1969 Clause 4B.-It vests in the Central Government the powers which have been conferred on the State Government by Chapter IV-A in relation to State Transport Undertaking owned or controlled by it, so far as inter-State routes or areas are concerned. This provision is for administrative convenience.-S. O. R.

69. General provision regarding construction and maintenance :-

Every motor vehicle shall be so constructed and so maintained as to be at all times under the effective control of the person driving the vehicle.

69A. Vehicle to have right hand control :-

Every motor vehicle shall be so constructed as to have right-hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature.] OBJECTS AND REASONS Clause 7.-This provision makes it clear that all motor vehicles which are manufactured in this country and which do not have right-hand steering control shall be equipped with mechanical or electrical signalling devices of a prescribed nature.-S. O. R.

69B. Power of Central Government to make rules :-

(1) The Central Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with respect to any of the following matters, namely:-

- (a) the width, height, length and overhang of vehicles and of the loads carried;
- (b) the size, nature and condition of tyres.

(2) Rules may be made under sub-section (1) governing the matters mentioned therein either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances.]

70. Power to make rules :-

(1) A State Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers ¹[with respect to all matters other than the matters referred to in clause (a) or clause (b) of sub-section (1) of section 69B].

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section governing any of the following matters either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances, namely:-

1[* * * * *]

- (b) seating arrangements in public service vehicles and the protection of passengers against the weather;

3 [* * * * *]

- (d) brakes and steering gear;
- (e) the use of safety glass;
- (f) signalling appliances, lamps and reflectors;
- (g) speed governors;
- (h) the emission of smoke, visible vapour, sparks, ashes, grit or oil;
- (i) the reduction of noise emitted or caused by vehicles;
- (j) prohibiting or restricting the use of audible signals at certain times or in certain places;
- (k) prohibiting the carrying of appliances likely to cause annoyance or danger;
- (l) the periodical testing and inspection of vehicles by prescribed authorities;
- (m) the particulars other than registration marks to be exhibited by vehicles and the manner in which they shall be exhibited; and
- (n) the use of trailers with motor vehicles.

1. Inserted by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), Sec. 9 (10-12-1982).

3. Clauses (a) and (c) omitted Inserted by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), Sec. 9 (10-12-1982).

**CHAPTER 6
CONTROL OF TRAFFIC**

71. Limits of speed :-

(1) No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed fixed for the vehicle by or under this Act or by or under any law for the time being in force - Provided that such maximum speed shall in no case exceed the maximum fixed for the vehicle in the Eighth Schedule.

(2) The ¹[State Government] or any authority authorised in this behalf by the ¹[State Government) may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interests of public safety or convenience or because of the nature of any road or bridge, by notification in the Official Gazette, ³[and by causing appropriate traffic signs to be placed or erected under section 75 at suitable places,] fix such maximum speed limits as it thinks

fit for motor vehicles or any specified class of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or on a particular road or roads: ²[Provided that where any restriction under this section is to remain in force for not more than one month, notification thereof in the Official Gazette shall not be necessary.]

² [(3) Nothing in this section shall apply to any vehicle registered under section 39 while it is being used in the execution of military manoeuvres within the area and during the period specified in the notification under sub-section (1) of section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938.]

OBJECTS AND REASONS Amendment made In 1956."The existing section 71 requires local speed limits fixed under sub-section (2) to be notified in the Gazette. For the convenience of drivers, they should also be notified on the spot by the erection of traffic signs under Section 75 (except where any restriction is to remain in force for not more than one month). This clause makes the necessary provision. Provision is also made for exemption in the case of military vehicles when used on regular manoeuvres in which case authorities will be able to take necessary precautions for the safety of the public."-S.O.R.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

3. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956). Sec. 63 (16-2-1957).

72. Limits of weight and limitations on use :-

(1) The State Government may prescribe conditions for the issue of permits for ¹²[heavy goods vehicles or heavy passenger motor vehicles]] by the State or Regional Transport Authorities and may prohibit or restrict the use of such vehicles in any area or route within the State, ³[* * * * *]

(2) Except as may be otherwise prescribed, no person shall drive or cause or allow to be driven in any public place any motor vehicle which is not fitted with pneumatic tyres.

(3) No person shall drive or cause or allow to be driven in any public place any motor vehicle or trailer-

(a) the unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle, or

(b) the laden weight of which exceeds the registered laden weight specified in the certificate of registration, ⁴[*]

⁵ [(c) * * * * *]

(4) Where the driver or person in charge of a motor vehicle or trailer driven in contravention of sub-section (2) or clause (a) of sub-section (3) is not the owner, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or trailer.

OBJECTS AND REASONS Clause 29.-This clause seeks to amend section 72 of the Act. consequent to the amendments proposed in section 2 (9) and (14) by clause 2.-S.O R., Gaz. of India, 17-8-1978. Pt. n, S. 2. Ext.. p, 1125.

1. Substituted for the words "heavy transport vehicles" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 64 (16-2-1957).

2. Substituted for the words "heavy motor vehicles" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 29 (16-1-1979).

3. Proviso was omitted, Substituted for the words "heavy motor vehicles" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 29 (16-1-1979).

4. The word "or" was omitted, Proviso was omitted, Substituted for the words "heavy motor vehicles" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 29 (16-1-1979).

5. Clause (c) was omitted, The word "or" was omitted, Proviso was omitted, Substituted for the words "heavy motor vehicles" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 29 (16-1-1979).

73. Power to have vehicle weighed :-

¹

[(1) Any person authorised in this behalf by the State Government may, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 72, require the driver to convey the vehicle to a weighing device, if any, within a distance of ²[2 kilometres] from any point on the forward route or within a distance of ³[10 kilometres] from the destination of the vehicle for weighment; and if on such weighment the vehicle is found to contravene in any respect the provisions of section 72 regarding weight, he may, by order in writing, direct the driver to convey the vehicle or trailer to the nearest place, to be specified in the notice, where facilities exist for the storage of goods, and not to remove the vehicle or trailer from that place until the laden weight ⁴[* *] has been reduced or the vehicle has otherwise been treated so that it complies with section 72.

⁵ [(2) Where any excess goods are removed from any goods vehicle or trailer for storage under sub-section (1), such person as may be authorised in this behalf by the State Government shall cause a notice in writing to be served on the owner of the vehicle or trailer, as the case may be, requiring him to remove the goods within the time to be specified in the notice and if the owner of the vehicle or trailer refuses or fails to remove the goods within the time specified, the authorised person may sell the goods by public auction and the balance of the sale proceeds, after deducting therefrom the charges for the storage of the goods and the costs incidental to the sale, shall be paid to the owner of the vehicle or trailer, as the case may be: Provided that where the excess goods removed are of a perishable nature, the sale can be held immediately after causing the notice to be served on the driver of the vehicle or trailer].

OBJECTS AND REASONS "It has come to notice that action taken against drivers and owners of goods vehicles under Section 134 read with S. 73 of the Act, has not proved sufficiently deterrent to curb the tendency to overload goods vehicles. The amendment [by introduction of sub-section (2)]¹ is designed to effectively check this growing tendency."-S. O. R.

1. Section 73 was renumbered as sub-section (1) thereof by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 65 (16-2-1957).
2. Substituted for the words "one mile" by the Motor Vehicles (Second Amendment) Act, 1960 (51 of 1960), S 4 (1-1-1961).
3. Substituted for the words "five miles", "one mile" by the Motor Vehicles (Second Amendment) Act, 1960 (51 of 1960), S 4 (1-1-1961).
4. The words "or axle weight" were omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956). Section 65 (16-2-1957).
5. Inserted The words "or axle weight" were omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956). Section 65 (16-2-1957).

74. Power to restrict the use of vehicles :-

The State Government or any authority authorised in this behalf by the State Government, if satisfied that it is necessary in the interests of public safety or convenience, or because of the nature of any road or bridge, may, by notification in the Official Gazette, prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified class of motor vehicles or the use of trailers either generally in a specified area or on a specified road ¹ [and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under section 75 at suitable places: Provided that where any prohibition or restriction under this section is to remain in force for not more than one month, notification thereof in the Official Gazette shall not be necessary, but such local publicity as the circumstances may permit, shall be given of such prohibition or restriction.]

1. Added by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 66 (16-2-1957).

75. Power to erect traffic signs :-

(1) The ¹[State Government] or any authority authorised in this behalf by the "[State Government] may cause or permit traffic signs to be placed or erected in any public place for the purpose of ²[bringing to public notice any speed limits fixed under sub-section (2) of section 71 or any prohibitions or restrictions imposed under section 74, or generally for the purpose of] regulating motor vehicle traffic.

(2) Traffic signs erected under sub-section (1) for any purpose for which provision is made in the Ninth Schedule shall be of the size, colour and type and shall have the meanings set forth in the Ninth Schedule, but the ¹[State Government] or any authority empowered in this behalf by the ¹[State Government] may make or authorise the addition to any sign set forth in the said Schedule; of transcriptions of the words, letters or figures thereon in such script as the ¹[State Government] may think fit, provided that the transcriptions shall be of similar size and colour to the words, letters or figures set forth in the Ninth Schedule.

(3) Except as provided by sub-section (1), no traffic sign shall, after the commencement of this Act, be placed or erected on or near any road; but all traffic signs erected prior to the commencement of this Act by any competent authority shall, for the purposes of this Act, be deemed to be traffic signs erected under the provisions of sub-section (1).

(4) ¹[State Government] may, by notification in the Official Gazette, empower any District Magistrate or Superintendent of Police ⁷[(or, in the Presidency-towns, the ⁸[Chief Metropolitan Magistrate] or the Commissioner of Police)] to remove or cause to be removed any sign or advertisement which is so placed in his opinion as to obscure any traffic sign from view or any sign or advertisement which is in his opinion so similar in appearance to a traffic sign as to be misleading.

⁹ [(5) No person shall wilfully remove, alter, deface, or in any way tamper with, any traffic signs placed or erected under this section.

(6) If any person accidentally causes such damage to a traffic sign as renders it useless for the purpose for which it is placed or erected under this section, he shall report the circumstances of the occurrence to a police officer or at a police station as soon as possible, and in any case within twenty-four hours of the occurrence.

(7) For the purpose of bringing the signs set forth in the Ninth Schedule in conformity with any international convention relative to motor traffic to which the Central Government is for the time being a party, the Central Government may, by notification in the Official Gazette, make any addition or alteration to any such sign and on the issue of any such notification, the Ninth Schedule shall be deemed to be amended accordingly.]

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.
2. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1156), Sec. 67 (16-2-1957).
7. Inserted by the Motor Vehicles (Amendment) Act 1942 (20 of 1042), S. 17 (3-4-1942).
8. Substituted for the words "Chief Presidency Magistrate" by the Motor Vehicles (Amendment) Act, 1978, S. 30 (16-1-1979).
9. Inserted by Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Section 67 (16-2-1957).

76. Parking places and halting stations :-

The ¹[State Government] or any authority authorised in this behalf by the ¹ [State Government] may, in consultation with the local authority having jurisdiction in the area concerned, determine places at which motor

vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

77. Main roads :-

A ¹[State Government] or any authority authorised in this behalf by the ¹ [State Government] may, by notification in the Official Gazette or by the erection at suitable places of the appropriate traffic sign referred to in Part A of the Ninth Schedule, designate certain roads as main roads for the purposes of the regulations contained in the Tenth Schedule.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.

78. Duty to obey traffic signs :-

1

[(1)] Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by ²[a mandatory traffic sign] and in conformity with the driving regulations set forth in the Tenth Schedule, and shall comply with all directions given to him by any police officer for the time being engaged in the regulation of traffic in any public place.

3 [(2) In this section "mandatory traffic sign" means a traffic sign included in Part A of the Ninth Schedule, or any traffic sign of similar form (that is to say, consisting of or including a circular disc displaying a device, word or figure and having a red ground or border) erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 75.]

1. Section 78 was renumbered as sub-section (1) thereof by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 18 (3-4-1942).

2. Substituted for the words "or traffic sign included in Part A of the Ninth Schedule", Section 78 was renumbered as sub-section (1) thereof by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 18 (3-4-1942).

3. Added, for the words "or traffic sign included in Part A of the Ninth Schedule", Section 78 was renumbered as sub-section (1) thereof by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 18 (3-4-1942).

79. Signals and signalling devices :-

1

[(1)1 The driver of a motor vehicle ²[with a right-hand steering control] shall, on occasions specified in the Eleventh Schedule, make the signals specified therein: Provided that the signal of an intention to turn to the right or left or to stop may be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle.

3 [(2) In the case of a motor vehicle with a left-hand steering control, the signal of an intention to turn to the right or left or to stop shall be given by a mechanical or electrical device of a prescribed nature affixed to the vehicle: Provided that Government may, having regard to the width and condition of the roads in any area or route; by notification in the Official Gazette, exempt, subject to such conditions as may be specified therein, any such motor vehicle or class of such motor vehicles from the operation of this sub-section for the purpose of plying in that area or route.]

OBJECTS AND REASONS Clauses 48 and 49.- These amendments seek to make clear that manual signalling by drivers will be permitted in the case of vehicles with right-hand steering control and that in the case of vehicles with left-hand steering control, the signal shall be given by mechanical or electrical devices fitted to the vehicles. Provision has also been made for grant of exemption by the Central Government in respect of specified motor vehicles or class of motor vehicles for the purpose of plying in specified areas or routes. Such exemption may be necessary in areas where the roads are very narrow and where even the spare tyres have to be removed from the sides of jeeps (e.g.. in NEFA).-S.O.R, (of Act 56 of 1969), The Committee feel that the power to exempt vehicles with left-hand steering control from the operation of the proposed sub- section (2) of section 79 and of section 80 of the principal Act should also vest in the State Governments. The Committee have accordingly omitted the word 'Central' in both the clauses.-J.C.R. (Act 56 of 1969).

1. Original Section 79 renumbered as sub-section (1) thereof by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 48 (2-3-1970).

2. Inserted in renumbered sub-section (1), Original Section 79 renumbered as sub-section (1) thereof by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 48 (2-3-1970).

3. Inserted, in renumbered sub-section (1), Original Section 79 renumbered as sub-section (1) thereof by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 48 (2-3-1970).

80. Vehicles with left-hand control :-

No person shall drive or cause or allow to be driven in any public place any motor vehicle with a left-hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature and in working order: ¹ [Provided that Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt, subject to such conditions as may be specified therein, any such motor vehicle or class of such motor vehicles from the operation of this section for the purpose of plying in that area or route.]

1. Proviso added by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 49 (2-3-1970).

81. Leaving vehicle in dangerous position :-

No person in charge of a motor vehicle shall cause or allow the vehicle or any trailer to remain at rest on any road

in such a position or in such a condition or in such circumstances as to cause or be likely to cause danger, obstruction or undue inconvenience to the other users of the road.

82. Riding on running board :-

No person driving or in charge of a motor vehicle shall carry any person or permit any person to be carried on the running board or otherwise than within the body of the vehicle.

82A. Prohibition against travelling without pass or ticket :-

No person shall enter or remain in any stage carriage for the purposes of travelling therein unless he has with him a proper pass or ticket: Provided that where arrangements for the supply of tickets are made in the stage carriage by which a person has to travel, a person may enter such stage carriage but as soon as may be after his entry therein, he shall make The payment of his fare to the conductor or the driver who discharges the functions of a conductor and obtain from such conductor or driver, as the case may be, a ticket for his journey. Explanation.- In this section,- (a) "pass" means a duty. privilege or courtesy pass entitling the person to whom it is given to travel in a stage carriage gratuitously and includes a pass issued on payment for travel in a stage carriage for the period specified therein; (b) "ticket" includes a single ticket, a return ticket or a season ticket OBJECTS AND REASONS Clauses 31 and 34.- There is no provision in the Act to deal with ticketless travel in stage carriages. As this problem has assumed sizeable proportions, clause 31 seeks to insert new section 82A in the Act to provide for the offence of travelling without ticket In the buses of State transport undertakings as well as private buses. Clause 34 seeks to insert new section 112A in the Act to provide for such offence being punishable with fine which may extend to five hundred rupees and for composition of the offence. It is also proposed to provide the same punishment for a conductor of a stage carriage or a driver where he discharges the functions of a conductor in such stage carriage, for the offence of not issuing the ticket for the corresponding value after accepting the fare from the passenger or for issuing tickets of lower denomination than the fare collected from the passenger,-S. O. R.. Gaz of India, 17-8-78, Pt. II, S. 2. Ext.. p. 1125.

83. Obstruction of driver :-

No person driving a motor vehicle shall allow any person to stand or sit or anything to be placed in such a manner or position as to hamper the driver in his control of the vehicle.

84. Stationary vehicles :-

No person driving or in charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any public place, unless there is in the driver's seat a person duly licensed to drive the vehicle or unless the mechanism has been stopped and a brake or brakes applied or such other measures taken as to ensure that the vehicle cannot accidentally be put in motion in the absence of the driver.

85. Pillion riding :-

No driver of a two-wheeled motor-cycle shall carry more than one person in addition to himself on the cycle and no such person shall be carried otherwise than sitting on a proper seat securely fixed to the cycle behind the driver's seat.

85A. Wearing of protective headgear :-

Every person driving or riding (otherwise than in a side car) on a motor cycle of any class shall, while in a public place, wear a protective headgear of such description as may be specified by the Central Government by rules made by it in this behalf and different descriptions of headgears may be specified in such rules in relation to different circumstances or different class of motor cycles: Provided that. the provisions of this section shall not apply to a person who is a Sikh, if he is, while driving or riding on the motor cycle, in a public place, wearing a turban : Provided further that the Central Government may, by such rules, provide for such exceptions as it may think fit. Explanation.- "Protective headgear" means a helmet which,- (a) by virtue of its shape, material and construction, could reasonably be expected to afford to the person driving or riding on a motor cycle a degree of protection from injury in the event of an accident; and (b) is securely fastened to the head of the wearer by means of the straps or other fastenings provided on the headgear.]

86. Duty to produce licence and certificate of registration :-

1

[(1) The driver of a motor vehicle in any public, place shall, on demand by any police officer in uniform, produce his licence for examination: Provided that the driver may, if his licence has been submitted to, or has been seized by, any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgment issued by such officer or authority in respect thereof and thereafter produce the licence within ten days at any police station in India which he specifies to the police officer making the demand.

(1A) The conductor, if any, of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination.]

(2) The owner of a motor vehicle ²[other than a vehicle registered under section 391, or in his absence the driver or other person in charge of the vehicle, shall on demand by a registering authority or any person authorised in this behalf by the State Government produce the certificate of registration of the vehicle and, where the vehicle is a transport vehicle the certificate of fitness referred to in section 38.

(3) If the ³[licence referred to in sub-section (1A) or the certificates referred to in sub-section (2) as the case may be,] are not at the time in the possession of the person to whom demand is made, it shall be a sufficient

compliance with this section if such person produces the licence or certificates within ten days at any police station in ⁴[India] which he specifies to the police officer or authority making the demand: Provided that, except to such extent and with such modifications as may be prescribed, the provisions of this sub-section shall not apply ⁵ [* * * * *] to any person required to produce the certificate of registration or the certificate of fitness of a transport vehicle.

1. Sub-section (1) substituted by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 10 (1-10-1982).
2. Inserted by Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Section 68 (16-2-1957).
3. Substituted for the words "licence or certificates, as the case may be", by Motor Vehicles (Amendment) Act, 1982, S. 10 (1-10-1982).
4. Substituted for the words "the States" by the Part B States (Laws) Act, 1951 (3 of 1951), S. 3 and Schedule(1-4-1951).
5. Words "to a driver driving as a paid employee, or to a driver of a transport vehicle or" omitted by Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 10 (1-10-1982).

87. Duty of driver to stop in certain cases :-

(1)The driver of a motor vehicle shall cause the vehicle to stop and remain stationary so long as may reasonably be necessary-

(a) when required to do so by any police officer in uniform, or

(b) when required to do so by any person in charge of an animal if such person apprehends that the animal is, or being alarmed by the vehicle will become, unmanageable, or

(c) when the vehicle is involved in the occurrence of an accident, to a person, animal or vehicle or of damage to any property, whether the driving or management of the vehicle was or was not the cause of the accident or damage, and he shall give his name and address and the name and address of the owner of the vehicle to any person affected by any such accident or damage who demands it provided such person also furnishes his name and address.

(2) The driver of a motor vehicle shall, on demand by a person giving his own name and address and alleging that the driver has committed an offence punishable under section 116, give his name and address to that person.

(3) In this section the expression "animal" means any horse, cattle, elephant, camel, ass, mule, sheep or goat.

88. Duty of owner of motor vehicle to give information :-

The owner of a motor vehicle, the driver ¹[or conductor] of which is accused of any offence under this Act shall, on the demand of any police officer authorised in this behalf by the ²[State Government], give all information regarding the name and address of and the licence held by the driver ¹ [or conductor] which is in his possession or could by reasonable diligence be ascertained by him.

1. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 69 (16-2-1957).
2. Substituted for the words 'Provincial Government' by A. L.O, 1950.

89. Duty of driver in case of accident and injury to a person :-

When any person is injured ¹ [or any property of a third party is damaged] as a result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall-

(a) take all reasonable steps to secure medical attention for the injured person, and if necessary; convey him to the nearest hospital, unless the injured person or his guardian; in case he is a minor, desires otherwise;

(b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence.

1. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 50 (2-3-1970).

90. Inspection of vehicle involved in accident :-

When any accident occurs in which a motor vehicle is involved, any person authorised in this behalf by the ¹ [State Government] may, on production if so required of his authority, inspect the vehicle and for that purpose, may enter at any reasonable time any premises where the vehicle may be, and may remove the vehicle for examination: Provided that the place to which the vehicle is so removed shall be intimated to the owner of the vehicle and the vehicle shall be returned without unnecessary delay.

1. Substituted for the words "Provincial Government" by A.L.O., 1950.

91. Power to make rules :-

(1) The ¹[State Government] may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the nature of the mechanical or electrical signalling devices which may be used on motor vehicles:

(b) the removal and the safe custody of vehicles including their loads which have broken down or which have been left standing or have been abandoned on roads:

(c) the installation and use of weighing devices;

2 [(cc) the maintenance and management of godowns for the storage of goods removed from overloaded vehicles and the fees, if any, to be charged for the use of such godowns;]

(d) the exemption from all or any of the provisions of this Chapter of fire brigade vehicles, ambulances and other special classes of vehicle, subject to such conditions as may be prescribed;

(e) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use;

(f) prohibiting the driving downhill of a motor vehicle with the gear disengaged either generally or in a specified place;

(g) prohibiting the taking hold of or mounting of a motor vehicle in motion;

(h) prohibiting the use of foot-paths or pavements by motor ' vehicles;

(i) generally, the prevention of a danger, injury, or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic; and

(j) any other matter which is to be or may be prescribed.

1. Substituted for the words "Provincial Government" by A.L.O., 1950.

2. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Sec. 70 (with effect from 16-2-1957).

CHAPTER 7

MOTOR VEHICLES TEMPORARILY LEAVING OR VISITING a [INDIA]

92. Power of Central Government to make rules :-

(1) The Central Government may, by notification, in the Official Gazette, make rules for all or any of the following purposes, namely:-

(a) the grant and authentication of travelling passes, certificates or authorisations to persons temporarily taking motor vehicles out of ¹[India] to any place outside India or to persons temporarily proceeding out of ¹[India] to any place outside India and desiring to drive a motor vehicle during their absence ³[from India];

(b) prescribing the conditions subject to which motor vehicles brought temporarily into ¹[India] from outside India by persons intending to make a temporary stay in ¹[India] may be possessed and used in ¹[India]; and

(c) prescribing the conditions subject to which persons entering ¹[India] from any place outside India for a temporary stay in ¹[India] may drive motor vehicles in ¹[India].

10[(1A) For the purpose of facilitating and regulating the services of motor vehicles operating between India and any other country ¹¹[* * * * *] under any reciprocal arrangement and carrying passengers or goods or both by road for hire or reward, the Central Government may, by notification" in the Official Gazette, make rules with respect to all or any of the following matters, namely:-

(a) the conditions subject to which motor vehicles carrying on such services may be brought into India from outside India and possessed and used in India;

(b) the conditions subject to which motor vehicles may be taken from any place in India to any place outside India;

(c) the conditions subject to which persons employed as drivers and conductors of such motor vehicles may enter or leave India;

(d) the grant and authentication of travelling passes, certificates or authorisations to persons employed as drivers and conductors of such motor vehicles;

(e) the particulars (other than registration marks) to be exhibited, by such motor vehicles and the manner in which such particulars are to be exhibited;

(f) the use of trailers with such motor vehicles:

(g) the exemption of such motor vehicles and their drivers and conductors from all or any of the provisions of this Act [other than those referred to in sub-section (4)] or of the rules made thereunder;

(h) the identification of the drivers and conductors of such motor vehicles;

(i) the replacement of the travelling passes, certificates or authorisations, permits, licences or any other prescribed documents lost or defaced, on payment of such fee as may be prescribed:

(j) the exemption from the provisions of such laws as relate to customs, police or health with a view to facilitate such road transport services;

(k) any other matter which is to be, or may be, prescribed.]

(2) No rule made under this section shall operate to confer on any person any immunity in any State from the

payment of any tax levied in that State on motor vehicles or their users.

12[* * * * *]

(4) Nothing in this Act or in any rule made thereunder by a State Government relating to-

(a) the registration and identification of motor vehicle; or

(b) the requirements as to construction, maintenance and equipment of motor vehicles or

(c) the licensing and the qualifications of drivers ³[and conductors] of motor vehicles, ¹⁴ [shall apply-

(i) to any motor vehicle to which or to any driver of a motor vehicle to whom any rules made under clause (b) or clause (c) of sub-section (1) or under sub-section (1A) apply; or

(ii) to any conductor of a motor vehicle to whom any rules made under sub-section (1-A) apply.]

OBJECTS AND REASONS Section 92 (1A).- "Section 92 of the Act and the Motor Vehicles International Rules, 1933, govern only the motor vehicles brought into India for a short stay or motor vehicles taken out of the country by persons going abroad temporarily. They do not include provisions regulating commercial traffic between India and the countries contiguous to it. The amendment.....makes provision for this purpose."-S.O.R. (Act 100 of 1956). Clause 51.- "At present sub-section (1A) of S. 92 enables the Central Government to make rules for the purpose of facilitating and regulating the services of motor vehicles operating between India and any other country contiguous to it under any reciprocal arrangement and carrying passengers or goods or both for hire or reward. This clause seeks to authorise the Central Government to make such rules for the operation of transport vehicles between India and any foreign country, whether contiguous to it or not under reciprocal arrangements. Although the necessity of framing such rules does not exist at present, it is Considered advisable to make this enabling provision for use as and when necessary." -S.O.R. (Act 56 of 1969).

1. Substituted for the words "the States" by the Part B States (Laws) Act, 1951 (3 of 1951), S. 3 and Schedule(1-4-1951).

3. Substituted for the words "from British India" by A.C.A.O.. 1948.

10. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Section 71 (16-2-1937).

11. Words "contiguous to it" omitted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), Section 51 (2-3-1970).

12. Sub-section (.3) was omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 71 (16-2-1957).

14. Substituted for the words "shall apply to any motor vehicle or to any driver of a motor vehicle to whom any rules made under clause (b) or clause (c) of sub-section (1) apply," Sub-section (3) was omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 71 (16-2-1957).

CHAPTER 7A

LIABILITY WITHOUT FAULT IN CERTAIN CASES

92A. Liability to pay compensation in certain cases on the principle of no fault :-

(1) Where the death or permanent disablement of any person has resulted from an accident arising out of the use of a motor vehicle or motor vehicles, the owner of the vehicle shall, or, as the case may be, the owners of the vehicles shall, jointly and severally, be liable to pay compensation in respect of such death or disablement in accordance with the provisions of this section.

(2) The amount of compensation which shall be payable under sub-section (1) in respect of the death of any person shall be a fixed sum of fifteen thousand rupees and the amount of compensation payable under that sub-section in respect of the permanent disablement of any person shall be a fixed sum of seven thousand five hundred rupees.

(3) In any claim for compensation under sub-section (1), the claimant shall not be required to plead and establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act, neglect or default of the owner or owners of the vehicle or vehicles concerned or of any other person.

(4) A claim for compensation under sub-section (1) shall not be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement the claim has been made nor shall the quantum of compensation recoverable in respect of such death or permanent disablement be reduced on the basis of the share of such person in the responsibility for such death or permanent disablement.

92B. Provisions as to other right to claim compensation for death or permanent disablement :-

(1) The right to claim compensation under Section 92A in respect of death or permanent disablement of any person shall be in addition to any other right (hereafter in this section referred to as the right on the principle of fault) to claim compensation in respect thereof under any other provision of this Act or of any other law for the time being in force.

(2) A claim for compensation under Section 92A in respect of death or permanent disablement of any person shall be disposed of as expeditiously as possible and where compensation is claimed in respect of such death or permanent disablement under Section 92A and also in pursuance of any right on the principle of fault, the claim for compensation under Section 92A shall be disposed of as aforesaid in the first place.

(3) Notwithstanding anything contained in sub-section (1), where in respect of the death or permanent disablement of any person, the person liable to pay compensation under section 92A is also liable to pay compensation in accordance with the right on the principle of fault, the person so liable shall pay the first-mentioned compensation and-

(a) if the amount of the first-mentioned compensation is less than the amount of the second-mentioned compensation, he shall be liable to pay in addition to the first-mentioned compensation) only so much of the second-mentioned compensation as is equal to the amount by which it exceeds the first-mentioned compensation;

(b) if the amount of the first-mentioned compensation is equal to or less than the amount of the second-mentioned compensation, he shall not be liable to pay' the second-mentioned compensation.

92C. Permanent disablement :-

For the purposes of this Chapter, permanent disablement of a person shall be deemed to have resulted from an accident of the nature referred to in sub-section (1) of section 92A if such person has suffered byreason of the accident any injury or injuries involving-

(a) permanent privation of the sight of either eye or the hearing of either ear, or privation of any member or joint; or

(b) destruction or permanent impairing of the powers of any member or joint, or

(c) permanent disfiguration of the head or face.

92D. Applicability of Chapter to certain claims under Act 8 of 1923 :-

The provisions of this Chapter shall also apply in relation to any claim for compensation in respect of death or permanent disablement of any person under the Workmen's Compensation Act, 1923 resulting from an accident of the nature referred, to in sub-section (1) of section 92A and for .this purpose, the said provisions shall, with. necessary modifications, be deemed to form part of that Act.

92E. Overriding effect :-

The provisions of this Chapter shall have effect notwithstanding anything contained, in any other provision of this Act or of any other law for the time being in force."]

CHAPTER 8

INSURANCE OF MOTOR VEHICLES AGAINST THIRD-PARTY RISKS

93. Definition :-

In this Chapter,-

1 [(a) "authorised insurer" means an insurer in whose case requirements of the Insurance Act, 1938, are complied with;]

(b) "certificate of insurance" means a certificate issued by an authorised insurer in pursuance of sub-section (4) of section 95; and includes **2** [a cover note complying with such requirements as may be prescribed, and] where more than one certificate has been issued in connection with a policy, or .where a copy of a certificate, has been issued, all those certificates or that copy, as the case may be;

3 [(ba) "liability" wherever used in relation to the death of or bodily injury to any person includes liability in respect thereof under section 92A;]

4 [(bb) "property" includes roads, bridges, culverts, causeways, trees, posts and milestones;]

2 [(c) "reciprocating country" means any such country as may on the basis of reciprocity be notified by the Central Government in the Official Gazette to be a reciprocating country for the purposes of this Chapter.]

4 [(d) "third party," includes the Government.]

OBJECTS AND REASONS Amendments made in 1966."The amendment in clause (a) is designed to remove any danger of conflict between section 93 of the Act and the provisions of Insurance Act, 1938, under which a policy is not necessarily invalidated by temporary default in payment of deposits..... The amendment in clause (b) is aimed at bringing a cover note which has the same force, during its period of validity, as a policy of insurance within the definition of 'certificate of insurance'."-S. O. R. Amending Act 56 of 1969.- Clause 52.- "These amendments are consequential upon the amendments made by sub-clause (a) (i) of clause 54."-S. O. R. (Act 56 of 1969).

1. Substituted for the original clause, by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 72 with effect from 16-2-1957).

2. Inserted, Substituted for the original clause, by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 72 with effect from 16-2-1957).

3. Inserted by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 12 (1-10-1982).

4. Clauses (bb) and (d) inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 52 (2-3-1970).

94. Necessity for insurance against third party risk :-

(1) No person shall use except as a passenger or cause or allow any other person to use a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle 'by that person or that other person, as the case may be, a policy of insurance complying with the requirements of this Chapter. Explanation.- A person driving a motor vehicle merely as a paid employee, while there is in force in relation to the use of the vehicle no such policy as is required by this sub-section, shall not be deemed to act in contravention of the sub-section unless he knows or has reason to believe that there is no such policy in force.

1 [(2) Sub-section (1) shall not apply to any vehicle owned by the Central Government or a State Government and

used for Government purposes unconnected with any commercial enterprise.

(3) The appropriate Government may by order exempt from the operation of sub-section (1) any vehicle owned by any of the following authorities. namely:-

(a) The Central Government or a State Government, if the vehicle is used for Government purposes connected with any commercial enterprise;

(b) any local authority;

(c) any State transport undertaking within the meaning of section 68A: Provided that no such order shall be made in relation to any such authority unless a fund has been established and is maintained by that authority in accordance with the rules made in that behalf under this Act for meeting any liability arising out of the use of any vehicle of that authority which that authority or any person in its employment may incur to third parties.

2 [Explanation.- For the purposes of this sub-section, appropriate Government means the Central Government or the State Government, as the case may be, and- (i) in relation to any corporation or company owned by the Central Government or any State Government means the Central Government or that State Government; (ii) in relation to any corporation or company owned by the Central Government and one or more State Governments, means the Central Government; (iii) in relation to any other State Transport Undertaking or any local authority, means that Government which has control over that Undertaking or authority.]] OBJECTS AND REASONS Amending Act C of 1956.- Sub-sections (2) and (3).- "In sub-section (2) of section 94, the phrase 'by or on behalf of' is considered too wide and might be taken to include a contractor working for a Government, who should not be entitled to receive exemption. The phrase 'or State owned Railway' can conveniently be included in the phrase 'owned by any Government in India' and may, therefore, be omitted. Moreover, even in the case of Government owned vehicles, exemptions should be restricted to motor vehicles used for administrative and allied purposes and not for vehicles used for a commercial purpose or for the purposes of a commercial department. A conditional exemption may, however, be given to vehicles owned by the Government or by a local authority or a State transport undertaking and used for commercial purposes. It is being provided that exemption may be given when a fund for meeting the liabilities arising out of the use of such vehicles is constituted by them. This provision is based on the lines of section 41 (2) of the Road Transport Corporations Act, 1950."-S. O. R. Amending Act 56 of 1969.- Clause 53.- This amendment is consequential upon the amendment made by sub-clause (b) of clause 38.-S. O. R. 1. Substituted for sub-section (2) by the Motor Vehicles (Amendment) Act, 1958 (100 of 1956), S. 73 (16-2-1957). 2. Substituted for original explanation by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 53 (2-3-1970).

95. Requirements of policies and limits of liability :-

(1) In order to comply with the requirements of this Chapter, a policy of insurance may be a policy which,-

(a) is issued by a person who is an authorised insurer ¹[or by a co-operative society allowed under section 108 to transact the business of an insurer], and

2[(b) insures the person or classes of persons specified in the policy to the extent specified in sub-section (2)-

(i) against any liability which may be incurred by him in respect of the death of or bodily injury to any person or damage to any property of a third party caused by or arising out of the use of the vehicle in a public place;

(ii) against the death of or bodily injury to any passenger of a public service vehicle caused by or arising out of the use of the vehicle in a public place;] Provided that a policy shall not ³[* * *] be required-

(i) to cover liability in respect of the death, arising out of and in the course of his employment, of the employees of a person insured by the policy or in respect of bodily injury sustained by such an employee arising out of and in the course of his employment other than a liability arising under the Workmen's Compensation Act, 1923,] in respect of the death of, or bodily injury to, any such employee-

(a) engaged in driving the vehicle, or

(b) if it is a public service vehicle, engaged as a conductor of the vehicle or in examining tickets on the vehicle, or

(c) if it is a goods vehicle, being carried in the vehicle]; or

(ii) except where the vehicle is a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of contract of employment, to cover liability in respect of the death of or bodily injury to persons being carried in or upon -or entering or mounting or alighting from the vehicle at the time of the occurrence of the event out of which a claim arises, or

(iii) to cover any contractual liability.

4[Explanation.- For the removal of doubts, it is hereby declared that the death of or bodily injury to any person, or damage to any property of a third party shall be deemed to have been caused by or to have arisen out of the use of a vehicle in a public place notwithstanding that the person who is dead or injured or the property which is damaged was not in a public place at the time of the accident, if the act or omission which led to the accident occurred in a public place.]

(2) Subject to the proviso to sub-section (1) a policy of insurance shall cover any liability incurred in respect of any one accident up to the following limits, namely:-

5[(a) where the vehicle is a goods vehicle, a limit of ⁶[one lakh and fifty thousand rupees] in all, including the

liabilities, if any, arising under the Workmen's Compensation Act, 1923, in respect of the death of, or bodily injury to, employees (other than the driver), not exceeding six in number, being carried in the vehicle;]

2[(b) where the vehicle is a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment,-

(i) in respect of persons other than passengers carried for hire or reward, a limit of fifty thousand rupees' in all;

8[(ii) in respect of passengers, a limit of fifteen thousand rupees for each individual passenger;]

(c) save as provided in clause (d), where the vehicle is a vehicle of any other class, the amount of liability incurred;

(d) irrespective of the class of the vehicle, a limit of rupees **9**[six thousand] in all in respect of damage to any property of a third party].

10[(3) * * * * *]

(4) A policy shall be of no effect for the purposes of this Chapter unless and until there is issued by the insurer in favour of the person by whom the policy is effected a certificate of insurance j[* * *] in the prescribed form and containing the prescribed particulars of any conditions subject to which the policy is issued and of any other prescribed matters; and different forms, particulars and matters may be prescribed in different cases.

1 [(4A) Where a cover note issued by the insurer under the provisions of this Chapter or the rules made thereunder is not followed by a policy of insurance within the prescribed time. the insurer shall, within seven days of the expiry of the period of the validity of the cover note, notify the fact to the registering authority in whose records the vehicle to which the cover note relates has been registered or to such other authority as the State Government may prescribe.]

(5) Notwithstanding anything elsewhere contained in any law, a person issuing a policy of insurance under this section shall be liable to indemnify the person or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of that person or those classes of persons.

OBJECTS AND REASONS Amendments made In 1950."Sub-sec. (1), Proviso (i).- "At present, it is discretionary with the State Governments to lay down that a policy of insurance should also cover liability arising under the Workmen's Compensation Act, 1923. It is necessary to make this requirement compulsory". Necessary provision is made in clause (i) of the Proviso. Sub-section (2) (a).- "The amendment (by substitution of clause (a) in sub-sec. (2)) is intended to restrict the liabilities arising out of the Workmen's Compensation Act to six employees carried in a vehicle". Sub-section (4A).- "The amendment (by the insertion of sub-section (A)) is designed to check the prevailing malpractice whereby insurance of motor vehicles is evaded by taking out a cover note at the time of payment of tax and not following it up with a regular policy of insurance thereafter. It is being made obligatory on an insurance company to notify to the prescribed authority whenever any such case comes to its notice".-S. O. R. Amendments made in 1969 Clause 54-Sub-clause (a) (i).- This amendment requires that a policy of insurance of a motor vehicle under Chapter VIII Covers the following additional matters, namely:- (1) damage to any property of a third party; (2) death or bodily injury to any passenger of a public service vehicle, even though the owner or the driver of the vehicle may not be responsible for the accident, provided there is no contributory negligence on the part of the passenger. Sub-clause (a) (ii).-It has been contended that if a motor vehicle which is being driven on a public road gets out of control and knocks down a person in some private premises situated by the side of that road, that person or his heirs will not be entitled to any compensation from the insurance company. This amendment makes it clear that an accident shall be deemed to have been caused in a public place notwithstanding the fact that the person injured or the property damaged by the accident was not actually in a public place, if the cause which led to the accident had occurred in a public place. Sub-clause (b).- These amendments enhance suitably the limits up to which the various classes of motor vehicles are required to be insured. The existing limits were laid down in 1939 and there has been considerable rise in the cost of living and increase in the carrying capacity of motor vehicles since then, At present damage to third party property is not covered by a policy of insurance under Chapter VIII. This sub-clause seeks to lay down a limit of Rs. 2,000 in respect of damage to any property of a third party, with a view to avoiding the inconvenience, delay or harassment to people of small means.-S. O. R. (Act 56 of 1969).

1. inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 74 (16-2-1957).

2. Substituted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 54. For (i) clause (b) of sub-section (1); (ii) word "twenty" in clause (a) of sub-section (2); and (iii) clauses (b) and (c) of sub-section (2).

3. Words "except" as may be otherwise provided under sub-section (3)" omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 74 (16-2-1957).

4. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), Sec. 54 (2-3-1970),

5. Substituted for the former clause by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 76 (16-2-1957).

6. Substituted for the words "fifty thousand rupees" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 13 (1-10-1982).

8. Sub-clause (ii) substituted for the words "fifty thousand rupees" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 13 (1-10-1982).

9. Substituted for the words "two thousand" "fifty thousand rupees" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 13 (1-10-1982).

10. Sub-section (3) was omitted Substituted for the words "two thousand" "fifty thousand rupees" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 13 (1-10-1982).

95A. Validity of policies of insurance issued in reciprocating countries :-

Where, in pursuance of an arrangement between India and any reciprocating country, any motor vehicle registered in the reciprocating, country operates on any route or within any area common to the two countries and there is in force in relation to the use of the vehicle, in the reciprocating country, a policy of insurance complying with the

requirements of the law of insurance in force in that country, then, notwithstanding anything contained in section 95 but subject to any rules which may be made under sec. 111, such policy of insurance shall be effective throughout the route or area in respect of which the arrangement has been made, as if the policy of insurance had complied with the requirements of this Chapter.] OBJECTS AND REASONS Section 95A.- "It is necessary to validate in India policies of insurance issued by the insurers of any reciprocating country in respect of motor vehicles which ply on any route common to India and the country concerned in pursuance of a mutual arrangement between the two countries".-S. O. R.

95AA. Security to be deposited by insurers :-

(1) In addition to the deposits required to be made under Section 7 of the Insurance Act, 1938 , every insurer who is competent to issue a policy of insurance in accordance with this Chapter, shall deposit and keep deposited with the Reserve Bank of India or the State Bank of India, a sum of rupees thirty thousand as security for the due discharge of any liability covered by a policy of insurance issued in accordance with the provisions of this Chapter.

(2) Any sum deposited under sub-section (1) shall be deemed to be part of the assets of the insurer but shall not be susceptible of any assignment or charge nor shall it be liable to any attachment in execution of any decree except for meeting the claims arising in respect of a policy of insurance issued after complying with the requirements of this Chapter.

(3) Where, on an application made to it in this behalf, any Court or Claims Tribunal, which has made an award for compensation under this Act, is satisfied-

(i) that the applicant has exhausted all other remedies open to him to recover his dues from the insurer, or,

(ii) that the award has been made after the insurer has gone into liquidation, it may direct the payment of such compensation from out of the sum deposited under sub-section (1): Provided that in the case of the insolvency of the insurer-

(a) such payment shall not be made until all claims under this Act against the insurer have been settled; and

(b) payment so made shall be proportionate to the amount of compensation allowed in each case.]

OBJECTS AND REASONS "This clause seeks to require an insurer to make a deposit of Rs. 30,000 as security for the due discharge of any liability covered by a policy of insurance issued by him under Chapter VIII. This deposit will be in addition to the deposit required to be made by him under the Insurance Act, 1938. This provision will ensure payment of compensation to victims in cases where compensation has been decreed by the competent authority but payment is denied or unreasonably delayed by the insurer."-S. O. R.

96. Duty of insurers to satisfy judgments against persons insured in respect of third party risks :-

(1) If, after a certificate of insurance ¹[* * *] has been issued under sub-section (4) of section 95 in favour of the person by whom a policy has been effected, judgment in respect of any such liability as is required to be covered by a policy under clause (b) of sub-section (1) of section 95 (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the insurer shall, subject to the provisions of this section, pay to the person entitled to the benefit of the decree any sum not exceeding the sum assured payable thereunder, as if he were the judgment-debtor, in respect of the liability, together with any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by an insurer under sub-section (1) in respect of any judgment unless before or after the commencement of the proceedings in which the judgment is given the insurer had notice through the Court of the bringing of the proceedings, or in respect of any judgment so long as execution is stayed thereon pending an appeal; and an insurer to whom notice of the bringing of any such proceedings is so given shall be entitled to be made a party thereto and to defend the action on any of the following grounds, namely:-

(a) that the policy was cancelled by mutual consent or by virtue of any provision contained therein before the accident giving rise to the liability, and that either the certificate of insurance was surrendered to the insurer or that the person to whom the certificate was issued has made an affidavit stating that the certificate has been lost or destroyed, or that either before or not later than fourteen days after the happening of the accident the insurer has commenced proceedings for cancellation of the certificate after compliance with the provisions of section 105; or

(b) that there has been a breach of a specified condition of the policy, being one of the following conditions, namely:-

(i) a condition excluding the use of vehicle-

(a) for hire or reward, where the vehicle is on the date of the contract of insurance a vehicle not covered by a permit to ply for hire or reward, or

(b) for organised racing and speed-testing, or

(c) for a purpose not allowed by the permit under which the vehicle is used where the vehicle is ²[a transport vehicle], or

(d) without side-car being attached, where the vehicle is a motorcycle; or

(ii) a condition excluding driving by a named person or persons or by any person who is not duly licensed, or by any person who has been disqualified for holding or obtaining a driving licence during the period of disqualification; or

(iii) a condition excluding liability for injury caused or contributed to by conditions of war, civil war, riot or civil commotion; or

(c) that the policy is void on the ground that it was obtained by the non-disclosure of a material fact or by a representation of fact which was false in some material particular,

³[(2A) Where any such judgment as is referred to in sub-section (1) is obtained from a Court ⁴[* * * *] in a reciprocating country and in the case of a foreign judgment is, by virtue of the provision of section 13 of the Code of Civil Procedure, 1908, conclusive as to any matter adjudicated upon by it, the insurer (being an insurer registered under the Insurance Act, 1938, and whether or not he is registered under the corresponding law of the reciprocating country) shall be liable to the person entitled to the benefit of the decree in the manner and to the extent specified in sub-section (1), as if the judgment were given by a Court in India: Provided that no sum shall be payable by the insurer in respect of any such judgment unless, before or after the commencement of the proceedings in which the judgment is given, the insurer had notice through the Court concerned of the bringing of the proceedings and the insurer to whom notice is so given is entitled under the corresponding law ⁴[* * * *] of the reciprocating country, to be made a party to the proceedings and to defend the action on grounds similar to those specified in sub-section (2).]

(3) Where a certificate of insurance [* * *] has been issued under sub-section (4) of section 95 to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any conditions other than those in clause (b) of sub-section (2) shall, as respects such liabilities as are required to be covered by a policy under clause (b) of sub-section (1) of section 95, be of no effect : Provided that any sum paid by the insurer in or towards the discharge . of any liability of any person which is covered by the policy by virtue only of this sub-section shall be recoverable by the insurer from that person.

(4) If the amount which an insurer becomes liable under this section to pay in respect of a liability incurred by a person insured by a policy exceeds the amount for which the insurer would, apart from the provisions of this section, be liable under the policy in respect of that liability, the insurer shall be entitled to recover the excess from that person.

(5) In this section the expressions "material fact" and "material particular" mean, respectively, a fact or particular of such a nature as to influence the Judgment of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions, and the expression "liability covered by the terms of the policy" means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel or has avoided or cancelled the policy,

(6) No insurer to whom the notice referred to in sub-section (2) ²[or sub-section (2A)] has been given shall be entitled to avoid his liability to any person entitled to the benefit of any such judgment as is referred to in sub-section (1) ³[or sub-section (2A)] otherwise than in the manner provided for in sub-section (2) ³[or in the corresponding law ⁴[* * * *] of the reciprocating country, as the case may be].

1. The words "or a cover note" were omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 76 (16-2-1957).

2. Substituted for the words "a public service vehicle or a goods vehicle" by the Repealing and Amending Act, 1960 (58 of 1960), Section 3 and Schedule II (26-12-1960).

3. The words "or cover note" were omitted the Motor Vehicle? (Amendment) Act, 1956 (100 of 1956), S. 76 (16-2-1957).

4. Words "in the State of Jammu and Kashmir or" occurring in sub-section (2A) and words "of the State of Jammu and Kashmir or" occurring in sub-sec. (6) omitted by Central Law (Extension to J and K) Act, 1968 (25 of 1968), Sec. 2. and Schedule (15-8-1968).

97. Rights of third parties against insurers on insolvency of the insured :-

(1) Where, under any contract of insurance effected in accordance with the provisions of this Chapter a person is insured against liabilities which he may incur to third parties, then-

(a) in the event of the person becoming insolvent or making a composition or arrangement with his creditors, or

(b) where the insured person is a company, in the event of a winding up order being made or a resolution for voluntary winding up being passed with respect to the company or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge, if, either before or after that event, any such liability is incurred by the insured person, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything to the contrary in any provision of law, be transferred to and vest in the third party to whom the liability was so incurred.

(2) When an order for the administration of the estate of a deceased debtor is made according to the law of insolvency, then, if any debt provable in insolvency is owing by the deceased in respect of a liability to a third party

against which he was insured under a contract of insurance in accordance with the provisions of this Chapter, the deceased debtor's rights against the insurer in respect of that liability shall, notwithstanding anything to the contrary in any provision of law, be transferred to and vest in the person to whom the debt is owing.

(3) Any condition in a policy issued for the purposes of this Chapter purporting either directly or indirectly to avoid the policy or to alter the rights of the parties thereunder upon the happening to the insured person of any of the events specified in clause (a) or clause (b) of sub-section (1) or upon the making of an order for the administration of the estate of a deceased debtor according to the law of insolvency shall be of no effect.

(4) Upon a transfer under sub-section (1) or sub-section (2) the insurer shall be under the same liability to the third party as he would have been to the insured person, but-

(a) if the liability of the insurer to the insured person exceeds the liability of the insured person to the third party, nothing in this Chapter shall affect the rights of the insured person against the insurer in respect of the excess, and

(b) if the liability of the insurer to the insured person is less than the liability of the insured person to the third party, nothing in this Chapter shall affect the rights of the third party against the insured person in respect of the balance.

98. Duty to give information as to insurance :-

(1) No person against whom a claim is made in respect of any liability referred to in clause (b) of sub-section (1) of section 95 shall on demand by or on behalf of the person making the claim refuse to state whether or not he was insured in respect of that liability by any policy issued under the provisions of this Chapter, or would have been so insured if the insurer had not avoided or cancelled the policy, nor shall he refuse, if he was or would have been so insured to give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect thereof.

(2) In the event of any person becoming insolvent or making a composition or arrangement with his creditors or in the event of an order being made for the administration of the estate of a deceased person according to the law of insolvency, or in the event of a winding up order being made or a resolution for a voluntary winding up being passed with respect to any company or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge on any property comprised in or subject to the charge, it shall be the duty of the insolvent debtor, personal representative of the deceased debtor or company, as the case may be, or the official assignee or receiver in insolvency, trustee, liquidator, receiver or manager, or person in possession of the property to give at the request of any person claiming that the insolvent debtor, deceased debtor or company is under such liability to him as is covered by the provisions of this Chapter, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by section 97, and for the purpose of enforcing such rights, if any, and any such contract of insurance as purports whether directly or indirectly to avoid the contract or to alter the rights of the parties thereunder upon the giving of such information in the events aforesaid, or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

(3) If from the information given to any person in pursuance of sub-sec. (2) or otherwise, he has reasonable ground for supposing that there have or may have been transferred to him under this Chapter rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said sub-section on the persons therein mentioned.

(4) The duty to give the information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

99. Settlement between insurers and insured persons :-

(1) No settlement made by an insurer in respect of any claim which might be made by a third party in respect of any liability of the nature referred to in clause (b) of sub-section (1) of section 95 shall be valid unless such third party is a party to the settlement.

(2) Where a person who is insured under a policy issued for the purposes of this Chapter has become insolvent, or where, if such insured person is a Company, a winding up order has been made or a resolution for a voluntary winding up has been passed with respect to the company, no agreement made between the insurer and the insured person after liability has been incurred to a third party and after the commencement of the insolvency or winding up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured person after the commencement aforesaid shall be effective to defeat the rights transferred to the third party under this Chapter, but those rights shall be the same as if no such agreement, waiver, assignment or disposition or payment has been made.

100. Saving in respect of sections 97, 98 and 99 :-

(1) For the purposes of sections 97, 98 and 99, a reference to "liabilities to third parties" in relation to a person insured under any policy of insurance shall not include a reference to any liability of that person in the capacity of insurer under some other policy of insurance.

(2) The provisions of sections 97, 98 and 99 shall not apply where a company is wound up voluntarily merely for

the purposes of reconstruction or of an amalgamation with another company.

101. Insolvency of insured persons not to affect liability of insured or claims by third parties :-

Where a certificate of insurance has been issued to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in sub-section (1) or sub-section (2) of section 97 shall, notwithstanding anything in this Chapter, not affect any liability of that person of the nature referred to in clause (b) of sub-section (1) of section 95; but nothing in this section shall affect any rights against the insurer conferred under the provisions of sections 97, 98 and 99 on the person to whom the liability was incurred.

102. Effect of death on certain causes of action :-

Notwithstanding anything contained in Section 306 of the Indian Succession Act, 1925, the death of a person in whose favour a certificate of insurance ¹ [* * *] had been issued, if it occurs after the happening of an event which has given rise to a claim under the provisions of this Chapter, shall not be a bar to the survival of any cause of action arising out of the said event against his estate or against the insurer,

1. The words "or cover note" were omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 77(16-2-1957).

103. Effect of certificate of insurance :-

When an insurer has issued a certificate of insurance in respect of a contract of insurance between the insurer and the insured person, then-

(a) if and so long as the policy described in the certificate has not been issued by the insurer to the insured, the insurer shall, as between himself and any other person except the insured, be deemed to have issued to the insured person a policy of insurance conforming in all respects with the description and particulars stated in such certificate; and

(b) if the insurer has issued to the insured the policy described in the certificate, but the actual terms of the policy are less favourable to persons claiming under or by virtue of the policy against the insurer either directly or through the insured than the particulars of the policy as stated in the certificate, the policy shall, as between the insurer and any other person except the insured, be deemed to be in terms conforming in all respects with the particulars stated in the said certificate.

103A. Transfer of certificate of insurance :-

(1) Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter proposes to transfer to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, he may apply in the prescribed form to the insurer for the transfer of the certificate of insurance and the policy described in the certificate in favour of the person to whom the motor vehicle is proposed to be transferred, and if within fifteen days of the receipt of such application by the insurer, the insurer has not intimated the insured and such other person his refusal to transfer the certificate and the policy to the other person, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

(2) The insurer to whom any application has been made under sub-section (1) may refuse to transfer to the other person the certificate of insurance and the policy described in that certificate if he considers it necessary so to do, having regard to-

(a) the previous conduct of the other person,-

(i) as a driver of motor vehicles; or

(ii) as a holder of the policy of insurance in respect of any motor vehicle; or

(b) any conditions which may have been imposed in relation to any such policy held by the applicant; or

(c) the rejection of any proposal made by such other person for the issue of a policy of insurance in respect of any motor vehicle owned or possessed by him.

(3) Where the insurer has refused to transfer, in favour of the person to whom the motor vehicle has been transferred, the certificate of insurance and the policy described in that certificate, he shall refund to such transferee the amount, if any, which, under the terms of the policy, he would have had to refund to the insured for the unexpired term of such policy.]

104. Duty to surrender certificate on cancellation of policy :-

(1) Whenever the period of cover under a policy of insurance issued under the provisions of this Chapter is terminated or suspended by any means before its expiration by effluxion of time, the insured person shall within seven days after such termination or suspension deliver to the insurer by whom the policy was issued the latest certificate of insurance given by the insurer in respect of the said policy, or, if the said certificate has been lost or destroyed, make an affidavit to that effect.

(2) Whoever fails to surrender a certificate of insurance or to make an affidavit, as the case may be, in accordance

with the provisions of this section shall be punishable with fine which may extend to fifteen rupees for every day that the offence continues subject to a maximum of five hundred rupees.

105. Duty of insurer to notify registering authority cancellation or suspension of the policy :-

Whenever a policy of insurance issued under the provisions of this Chapter is cancelled or suspended by the insurer who has issued the policy, the insurer shall within seven days notify such cancellation or suspension to the registering authority in whose records the registration of the vehicle covered by the policy of insurance is recorded or to such other authority as the ¹ [State Government] may prescribe.

1. Substituted for the words "Provincial Government" by A.L.O., 1950.

106. Production of certificate of insurance :-

(1) Any person driving a motor vehicle in any public place shall on being so required by a police officer in uniform ¹[authorised in this behalf by the State Government] produce the certificate of insurance relating to the use of the vehicle: ²[* * * * *]

(2) If, where owing to the presence of a motor vehicle in a public place an accident occurs involving bodily injury to another person, the driver of the vehicle does not at the time produce the certificate of insurance to a police officer, he shall produce the certificate of insurance at the police station at which he makes the report required by section 89. ²[* * * * *]

¹[(2A) No person shall be liable to conviction under sub-section (1) or sub-section (2) by reason only of the failure to produce the certificate of insurance if, within seven days from the date on which its production was required under sub-section (1), or, as the case may be, from the date of occurrence of the accident, he produces the certificate at such police station as may have been specified by him to the police officer who required its production or, as the case may be, to the police officer at the site of the accident or to the officer in charge of the police station at which he reported the accident: Provided that, except to such extent and with such modifications as may be prescribed, the provisions of this sub-section shall not apply to the driver of a transport vehicle.]

(3) The owner of a motor vehicle shall give such information as he may be required by or on behalf of a police officer empowered in this behalf by the ⁵ [State Government] to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section 94 and on any occasion when the driver was required under this section to produce his certificate of insurance.

(4) In this section the expression "produce his certificate of insurance" means produce for examination the relevant certificate of insurance or such other evidence as may be prescribed that the vehicle was not being driven in contravention of section 94.

1. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), Sec. 78 (16-2-1957).

2. Omitted, the Motor Vehicles (Amendment) Act, 1956.

3. Substituted for the words "Provincial Government" by A. L. O., 1950.

107. Production of certificates of insurance on application for authority to use vehicle :-

A ¹ [(State Government} may make rules requiring the owner of any motor vehicle when applying whether by payment of a tax or otherwise for authority to use the vehicle in a public place to produce such evidence as may be prescribed by those rules to the effect that either-

(a) on the date when the authority to use the vehicle comes into operation there will be in force the necessary policy of insurance in relation to the use of the vehicle by the applicant or by other persons on his order or with his permission, or

(b) the vehicle is a vehicle to which section 94 does not apply.

1. Substituted for the words "Provincial Government" by A.L.O., 1950.

108. Co-operative Insurance :-

(1) A ¹[State Government] may, on the application of a co-operative society of ²[transport vehicle) owners registered or deemed to have been registered under the Co-operative Societies Act, 1912, or under an Act of a ¹[State] Legislature governing the registration of Cooperative Societies and subject to the control of the Registrar of Co-operative Societies of the State, allow the society to transact business of an insurer for the purposes of this Chapter ⁴[* * *], subject to the following conditions, namely:-

(a) the society shall establish and maintain a fund of not less than twenty- five thousand rupees for the first fifty vehicles or fractional part thereof and pro-rata for every additional vehicle in the possession of ⁵[members of, and insured with, the society subject to a maximum of one hundred and fifty thousand rupees] and the said fund shall be lodged in such custody or the ¹[State Government] may prescribe and shall not be available for meeting claims or other expenses except in the event of the winding up of the society;

⁷[(b) the insurance business of the society shall, except to the extent permitted under clause (cc), be limited to transport vehicles owned by its members, and its liability shall be limited as specified in sub-section (2) of section 95;]

(c) the society shall, if required by the State Government, reinsure against claims above ⁸[such amount as may be specified by the State Government];

⁹[(cc) the society may, if permitted by the State Government and subject to such conditions and limitations as may be imposed by it, accept reinsurances from other societies allowed to transact the business of an insurer under this section];

(d) the provisions of this Chapter, in so far as they relate to the protection of third parties and to the issue and production of certificates, shall apply in respect of any insurance effected by the society;

(e) an independent authority not associated with the society shall be appointed by the State Government to facilitate and assist in the settling of claims against the society;

(f) the society shall operate on an insurance basis, that is to say,-

(i) it shall levy its premiums in respect of a period not exceeding twelve months during which period the insured shall be held covered in respect of all accidents arising, subject to the limits of liability specified in ¹⁰[* * *] sub-section (2) of section 95;

(ii) it shall charge premiums estimated to be sufficient, having regard to the risks, to meet the capitalised value of all claims arising during the period of cover, together with an adequate charge for expenses attaching to the issue of policies and to the settlement of claims arising thereunder;

(g) the society shall furnish to the ¹¹[Controller of Insurance] the returns required to be furnished by insurers under the provisions of Insurance Act, 1938, and the ¹²[Controller of Insurance] may exercise in respect thereof any of the powers exercisable by him in respect of returns made to him under the said Act; [* * *]¹⁰;

¹⁴ [(h) the society shall, in respect of any business transacted by it of the nature referred to in clause (i) of the proviso to sub-section (1) of section 95, be deemed to be an insurer within the meaning of sub-section (1) of section 10 and sub-section (6) of Section 13 of the Insurance Act, 1938 ;

(i) the provisions of the Insurance Act, 1938, relating to the winding up of insurance companies shall, to the exclusion of any other law inconsistent therewith and subject to such modifications as may be prescribed, apply to the winding up of the society.]

(2) Except as provided in sub-section (1), the Insurance Act, 1938, shall not apply to any co-operative society of [transport vehicle] owners allowed to transact the business of an insurer under this section.

1. Substituted for the words "Provincial Government"; "Provincial" by A.L.O., 1950,

2. Substituted for the words "public service vehicle" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 79 (16-2-1957).

4. The words "as if the society were an authorised insurer" omitted, the Motor Vehicles (Amendment) Act, 1956.

5. Substituted for the words "member of the society", the Motor Vehicles (Amendment) Act, 1956.

7. Substituted for the former clause (b), the Motor Vehicles (Amendment) Act, 1956.

8. Substituted for the words "a prescribed amount", the Motor Vehicles (Amendment) Act, 1956.

9. Inserted the Motor Vehicles (Amendment) Act, 1956.

10. The words, brackets and letter "clause (b) of" were omitted, the Motor Vehicles (Amendment) Act, 1956.

11. Substituted for "Superintendent of Insurance" by Repealing and Amending Act. 1952 (58 of 1952), S. 2 and Schedule II (2-8-1952).

12. The word "and" was omitted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 79 (16-2-1957).

14. Substituted for clause (h), the Motor Vehicles (Amendment) Act, 1969.

109. Duty to furnish particulars of vehicle involved in accident :-

A registering authority or the officer in charge of a police station shall, if so required by a person who alleges that he is entitled to claim compensation in respect of an accident arising out of the use of a motor vehicle, or if so required by an insurer against whom a claim has been made in respect of any motor vehicle, furnish to that person or to that insurer, as the case may be, on payment of the prescribed fee any information at the disposal of the said authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was injured by it.

109A. Special provisions as to compensation in cases of hit and run motor accidents :-

(1) For the purposes of this section, section 109B and section 109C,-

(a) "grievous hurt" shall have the same meaning as in the Indian Penal Code;

(b) "hit and run motor accident" means an accident arising out of the use of a motor vehicle or motor vehicles the identity whereof cannot be ascertained in spite of reasonable efforts for the purpose;

(c) "scheme" means the scheme framed under section 109C;

(d) "Solatium Fund" means the Fund established under sub-section (2).

(2) The Central Government may, by notification in the Official Gazette establish a Fund to be known as the Solatium Fund.

(3) The Solatium Fund shall be utilised for paying in accordance with the provisions of this Act and the scheme,

compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents.

(4) Notwithstanding anything contained in the General Insurance Business (Nationalisation) Act, 1972 or any other law for the time being in force or any instrument having the force of law, the General Insurance Corporation of India formed under section 9 of the said Act and the insurance companies for the time being carrying on general insurance business in India shall make to the Solatium Fund such contributions as the Central Government may from time to time by order in writing specify, and in addition to such contributions, the said Fund shall consist of-

(a) such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from time to time;

(b) such sums as the State Governments may from time to time contribute; and

(c) such other sums as may be received (whether by way of refund, gift, donation or in any other manner) for being credited to the Fund.

(5) Subject to the provisions of this Act and the scheme, there shall be paid as compensation out of the Solatium Fund,-

(a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of five thousand rupees;

(b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of one thousand rupees; Provided that where the sum standing to the credit of the Solatium Fund is not adequate for meeting any claim for compensation under this section, such claim may be kept pending for payment till such time as the sum necessary for meeting it becomes available in the Fund.

(6) The provisions of sub-section (1) of Section 110A shall apply for the purpose of making applications for compensation under this section as they apply for the purpose of making applications for compensation referred to in that sub-section.]

109B. Refund in certain cases of compensation paid under Section 109A :-

(1) The payment of compensation in respect of the death of, or grievous hurt to, any person under Section 109A shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount in lieu of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law or otherwise, so much of the other compensation or other amount aforesaid as is equal to the compensation paid under Section 109A shall be credited to the Solatium Fund by way of refund.

(2) Before awarding compensation in respect of an accident involving the death of, or bodily injury to, any person arising out of the use of a motor vehicle or motor vehicles under any provision of this Act (other than Section 109A) or any other law, the tribunal, court or other authority awarding such compensation shall verify as to whether in respect of such death or bodily injury compensation has already been paid under Section 109A or an application for payment of compensation is pending under that section, and such tribunal, court or other authority shall-

(a) if compensation has already been paid under Section 109A, direct the person liable to pay the compensation awarded by it to pay into the Solatium Fund so much thereof as is required to be credited to that Fund in accordance with the provisions of sub-section (1);

(b) if an application for payment of compensation is pending under Section 109A, forward the particulars as to the compensation awarded by it to the authority in which the Solatium Fund vests.

Explanation.- For the purposes of this sub-section, an application, for compensation under Section 109A shall be deemed to be pending

(i) if such application has been rejected, till the date of the rejection of the application, and

(ii) in any other case, till the date of payment of compensation in pursuance of the application.}

109C. Scheme for the administration of the Solatium Fund :-

(1) The Central Government may, by notification in the Official Gazette, make a scheme specifying the authority in which the Solatium Fund shall vest, the manner in which the Fund shall be administered the form, manner and the time within which applications for compensation from the Fund may be made, the officers or authorities to whom such applications may be made the procedure to be followed by such officers or authorities for considering and passing orders on such applications, and all other matters connected with, or incidental to, the administration of the Fund and the payment of compensation there from.

(2) A scheme made under sub-section (1) may provide that-

(a) a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months, or with fine which may extend to such amount as may be specified but in no case exceeding five hundred rupees or with both;

(b) the powers, functions or duties conferred or imposed on any officer or authority by such scheme may be delegated, with the prior approval in writing of the Central Government, by such officer or authority to any other

officer or authority;

(c) any provision of such scheme may operate with retrospective effect from a date not earlier than the date of establishment of the Solatium Fund: Provided that no such retrospective effect shall be given so as to prejudicially affect the interests of any person who may be governed by such provision

(3) Every scheme made under this section shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree iii making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.]

110. Claims Tribunals :-

(1) A State Government may, by notification in the Official Gazette, constitute one or more Motor Accidents Claims Tribunals (hereinafter referred to as Claims Tribunals) for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of ¹[motor vehicles, or damages to any property of a third party so arising, or both: Provided that, where such claim includes a claim for compensation in respect of damage to property exceeding rupees two thousand, the claimant may, at his option, refer the claim to a Civil Court for adjudication, and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim.]

² [Explanation.- For the removal of doubts, it is hereby declared that the expression "claims for compensation in respect of accidents involving the death of, or bodily injury to persons arising out of the use of motor vehicles" includes claims for compensation under Section 92A.]

(2) A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.

(3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he-

(a) is, or has been, a Judge of a High Court, or

(b) is, or has been, a District Judge, or

(c) is qualified for appointment as a Judge of the High Court.

(4) Where two or more Claims Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.]

1. Substituted for the words "Motor Vehicles" by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 57 (2-3-1970).

2. Inserted by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 15 (1-10-1982).

110A. Application for compensation :-

(1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 110 may be made-

(a) by the person who has sustained the injury; or

¹[(aa) by the owner of the property; or]

(b) where death has resulted from the accident, ²[by all or any of the legal representatives] of the deceased; or

(c) by any agent duly authorised by the person injured ²[or all or any of the legal representatives] of the deceased, as the case may be: ⁴[Provided that, where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined shall be impleaded as respondents to the application.]

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, and shall be in such form and shall contain such particulars as may be prescribed. ⁵[Provided that where any claim for compensation under Section 92A is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant.]

(3) No application for ⁶[for such compensation] shall be entertained unless it is made within ⁷[six months] of the occurrence of the accident: Provided that the Claims Tribunal may entertain the application after the expiry of the said period of ⁶ [six months] if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.]

1. Inserted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 32 (16-1-1979).
2. Substituted for the words (1) "by the legal representatives" occurring in cl. (b) and (II) "or the legal representatives" occurring in cl. (c) by the Motor Vehicles (Amendment) Act, 1969 (58 of 1969), S. 58 (2-3-1970).
4. Inserted, the Motor Vehicles (Amendment) Act, 1969.
5. Inserted by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 16 (1-10-1982).
6. Substituted for the words "compensation under this section", the Motor Vehicles (Amendment) Act, 1982, S. 16 (b) (1-10-1982).
7. Substituted for "sixty days" by the Motor Vehicles (Amendment) Act, 1969 (58 of 1969), S. 58 (2-3-1970).

110AA. Option regarding claims for compensation in certain cases :-

Notwithstanding anything contained in the Workmen's Compensation Act, 1923, where the death or bodily injury to any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923, the person entitled to compensation ¹ [may, without prejudice to the provisions of Chapter VIIA, claim such compensation] under either of those Acts but not under both.] OBJECTS AND REASONS Clause 59.- At present it is open to a workman to file a claim before a Commissioner for compensation under the Workmen's Compensation Act, 1923, even though he had preferred a claim earlier under the Motor Vehicles Act to a Motor Accidents Claims Tribunal and that claim had been adjudicated upon by that tribunal. It was never intended. nor it is desirable, to allow a workman to claim relief under both the Acts. Hence, this proposed amendment.-S.O.R.

1. Substituted for the words "may claim such compensation", the Motor Vehicles (Amendment) Act, 1969, 1982 (47 of 1982), S. 17 (1-10-1982).

110B. Award of the Claims Tribunal :-

On receipt of an application for compensation made under section 110A, the Claims Tribunal shall, after giving the parties an opportunity of being heard, ¹[hold an inquiry into the claim or, as the case may be, each of the claims and, subject to the provisions of section 109B, may make an award] determining the amount of compensation which appears to it to be just and specifying the person or persons to whom compensation shall be paid; and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer, ²[or owner or driver of the vehicle involved in the accident or by all or any of them, as the case may be.] ³ [Provided that where such application makes a claim for compensation under section 92A in respect of the death or permanent disablement of any person, such claim and any other claim (whether made in such application or otherwise) for compensation in respect of such death or permanent disablement shall be disposed of in accordance with the provisions of Chapter VIIA.]

1. Substituted for the words by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 18 (a) (1-10-1982).
2. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 60 (2-3-1970).
3. Inserted by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 18 (b) (1-10-1982).

110C. Procedure and powers of Claims Tribunal :-

(1) In holding any inquiry under section 110B, the Claims Tribunal may, subject to any rules that may be made in this behalf, follow such summary procedure as it thinks fit.

(2) The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Claims Tribunal shall be deemed to be a Civil Court for all the purposes of ¹[Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.]

² [(2A) Where, in the course of any inquiry, the Claims Tribunal is satisfied that-

(i) there is collusion between the person making the claim and the person against whom the claim is made, or

(ii) the person against whom the claim is made has failed to contest the claim, it may, for reasons to be recorded by it in writing, direct that the insurer who may be liable in respect of such claim, shall be impleaded as a party to the proceeding and the insurer so impleaded shall thereupon have the right to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made.]

(3) Subject to any rules that may be made in this behalf, the Claims Tribunal may, for the purpose of adjudicating upon any claim for compensation, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist It in holding the inquiry.

1. Substituted for the words "Section 195..... 1898" by Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 33 (16-1-1979).
2. Inserted by Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 61 (2-3-1970).

110CC. Award of interest where any claim is allowed :-

Where any Court or Claims Tribunal allows a claim for compensation made under this ¹ [Act,] such Court or Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in this behalf.)

1. Substituted for the word "Chapter" the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 19 (1-10-1982).

110CCC. Award of compensatory costs in certain cases :-

(1) Any Court or Claims Tribunal adjudicating upon any claim for compensation under this Act may in any case where it is satisfied for reasons to be recorded by it in writing that-

(i) the policy of insurance is void on the ground that it was obtained by representation of fact which was false in any material particular, or

(ii) any party or insurer has put forward a false or vexatious claim or defence, such Court or Tribunal may make an order for the payment by the party who is guilty of misrepresentation or by whom such claim or defence has been put forward, of special costs by way of compensation to the insurer or, as the case may be, to the party against whom such claim or defence has been put forward.

(2) No Court or Claims Tribunal shall pass an order for special costs under sub-section (1) for any amount exceeding rupees one thousand.

(3) No person or insurer against whom an order has been made under this section shall, by reason thereof, be exempted from any criminal liability in respect of such misrepresentation, claim or defence as is referred to in sub-section (1).

(4) Any amount awarded by way of compensation under this section in respect of any misrepresentation, claim or defence, shall be taken into account in any subsequent suit for damages for compensation in respect of such misrepresentation, claim or defence.]

110D. Appeals :-

(1) Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court, Provided that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) No appeal shall lie against any award of a Claims Tribunal, if the amount in dispute in appeal is less than two thousand rupees,

110E. Recovery of money from any person as arrear of land revenue :-

Where any money is due from ¹ [any person] under an award, the Claims Tribunal may, on an application made to it by the person entitled to the money, issue a certificate for the amount to the Collector and the Collector shall proceed to recover the same in the same manner as an arrear of land revenue.

1. Substituted for the words "an insurer" by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 63 (2-3-1970).

110F. Bar of jurisdiction of Civil Courts :-

Where any Claims Tribunal has been constituted for any area, no Civil Court shall have jurisdiction to entertain any question relating to any claim for compensation which may be adjudicated upon by the Claims Tribunal for that area, and no injunction in respect of any action taken or to be taken by or before the Claims Tribunal in respect of the claim for compensation shall be granted by the Civil Court.] OBJECTS AND REASONS "The Committee think that Courts should be debarred from issuing Injunction not only in respect of any action which may be taken before such tribunal [that is. the Claims Tribunal]. The Committee have, therefore. inserted the words "or before" after the words "action taken or to be taken by" in S. 110F". -J. C. R.

111. Power to make rules :-

(1) The Central Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the forms to be used for the purposes of this Chapter;

(b) the making of applications for and the issue of certificates of insurance;

(c) the issue of the duplicates to replace certificates of insurance ¹[lost, destroyed or mutilated];

(d) the custody, production, cancellation and surrender of certificates of insurance,

(e) the records to be maintained by insurers of policies of insurance issued under this Chapter;

(f) the identification by certificates or otherwise of persons or vehicles exempted from the provisions of this Chapter,

(g) the furnishing of information respecting policies of insurance by insurers;

(h) the carrying into effect of the provisions of section 108;

(i) adapting the provisions of this Chapter to vehicles brought into ²[India] by persons making only a temporary stay therein ³ [or to vehicles registered in the State of Jammu and Kashmir or in a reciprocating country and operating on any route or within any area in India] by applying those provisions with prescribed modifications; and

(j) any other matter which is to be or may be prescribed.

1. Substituted for "lost or destroyed" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 81 (16-2-1957).

2. Substituted for the 'States' by the Part B States (Laws) Act, 1951 (III of 1951), S. 3 and Schedule (1-4-1951).

3. Inserted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1958), S. 81 (16-2-1957).

111A. Power of State Government to make rules :-

A State Government may make rules for the purpose of carrying into effect the provisions of sections 110 to 110E, and in particular, such rules may provide for all or any of the following matters, namely:-

- (a) the form of application for claims compensation and the particulars it may contain; and the fees, if any, to be paid in respect of such applications;
- (b) the procedure to be followed by a Claims Tribunal in holding an inquiry under this Chapter;
- (c) the powers vested in a Civil Court which may be exercised by a Claims Tribunal;
- (d) the form and the manner in which ¹ [and the fees (if any) on payment of which] an appeal may be preferred against an award of a Claims Tribunal; and
- (e) any other matter which is to be, or may be prescribed.]

1. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 64 (2-3-1970).

CHAPTER 9

OFFENCES, PENALTIES AND PROCEDURE

112. General provision for punishment of offences :-

Whoever contravenes any provision of this Act or of any rule made thereunder shall, if no other penalty is provided for the offence, be punishable with fine which may extend to ¹ [one hundred rupees] or, if having been previously convicted of any offence under this Act, he is again convicted of an offence under this Act, with fine which may extend to [three hundred rupees.]

1. Inserted by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), Sec. 34 (16-1-79).

112A. Penalty for travelling without pass or ticket and for dereliction of duty on the part of conductor :-

(1) Whoever travels in a stage carriage without having a proper pass or ticket with him or being in or having alighted from a stage carriage fails or refuses to present for examination or deliver up his pass or ticket immediately on requisition being made therefor, he shall be punishable with fine which may extend to five hundred rupees.

(2) If the conductor of a stage carriage, or the driver of a stage carriage where such driver discharges the functions of a conductor in such stage carriage, whose duty is-

(a) to supply a ticket to a person travelling in a stage carriage on payment of fare by such person, either wilfully or negligently,-

(i) fails or refuses to accept the fare when tendered, or

(ii) fails or refuses to supply a ticket, or

(iii) supplies an invalid ticket, or

(iv) supplies a ticket of lesser value, or

(b) to check any pass or ticket, either wilfully or negligently fails or refuses to do so, he shall be punishable with fine which may extend to five hundred rupees.

(3) The offence under this section may be compounded if the person referred to in sub-section (1) or the conductor or the driver referred to in subsection (2), pays, on the spot on demand by such authority as the State Government may by notification in the Official Gazette, specify,-

(a) ten times the actual fare payable by such person or realisable by such conductor or driver, or

(b) rupees five hundred, whichever is less.

(4) Where a person has paid the amount under sub-section (3), no action shall be taken against him under section 112.]

112B. Penalty for fraudulent travelling, or attempting to travel without proper ticket :-

(1) if a person, with the intention to defraud the owner of a stage carriage :-

(a) enters, or remains in any stage carriage without purchasing a ticket or without having a proper pass; or

(b) uses or attempts to use a single ticket which has already been used on a previous journey, he shall be punished with fine, which may extend to twenty-five rupees in addition to the amount of the single fare for any distance which, he may have travelled.

(2) Notwithstanding anything contained in S. 35 of the Indian Penal Code, 1860 (XIV of 1860) the Court convicting an offender under this section may direct that the offender. In default of payment of any fine inflicted by the Court shall suffer Imprisonment for a term which may extend to fifteen days.

112C. Persons likely to abscond or unknown to be handed over to the police :-

(1) If a person fails or refuses to pay any excess charge or other sum demanded under S. 112-A or makes himself liable for prosecution under S. 112-B and there is reason to believe that he will abscond or his name and address are unknown and he refuses on demand to give his name and address or there is reason to believe that the name and address given by him is incorrect, the conductor of the driver may take him to the officer in charge of the nearest or the next police station along the route and hand him over with a report for action under S. 112-A or 112-B as the case may be. The officer in charge "once he wins arrest the person if he finds him prima facie guilty on enquiry.

(2) The person arrested shall be released on his giving bail or if his true name and address are ascertained on his executing a bond without sureties for his appearance before a Magistrate when required.

(3) If the person cannot give bail and his true name and address are not ascertained, he shall with the least possible delay be taken before the nearest Magistrate having jurisdiction.

(4) The provisions of Chapters XXXIX and XLII of the Code of Criminal Procedure, 1898 (V of 1898), shall so far as may be, apply bail given and bonds executed under this section."

113. Disobedience of orders, obstruction and refusal of information :-

(1) Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence, be punishable with fine which may extend to five hundred rupees.

(2) Whoever, being required by or under this Act, to supply any information wilfully withholds such information or gives information which he knows to be false or which he does not believe to be true, shall, if no other penalty is provided for the offence, be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.]

113A. Allowing unauthorised persons to drive vehicles :-

Whoever, being the owner or person in charge of a motor vehicle, causes, or permits, any person who does not satisfy the provisions of section 3 or section 4, to drive the vehicle shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ¹ [one thousand rupees,] or with both.]

1. Substituted for the words "five hundred rupees" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 20 (1-10-82).

113B. Driving vehicles in contravention of S. 3 or section 4 :-

Whoever drives a motor vehicle in contravention of section 3 or section 4 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

114. Offences relating to licences :-

¹[(1)] Whoever, being disqualified under this Act for holding or obtaining a ²[driving licence], drives a motor vehicle in a public place or applies for or obtains a ²[driving licence] or, not being entitled to have a ²[driving licence] issued to him free of endorsement, applies for or obtains a ²[driving licence] without disclosing the endorsements made on a ²[driving licence] previously held by him or, being disqualified under this Act for holding or obtaining a ¹[driving licence], uses in ¹[India] a ⁹[driving licence] such as is referred to in sub-section (2) of section 9 shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ³[five hundred rupees], or with both, and any ³[driving licence] so obtained by him shall be of no effect.

¹² (2)] Whoever, being disqualified under this Act, for holding or obtaining conductor's licence, acts as a conductor of a stage carriage in a public place or applies for or obtains a conductor's licence or not being entitled to have a conductor's licence issued to him free of endorsement, applies for or obtains a conductor's licence without disclosing the endorsements made on conductor's licence previously held by him shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both, and any conductor's licence so obtained by him shall be of no effect.]

1. Section 114 was renumbered as sub-section (1) thereof by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 85 (16-2-1957).

2. Substituted for "licence", the Motor Vehicles (Amendment) Act, 1956.

9. Substituted for 'two hundred and fifty rupees' by Act 100 of 1956, Sec. 85 (16-2-1957).

12. Inserted the Motor Vehicles (Amendment) Act, 1956.

115. Driving at excessive speed :-

(1) Whoever drives a motor vehicle in contravention of section 71 shall be punishable with fine which may extend to ¹[²[four hundred rupees,] or if having been previously convicted of an offence under this sub-section is again convicted of an offence under this subsection, with fine which may extend to ³[one thousand rupees.]]

(2) Whoever causes any person who is employed by him or is subject to his control in driving to drive a motor

vehicle in contravention of section 71 shall be punishable with fine which may' extend to¹[three hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to five hundred rupees.]

(3) No person shall be convicted of an offence punishable under sub- section (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful unless that opinion is shown to be based on an estimate obtained by the use of some mechanical ⁵ [A] device.

(4) The publication of a time-table under which, or the giving of any direction that, any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for that journey or part of a journey to be completed in the specified time without infringing the provisions of section 71, be prima facie evidence that the person who published the time-table or gave the direction has committed an offence punishable under sub-section (2).

1. Substituted for words 'one hundred rupees' and 'two hundred rupees' occurring in sub-sections (1) and (2), respectively, by the Motor Vehicles (Amendment) Act, 1968 (56 of 1969), S. 66 (2-3-1970).

2. Substituted for the words "two hundred rupees" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 22 (i) (1-10-1982).

3. Substituted for the words "five hundred rupees" the Motor Vehicles (Amendment) Act, 1982, S. 22 (ii) (1-10-1982).

5. The word 'timing' was omitted by the Motor Vehicles (Amendment) Act, 1958 (100 of 1956), Section 86 (16-2-1957).

116. Driving recklessly or dangerously :-

Whoever drives a motor vehicle 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 where the vehicle is driven and the amount of traffic which actually is ;it the time or which might reasonably be expected to be in the place, shall be punishable on a first conviction for the offence with imprisonment for a term which may extend to six months, or with fine which may extend to "one thousand rupees,] and for a subsequent offence if committed within three years of the commission of a previous similar offence with imprisonment for a term which may extend to two years, or with fine which may extend to ¹ [two thousand rupees,] or with both.

1. Substituted for the words "five hundred rupees" by the Motor Vehicles (Amendment) Act, 1933 (47 of 1982), S. 23 (a) (1-10-1982).

117. Driving by a drunken person or by a person under the influence of drugs :-

Whoever, while driving or attempting to drive a motor vehicle or riding or attempting to ride, a motor cycle,-

(a) has, in his blood, alcohol in any quantity, howsoever small the quantity may be, or

(b) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both.

Explanation.-For the purposes of this section, the drug or drugs specified by the Central Government in this behalf, by notification in the Official Gazette, shall be deemed to render a person incapable of exercising proper control over a motor vehicle.]

118. Driving when mentally or physically unfit to drive :-

Whoever drives a motor vehicle in any public place when he is to his knowledge suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of danger to the public, shall be punishable for a first offence with fine which may extend to two hundred rupees and for a second or subsequent offence with fine which may extend to five hundred rupees.

118A. Punishment for offences relating to accident :-

Whoever fails to comply with the provisions of clause (c) of sub-section (1) of section 87 or of section 88 or section 89 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, or if having been previously convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.]

119. Punishment for abetment of certain offences :-

Whoever abets the commission of an offence under sections 116, 117 or 118, shall be punishable with the punishment provided for the offence.

120. Racing and trials of speed :-

Whoever without the written consent of the ¹[State Government] permits or takes part in a race or trial of speed between motor vehicles in any public place shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to ² [five hundred rupees,] or with both.

1. Substituted for the words 'Provincial Government' by A. L. O., 1950.

2. Substituted for the words "three hundred rupees" by the Motor Vehicles Act, 1982 (47 of 1982), S. 24 (1-10-1982).

121. Using vehicle in unsafe condition :-

Any person who drives or causes or allows to be driven in any public place a motor vehicle or trailer while the vehicle or trailer has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to persons and vehicles using such place, shall be punishable with fine which may extend to two hundred and fifty rupees or, if as a result of such defect an accident is caused causing bodily injury or damage to property, ¹ [with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.]

1. Substituted for 'with fine which may extend to five hundred rupees' by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 88 (16-2-1957).

122. Sale of vehicle in or alteration of vehicle to condition contravening this Act :-

Whoever, being an importer or dealer in motor vehicles, sells, or delivers or offers to sell or deliver a motor vehicle or trailer in such condition that the use thereof in a public place would be in contravention of Chapter V or any rule made thereunder or alters the motor vehicle or trailer so as to render its condition such that its use in a public place would be in contravention of Chapter V or any rule made thereunder shall be punishable with fine which may extend to ¹ [five hundred rupees]: Provided that no person shall be convicted under this section if he proves that he had reasonable cause to believe that the vehicle would not be used in a public place until it had been put into a condition in which it might lawfully be so used.

1. Substituted for two hundred rupees' by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 89 (16-2-1957).

123. Using vehicle without registration or permit :-

(1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of section 22 or without the permit required by sub-section (1) of section 42 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used ¹[or to the maximum number of passengers and maximum weight of luggage that may be carried on the vehicle], shall be punishable for a first offence with fine which may extend to ²[two thousand rupees) and for ³[any second or sub-sequent offence], with imprisonment which may extend to six months or with fine which may extend to ⁴[three thousand rupees,) or with both: Provided that no Court shall, except for reasons to be stated in writing, impose a fine of less than five hundred rupees for any such ⁵ [second or] sub-sequent offence.

(2) Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or of food or materials to relieve distress or of medical supplies for a like purpose: Provided that the person using the vehicle reports such use to the Regional Transport Authority within seven days.

(3) Where a person is convicted of an offence under this section, the Court by which such person is convicted may, in addition to any sentence which may be passed under sub-section (1), by order-

(a) if the vehicle used in the commission of the offence is a motor-car, suspend its certificate of registration for a period not exceeding four months;

(b) if the vehicle used in the commission of the offence is a transport vehicle, suspend its permit for a period not exceeding six months or cancel it.

(4) The Court to which an appeal lies from any conviction in respect of an offence of the nature specified in sub-section (1) may set aside or vary any order of suspension or cancellation made under sub-section (3) by the Court below and the Court to which appeals ordinarily lie from the Court below, may set aside or vary any such order of suspension or cancellation made by the Court below, notwithstanding that no appeal lies against the conviction in connection with which such order was made.]

1. Substituted for the former section by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. M (16-2-1957).

2. Substituted for the words "one thousand rupees" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 25 (1) (1-10-1982).

3. Substituted for the words 'a subsequent offence it committed within three years of the commission of a previous similar offence', the Motor Vehicles (Amendment) Act, 1982.

4. Substituted for the words "two thousand rupees" by the Motor Vehicles (Amendment) Act, 1982 (47 of 1982), S. 25 (ii).

5. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), Sec. 67 (2-3-1970).

123A. Punishment of agents and canvassers without proper authority :-

Whoever engages himself as an agent or canvasser in contravention of the provisions of section 66-A or any rules made thereunder shall be punishable for the first offence with fine which may extend to one thousand rupees and for any second or subsequent offence with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both: Provided that no Court shall, except for reasons to be recorded by it in writing, impose a fine of less than five hundred rupees for any such second or subsequent offence.] OBJECTS AND REASONS This clause seeks to provide punishmentClauses 67 and 68.- The Committee are of the view that heavier punishment should be imposed for any second or subsequent offence of engaging without proper licence in the business of sale of tickets for travel by public service vehicles or In the absence of licence even if committed after the lapse of a business of collecting, forwarding or distributing tickets for a period of three years of the commission of buting of goods

carried by public carriers, a previous similar offence. The punishment is the same as in Section 72. The Committee have accordingly modified the clauses.-

124. Driving vehicle exceeding permissible weight :-

Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of ¹[section 72 or of the conditions prescribed under that section, or in contravention of any prohibition or restriction imposed under section 72 or section 74, shall be punishable] for a first offence with fine which may extend to ¹[two hundred rupees], and for a second or subsequent offence with fine which may extend to ³ [one thousand rupees.]

1. Substituted for "section 72 or of the conditions of any permit issued thereunder, or in contravention of any prohibition or restriction imposed under section 74 shall be punishable" by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 69 (2-3-1970).

3. Substituted for "one hundred rupees" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S' 91 (16-2-1957).

124A. imposition of minimum fine under certain circumstances :-

(1) Whoever having been convicted of an offence under this Act commits an offence on a second or subsequent occasion within three years of the commission of a previous similar offence, no court shall, except for reasons to be stated in writing, impose on him a fine of less than one-fourth of the, maximum amount of the fine imposable for such offence.

(2) Nothing in sub-section (1) shall be construed as restricting the power of the court from awarding such imprisonment as it considers necessary in the circumstances of the case not exceeding the maximum specified in this Act in respect of that offence.]

125. Driving uninsured vehicle :-

Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 94 shall be punishable with imprisonment which may extend to three months, or with fine which may extend to ¹ [one thousand rupees], or with both.

1. Substituted for the words "five hundred rupees" by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 92 (16-2-1957).

126. Taking vehicle without authority :-

Whoever takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both: Provided that no accused person shall be convicted under this section if the Court is satisfied that the accused acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked therefor.

127. Unauthorised interference with vehicle :-

Whoever otherwise than with lawful authority or reasonable excuse enters or mounts any stationary motor vehicle or tampers with the brake or any part of the mechanism of a motor vehicle shall be punishable with fine which may extend to one hundred rupees.

127A. Offence by companies :-

(1) If the person contravening any provision of this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be 'guilty of that offence and shall be liable to be proceeded against and punished accordingly.

127B. Composition of certain offences :-

(1) Any offence {whether committed before or after the commencement of section 26 of the Motor Vehicles (Amendment) Act, 1982] punishable under section 112, section 113, section 113A, section 113B, section 114, sub-sections (1) and (2) of section 115, section 116, section 118, section 120, section 122, section 123, section 124, section 125 or section 127 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.

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

128. Power of arrest without warrant :-

(1) A police officer in uniform may arrest without warrant any person who commits in his view an offence punishable under section 116 or section 117 or section 126: Provided that any person so arrested in connection with an offence punishable under section 117 shall be subjected to a medical examination by a registered medical practitioner within two hours of his arrest or shall then be released from custody.

(2) A police officer in uniform may arrest without warrant-

(a) any person who being required under the provisions of this Act to give his name and address refuses to do so, or gives a name or address which the police officer has reason to believe to be false, or

(b) any person concerned in an offence under this Act or 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 a summons.

(3) A police officer arresting without warrant the driver of a motor vehicle shall, if the circumstances so require, take or cause to be taken any steps he may consider proper for the temporary disposal of the vehicle.

128A. Breath tests :-

(1) A police officer in uniform may require any person driving or attempting to drive a motor vehicle in a public place to provide one or more specimens of breath or breath test there or nearby, if the police officer has any reasonable cause-

(a) to suspect him of having alcohol in any quantity in his body, or

(b) to suspect him of having committed an offence punishable under section 117: Provided that no requirement of breath test shall be made unless it is made as soon as reasonably practicable after the commission of such offence.

(2) If a motor vehicle is involved in an accident in a public place and a police officer in uniform has any reasonable cause to suspect that the person who was driving or attempting to drive the motor vehicle at the time of the accident, had alcohol in his blood or urine or that he was driving under the influence of a drug referred to in section 117, he may require the person so driving or attempting to drive the motor vehicle, to provide a specimen of his breath for a breath test-

(a) in the case of a person who is at the hospital as an indoor patient, at the hospital,

(b) in the case of any person, either at or near the place where the requirement is made, or, if the police officer thinks fit, at a police station specified by the police officer: Provided that a person shall not be required to provide such a specimen while at a hospital as an indoor patient if the registered medical practitioner in immediate charge of the case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper case or treatment of the patient.

(3) If it appears to a police officer in uniform, in consequence of a breath test carried out by him or any person under sub-section (1) or sub-section (2), or that the device by means of which the test has been carried out indicates the presence of alcohol in the person's blood, the police officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.

(4) If a person, required by the police officer under sub-section (1) or sub-section (2) to provide a specimen of breath for a breath test, refuses or fails to do so and the police officer has reasonable cause to suspect him of having alcohol in his blood or urine, the police officer may arrest him without warrant except while he is at a hospital as an indoor patient.

(5) A person arrested under this section shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.

(6) The result of a breath test made in pursuance of the provisions of this section shall be admissible in evidence.

128B. Laboratory Test :-

(1) A person, who has been arrested under Section 128A, may, while at a police station, be required by a police-officer to provide, to such registered medical practitioner as may be produced by such police officer, a specimen of his blood or urine for a laboratory test if,-

(a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood of such person, or

(b) such person, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so. Provided that where the person required to provide such specimen is a female and the registered medical practitioner produced by such police officer is a male medical practitioner the specimen shall be taken only in the presence of a female, whether a medical practitioner or not.

(2) A person while at a hospital as an indoor patient may be required by a police officer to provide at the hospital a specimen of his blood or urine for a laboratory test-

(a) if it appears to the police officer that the device by means of which test is carried out in relation to the breath of

such person indicates the presence of alcohol in the blood of such person, or

(b) if that person having been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, has refused, omitted or failed to do so and a police officer has a reasonable cause to suspect him of having alcohol in his blood: Provided, that a person shall not be required to provide a specimen of his blood or urine for laboratory test under this sub-section if the registered medical practitioner in immediate charge of the case is not first notified of the proposal to make the requirement or objects to the provision of such specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient

(3) The results of the laboratory test made in pursuance of this section shall be admissible in evidence.

128C. Presumption of unfitness to drive :-

In any proceeding for an offence punishable under section 117, if it is proved that the accused, when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of his breath for a breath test or a specimen of his blood or urine for a laboratory test, his refusal, omission or failure may, unless reasonable cause therefor is shown, be presumed to be a circumstance supporting any evidence given on behalf of the prosecution, or rebutting any evidence given on behalf of the defence, with respect to his condition at that time.]

129. Power of police officer to impound document :-

(1) Any police officer authorised in this behalf or other person authorised in this behalf by the ¹[State Government] may, if he has reason to believe that any identification mark carried on a motor vehicle or any licence, permit, certificate of registration, certificate of insurance or other document produced to him by the driver or person in charge of a motor vehicle is a false document within the meaning of section 464 of the Indian Penal Code, seize the mark or document and call upon the driver or owner of the vehicle to account for his possession of or the presence in the vehicle of such mark or document.

(2) Any police officer authorised in this behalf or other person authorised in this behalf by the ¹[State Government] may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking cognizance of the offence ¹[and the said Court shall, on the first appearance of such driver before it, return the licence to him in exchange for the temporary acknowledgment given under sub-section (3).]

(3) ¹[A police officer or other person] seizing a licence under sub-section (2) shall give to the person surrendering the licence a temporary acknowledgment therefor and such acknowledgment shall authorise the holder to drive until the licence has been returned to him ¹ [or until such date as may be specified by the police officer or other person in the acknowledgment, whichever is earlier: Provided that if any Magistrate, police officer or other person authorised by the State Government in this behalf is, on an application made to him, satisfied that the licence cannot be, or has not been, returned to the holder thereof before the date specified in the acknowledgment for any reason for which the holder is not responsible, the Magistrate, police officer or other person, as the case may be, may extend the period of authorisation to drive to such date as may be specified in the acknowledgment.]

1. Substituted for the words "Provincial Government" by A.L.O., 1950.

129A. Power to detain vehicles used without certificate of registration or permit :-

Any police officer authorized in this behalf or other person authorized in this behalf by the ¹[State Government] may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of ¹[section 22] or without the permit required by sub-sec. (1) of section 42 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle; and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle:] ¹[Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used without the permit required by sub-section (1) of section 42, he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof:] ¹ [Provided further that where a motor vehicle has been seized and detained under this section for contravention of the provisions of section 22, such vehicle shall not be released to the owner unless and until he produces a valid certificate of registration under this Act in respect of that vehicle.] OBJECTS AND REASONS Chune M.-This clause seeks to amend section 129A of the Act to provide that before a court or other authority releases the vehicle seized and detained for plying on road without a valid certificate of registration, necessary registration certificate shall be obtained by the owner from the competent authority.-S. O R. Gaz. of India, 17-8-1978, Pt II. S. 2. Ext. p. 1126.

1. Inserted by the Motor Vehicles (Amendment) Act, 1042 (XX of 1942), Section 20 (S-4-1942).

130. Summary disposal of cases :-

¹ [(1) The Court taking cognizance of an offence under this Act,-

(i) may if the offence is an offence punishable with imprisonment under this Act, and

(ii) shall, in any other case, state upon the summons to be served on the accused person that he-

(a) may appear by pleader and not in person, or

(b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge by registered letter and remit to the Court -such sum (not exceeding the maximum fine that may be imposed for the offence) as the Court may specify: Provided that nothing in this sub-section shall apply to any offence specified in Part A of the Fifth Schedule.]

(2) Where the offence dealt with in accordance with sub-section (1) is an offence specified in Part B of the Fifth Schedule, the accused person shall, if he pleads guilty to the charge, forward his licence to the Court with the letter containing his plea in order that the conviction may be endorsed on the licence.

(3) Where an accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (2), no further proceedings in respect of the offence shall be taken against him, nor shall he be liable to be disqualified for holding or obtaining a licence by reason of his having pleaded guilty,

1. Substituted for sub-section (1) by the Motor Vehicles (Amendment) Act, 1969 (56 of 1969), S. 71 (2-3-1970).

131. Restriction on conviction :-

No person prosecuted for an offence punishable under section 115 or section 116 shall be convicted unless-

(a) he was warned at the time the offence was committed that the question of prosecuting him would be taken into consideration, or

(b) within fourteen days from the commission of the offence a notice specifying the nature of the offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence, or

(c) within twenty-eight days of the commission of the offence, a summons for the offence was served on him: Provided that nothing in this section shall apply where the Court is satisfied that-

(a) the failure to serve the notice or summons referred to in this sub-section was due to the fact that neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time, or

(b) such failure was brought about by the conduct of the accused.

131A. Courts to send intimations about conviction :-

(- Every Court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used shall send intimation to-

(a) the licensing authority which issued the driving licence, and

(b) the licensing authority by whom the licence was last renewed, and every such intimation shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, the nature of the offence, the punishment awarded for the same and such other particulars as may be prescribed.]

132. Jurisdiction of Courts :-

No Court inferior to that of a ¹ [Metropolitan Magistrate] or a Magistrate of the second class shall try any offence punishable under this Act or any rule made thereunder.

1. Substituted for the words "Presidency Magistrate" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 37 (16-1-79).

**CHAPTER 10
MISCELLANEOUS**

132A. Power to levy fee :-

Any rule which the Central Government or the State Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of documents, issue of certificates, licences, permits, tests, endorsements, badges, plates, counter-signatures, authorisation, supply of statistics or copies of documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Act or any rule made thereunder as may be considered necessary: Provided that the Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full. OBJECTS AND REASONS State Governments have made rules providing for levy of fees for the various purposes connected with the administration of this Act and for which there is no specific provision in the Act. It has been pointed out that the validity of these rules is open to doubt, in the absence of a specific provision in the Act authorising the levy of fees for these purposes. This new section seeks to remove this doubt-S.O.R.

133. Publication of and commencement of rules :-

(1) Every power to make rules given by this Act is subject to the condition of the rules being made after previous publication.

(2) All rules made under this Act shall be published in the Official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication.

(3) All rules made under this Act ¹[* * * *] by any "[State Government] shall be laid for not less than fourteen days before ²[* * * *] ³[the State Legislature], ¹[* * * *], as soon as possible after they are made, and shall be subject to such modifications ²[as ⁶ [* * * *] such Legislature] may make during the session in which they are so laid,

[(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before, each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, 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 form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. Words 'by the Central Government' and the words 'as the case may be' omitted by the Motor Vehicles (Amendment) Act, 1976 (26 of 1976), S. 3 (w.r.e.f. 26-9-75).
2. Words 'Parliament of omitted by the Motor Vehicles (Amendment) Act, 1976 (26 of 1976), S. 3 (w.r.e.f. 26-9-1975).
3. Substituted for the Legislature of a Part A State by the Part B State (Laws) Act, 1951 (III of 1951), S. 3 and Schedule (1-4-1951).
6. Substituted for the words 'as the Legislature' by A.L.O., 1950.

133A. Appointment of motor vehicles officer :-

(1) The ¹[State Government] may, for the purpose of carrying into effect the provisions of this Act, establish a Motor Vehicles Department and appoint as officers thereof such persons as it thinks fit.

(2) Every such officer shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(3) The ¹[State Government] may make rules to regulate the discharge by officers of the Motor Vehicles Department of their functions and in particular and without prejudice to the generality of the foregoing power to prescribe the uniform to be worn by them, the authorities to which they shall be subordinate, the duties to be performed by them, the powers (including the powers exercisable by police officers under this Act) to be exercised by them, and the conditions governing the exercise of such powers.]

³[(4) In addition to the powers that may be conferred on any officer of the Motor Vehicles Department under subsection (3), such officer as may be empowered by the State Government in this behalf shall have the power to-

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed;

(b) with such assistance, if any, as he thinks fit, enter, inspect and search any premises which is in the occupation of a person who, he has reason to believe, has committed an offence under this Act or in which a motor vehicle in respect of which such offence has been committed is kept: Provided that-

(i) any such search without a warrant shall be made only by an officer of the rank of a gazetted officer;

(ii) where the offence is punishable with fine only the search shall not be made after sunset and before sunrise;

(iii) where the search is made without a warrant, the gazetted officer concerned shall record in writing the grounds for not obtaining a warrant and report to his immediate superior that such search has been made;

(c) examine any person and require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;

(d) seize or take copies of any registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed;

(e) launch prosecutions in respect of any offence under this Act and to take a bond for ensuring the attendance of the offender before any Court,'

(f) exercise such other powers as may be prescribed: Provided that no person shall be compelled under this subsection to answer any question or make any statement tending to incriminate himself.

(5) The provisions of the ⁴[Code of Criminal Procedure, 1973], shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure under the authority of any warrant issued under ⁵ [section 94] of that Code.]

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.
3. Inserted by the Motor Vehicles (Amendment) Act, 1969 (56 of 1989), S. 74 (2-3-1970).
4. Substituted for the words "Code of Criminal Procedure, 1898" and "Section 98" by the Motor Vehicles (Amendment) Act, 1978 (47 of 1978), S. 38 X16-I-79).
5. Inserted by the Motor Vehicles (Amendment) Act, 1942 (20 of 1942), S. 21 (3-4-1942).

134. Effect of appeal and revision on orders passed by original authority :-

(1) Where an appeal has been preferred or an application for revision has been made against any order passed by

an original authority under this Act, the appeal or the application for revision shall not operate as a stay of the order passed by the original authority and such order shall remain in force pending the disposal of the appeal or the application for revision, as the case may be, unless the prescribed appellate authority or revisional authority otherwise directs.

1 [(1A) Notwithstanding anything contained in sub-section (1), if an application made by a person for the renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Act against such rejection, the appellate authority or, as the case may be, the revisional authority may by order direct that the permit shall, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal or application for revision is disposed of.]

(2) No order made by a competent authority under this Act shall be reversed or altered on appeal or revision on account of any error, omission or irregularity in the proceedings, unless it appears to the prescribed appellate authority or revisional authority, as the case may be, that such error, omission or irregularity has, in fact, occasioned a failure of justice.]

1. Substituted by the Motor Vehicles (Amendment) Act, 1956 (100 of 1956), S. 97 (16-2-1957).

135. Repeal and saving :-

(1) The enactments specified in the Twelfth Schedule are hereby repealed to the extent mentioned therein.

(2) Notwithstanding the repeal of any enactment by this section,-

(a) any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or any licence, permission or exemption granted, or any confiscation made, or any penalty or fine imposed, or any forfeiture, cancellation or discharge of any bond ordered, or any other thing done, or any other action taken under the repealed enactment, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act;

(b) any document referring to any enactment hereby repealed, or to any provision thereof, shall be construed as referring to this Act or to the corresponding provision of this Act.

(3) Any penalty payable under any repealed enactment may be recovered in the manner provided by or under this Act but without prejudice to any action already taken for the recovery of such penalty under the repealed enactment.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.]

SCHEDULE 1

1

FORMS [FORM A] [See Section 7 (2)] Form of Application for licence to drive a motor vehicle. I Application. I apply for a licence to enable me to drive +as a paid employee +apublic service vehicles, tgoods vehicles, the vehicles I wish to drive being of the following class(es)- +(a) motor-cycles, +(b) Invalid carriages, +(c) light motor-vehicles, a[+(d) medium goods vehicles, +(e) medium passenger motor-vehicles, +(el) heavy goods vehicles, + (ell) heavy passenger motor-vehicles,] +(f) road rollers, +(g) a vehicle of a special type (description attached) constructed or adapted to be driven by me. b[1 enclose three copies of a recent photograph.] [+] Strike out whichever is not applicable. II Particulars to be furnished by the applicant. 1. Full name and name of father or husband 2. Permanent address 3. Temporary address 4. Age at the date of application 5. Have you previously held licence? If so, give particulars of all licences held..... 6. Has any licence held by you been endorsed? If so, give particulars and the date of each endorsement 7. Have you been disqualified for obtaining a licence to drive? If so, for what reason 8. Have you been subjected to driving test as to your fitness or ability to drive a vehicle in respect of which a licence to drive is applied for? If so, give date, testing authority and result of test III Declaration as to physical fitness of applicant and knowledge of driving regulations and traffic signs. The applicant is required to answer "Yes" or "No" in the space provided opposite each question. a[(a) Do you suffer from attacks of loss of consciousness from any cause?] (b) Are you able to distinguish with each eye c[(or if you have held a licence to drive a motor vehicle for a period of not less than five years and if you have lost sight of one eye after the said period of five years and if the application is for driving a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye)] at a distance of d[25 metres] in good daylight (with glasses. if worn) a motorcar number plate containing seven letters and figures? (c) Have you lost either hand or foot or are you suffering from any defect in movement, control or muscular power of either arm or leg (d) Can you readily distinguish the pigmentary colours red and green (e) Do you suffer from night blindness? (f) Are you so deaf as to be unable to hear a [(and if the application is for driving a light motor vehicle, with or, without hearing aid)] the ordinary sound signals? (g) Do you suffer from any other disease or disability likely to cause your driving of a motor vehicle to be a source of danger to the public? (h) Are you cognisant of the provisions of sections 81, 82, 83 *[84, 85 and 85-A] of, and the Tenth Schedule to, the Motor Vehicles Act, 1939? (i) Do you know the meaning of the traffic signs specified in the Ninth Schedule to the Motor Vehicles Act, 1939? I declare that to the best of my knowledge and belief the particulars given in Section II and the declaration made in Section III hereof are true. Note 1.-An applicant who answers "yes" to any of the questions (a), (c), (e), (f) and (g), or "no" to either of the questions (b) and (d) should amplify his answer with full particulars, and may be required to give further information relating thereto. Note 2.-An applicant who answers "yes" to questions (b), (c), (d), (h) and (1) in the declaration and "no" to the other questions may claim to be subjected to a test as to his competency to drive vehicles of a specified class or classes. Note 3.-The provisions, of the Motor Vehicles Act, 1939, referred to in question (h) are reproduced on the attached sheet, which should be detached and kept for subsequent guidance. Dated..... 19 . Signature or thumb-impression of applicant.. f[* * * * *] Certificate of test of ability to drive. The applicant has passed/failed in the test specified in the Third Schedule to the Motor Vehicles Act, 1939. The test was conducted on a (here enter description of vehicle) on date Signature of Testing Authority. Duplicate signature or thumb-impression of applicant.] [FORM AA (See section 8A) Form of application for the addition of a new class of vehicle to a driving licenee. bI, Shri/Shrimati/Kumari.....hereby] apply for the addition of the following class/classes of motor vehicle to the attached licence- (a) motor-cycles, (b) Invalid carriages, (c) light motor vehicles, C[(d) medium goods vehicles, (e) medium passenger motor vehicles, (ei) heavy goods vehicles, (eii) heavy passenger motor vehicles.] (f) road rollers, (g) a vehicle of a special type (description attached) constructed or adapted to be driven by me. I enclose (a) a medical certificate, d[* * * * *]

++Required only where the applicant Is not entitled to drive as a paid employee or to drive a transport vehicle and now wishes to do so. Dated.....,..... 19 Signature or thumb-impression of applicant. ++Strike out whichever Is not applicable. Note- No fee other than alec for a test of competence to drive is chargeable for the addition of a new class of vehicle to a driving licence. Certificate of tes of ability to drive. The applicant has passed/failed in the test specified in the Third Schedule to the Motor Vehicles Act, 1939. The test was conducted on a (here enter description of vehicle) on date Signature of Testing Authority. Duplicate signature or thumb-impression of applicant.] [FORM B (See section 11 (2)) Form of application for the renewal of driving licence. a[I] c[I, Shri/Shrimati/Kumari.....hereby apply] for the renewal of my driving licence which is attached, and particulars of which are as follows:- (a) Number. (b) Date of Issue. (c) Licensing Authority by which licence was Issued. My present address Is If this address is not entered on the licence I do/do not wish that it should be so entered. If the licence is not attached, reasons why It Is not available. If the licence was not renewed within 30 days of the date of expiry, lull reasons for the delay. The renewal of the licence has not been refused by any licensing authority. d[II Declaration as to physical fitness of the applicant. (The applicant is required to answer "yes" or "no" in the space provided opposite each question.) e[(a) Do you suffer from attacks of loss of consciousness from any cause?] (b) Are you able to distinguish with each eye (or If you have held a licence to drive a motor vehicle for a period of not less than five years and if you have lost sight of one eye after the said period of five years and if the application is for driving a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye) at a distance of 25 metres In good day light (with glasses If worn), a motor car number plate containing seven letters and figures' (c) Have yon lost either hand or foot or are you suffering from any defect in movement, control or muscular power of either arm or leg? (d) Can you readily distinguish pigmentary colours red and green? (e) Do you suffer from night blindness? (f) Are you so deaf as to be unable to hear (and If you are an applicant for the renewal of a driving licence in respect of light motor vehicle with or without hearing aid) the ordinary sound signals? (g) Do you suffer from any other disease or disability likely to cause your driving of a motor vehicle to be a source of danger to the public? I declare that to the best of my knowledge and belief, the particulars given in Section I and the declaration made in Section II hereof are true. NOTE 1. An applicant who answers "yes" to any of the questions (a), (c), (e), (f) and (g) or "no" to either of the questions (b) and (d) should amplify his answer with full particulars and may be required to give further information relating thereto. NOTE 2.- An applicant who answers "yes" to questions (b), (c) and (d) in the declaration and "no" to the other questions may claim to be subjected to a test as to his competency to drive vehicles of a specified .class or classes. NOTE 3.- An application for renewal of a driving licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate, shall be accompanied by medical certificate in Form C.] Dated19 . Signature or thumb Impression of applicant. Address NOTE.-The tee tor the renewal of a licence is fixed by section 11 of the Motor Vehicles Act, 1939, reproduced on the reverse. 209 (Reverse) 11. Renewal of driving licences. (1) Any licensing authority may, on an application made to It, renew a licence issued under the provisions of this Act with effect from the date of its expiry: Provided that in any case where the application for the renewal of a licence is made more than thirty days after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal: a[Provided further that where the application is for the renewal of a licence to drive as a paid employee or to drive a transport vehicle or where in any other case the original licence was issued on production of a medical certificate, the same shall be accompanied by a fresh medical certificate in Form C as set forth in the First Schedule, signed by a registered medical practitioner, and the provisions of sub-section (5) of section 7 shall apply to every such case] (2) An application for the renewal of a driving licence shall be made in Form B as set forth in the First Schedule and shall contain the declaration required by that form; provided that where the applicant does not or is unable to subscribe to the said declaration, the provisions of sub-section (5) ol section 7 shall apply. (3) Where an application for the renewal of a driving licence is made previous to, or not more than thirty days after, the date of its expiry, the tee payable for such renewal shall be b[the amount specified in the rules made by the Central Government in this behalf.] (3A) Where an application for the renewal of a driving licence is made more than thirty days after the date of its expiry, the fee payable for such renewal shall be eleven rupees: Provided that the fee referred to in sub-section (3) may be accepted by the licensing authority, if it is satisfied that the applicant was prevented by good cause from applying within the time specified in that sub-section: Provided further that it the application is made more than five years after the licence has ceased to be effective the licensing authority may refuse to renew the driving licence, unless the applicant undergoes and passes to its satisfaction the test of competence to drive specified in the Third Schedule. c[(3B) When the authority to whom an application for the renewal of a licence to drive as a paid employee or to drive a transport vehicle is made, is not the authority which issued the licence sought to be renewed, it may, for the purpose of deciding whether the application for such renewal may be granted, verify the antecedents of the applicant in ' such manner as may be prescribed and pending the verification, such authority may grant a provisional licence for such period or periods not exceeding six months in the aggregate, subject to the condition that every such provisional licence shall cease to be effective immediately on the renewal of the licence sought to be renewed or, as the case may be, on the refusal to renew the licence,- (I) where the application tor renewal has been rejected, the fee paid shall be refunded to such extent and In such manner as may be prescribed; (ii) where the application for renewal has not been rejected within the said period, the licence shall be renewed.] (4) When the authority renewing the driving licence is not the authority which issued the driving licence, it shall Intimate the fact of renewal to the authority which issued the driving licence. FORM C (See section 7 (3) and section 12) Form of medical certificate in respect of an applicant for a licence to drive any transport vehicle or to drive any vehicle as a paid employee. (To be filled up by a registered medical practitioner.) 1. What is the applicant's apparent age? 2. Is the applicant, to the best of your judgment, subject to epilepsy, vertigo or any mental ailment likely to affect his efficiency? 3. Does the applicant suffer from any heart or lung disorder which might interfere with the performance of his duties as a driver? 4. (a) Is there any defect of vision? If so, has It been corrected by suitable specific (b) Can the applicant readily distinguish the pigmentary colours red and green? (c) Does the applicant suffer from night blndness?1 b[(d)] Does the applicant suffer from a degree of deafness which would prevent his hearing c[(and in the case of an applicant for a licence to drive a light motor vehicle with or without hearing aid)] the ordinary sound signals? 5. Has the applicant any deformity or loss of members which would interfere with the efficient performance of his duties as a driver? 6. Does he show any evidence of being addicted to the excessive use of alcohol, tobacco or drugs? 7. Is he, in your opinion, generally fit as regards (a) bodily health, and (b) eyesight? 8. Marks of Identification. I certify that to the best of my knowledge and belief the applicant.....is the person hereinabove described and that the attached photograph Is a reasonably correct likeness. [Space for photograph] (Signature) Name..... Designation..... NOTE.- Special attention should be directed to distant vision and to the condition of the arms and hands and the joints of both extremities. FORM D (See section 8 (1)) Driving Licence No..... 19..... (Name)..... a[wife/son/daughter of] of (permanent address)..... (temporary address)..... b[photograph] Signature or thumb impression. Is licenced to drive, throughout [India], vehicles of the following description* :- (a) motor cycle, d[(b) invalid carriages, (c) light motor vehicles, e[(d) medium goods vehicles, (e) medium passengers motor vehicles, (ei) heavy goods vehicles, (eii) heavy passengers motor vehicles,] (f) road rollers, (e) a motor vehicle hereunder described:-] *[He/she is] also authorised to drive as a paid employee *+[a transport vehicle.]* This licence Is valid from to *+[To be struck out If inapplicable.] Dated.....19 . Signature and designation of Licensing Authority, 212a[Authorisation to drive a transport vehicle.] b[So long as this licence is valid and is renewed from time to time, the holder is authorised to drive a transport vehicle. State of..... Date.....19 . Signature and designation ol prescribed authority.] The licence is hereby renewed up to Signature of Licensing Authority. the.....day of.....19 . the.....day of.....19 . the.....day of.....19 . the.....day of.....19 . ENDORSEMENTS

Date \ Section and Rule Fine or other \ Signature of Endorsing \ \ Authority \ punishment.

applied for a licence to drive a light motor vehicle, other than a transport vehicle, with one eye)] at a distance of [twenty-five metres] in good day light (with the aid of glasses, if worn) a series of seven letters and figures in white on a black ground of the same size and arrangement as those of registration mark of a motor car. 5. A degree of deafness which prevents the applicant from hearing [or in the case of a person who has applied for a licence to drive a light motor vehicle, with or without hearing aid] the ordinary sound signals. [6. Inability readily to distinguish the pigmentary colours red and green.] 7. Night-blindness. II. DISEASES AND DISABILITIES ABSOLUTELY DISQUALIFYING A PERSON FOR OBTAINING A LICENCE TO DRIVE A PUBLIC SERVICE VEHICLE 1. Leprosy. 1. Loss of consciousness from any cause-A disqualification. By amendment made by Motor Vehicles Amendment Act, 1978, among the diseases disqualifying the person from obtaining the licence to drive the motor vehicle instead of "epilepsy" it is now provided that any person suffering from attacks of loss of consciousness and which not be "epilepsy" Is also disqualified for obtaining the licence to drive the motor vehicle.

SCHEDULE 3

3

(See sections 7 (6) and 17 (6)) Test of Competence to Drive PART I The candidate shall satisfy the person conducting the test that he is able to- (1) start the engine of the vehicle; (2) move away straight ahead and at an angle, while at the same time engaging the first and Intermediate gears until the top gear is reached; (3) change down to the lower gear quickly from the top gear when the traffic conditions warrant such change; (4) overtake, allow to be overtaken, meet or cover the path of other vehicles and take an appropriate course with proper caution giving appropriate signals; (5) turn right and left corners correctly; (6) stop the vehicle in an emergency and normally and in the latter case bring it to rest at an appropriate course of the road; (7) drive the vehicle backwards and whilst so doing enter a limited opening to the right and left. (8) cause the vehicle to face in the opposite direction by means of forward and reverse gears; (9) give by hand and by mechanical means (if fitted to the vehicle), or in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand, by mechanical means in a clear and unmistakable manner, appropriate signals at appropriate times to indicate his intended actions; (10) act correctly and promptly on all signals given by traffic signs, automatic traffic lights, traffic police or other authorised persons and take appropriate notice of signs given by other road users; (11) demonstrate general control of the vehicle by confident steering and smooth gear changing and braking as and when necessary; (12) to change quickly to lower gear while driving down-hill; (13) to stop and re-start the vehicle on a steep upward Incline making proper use of the handbrake or of the throttle and the footbrake without any rolling back. NOTE. (1)-Requirements (7) and (8) are not applicable in the case of a motor cycle or a tri-cycle not equipped with means for reversing; (ii) Requirements (7), (8) and are not applicable in the case of invalid carriages. PART II The candidate shall satisfy the person conducting the test that he is- (1) cognizant of the provisions of sections 81, 82, 83, 84 and 85 and of the Tenth Schedule; (2) conversant with the general traffic rules and regulations relating to the use of lights speeding, parking, stopping the vehicle in an emergency, accidents, production of documents, right of way, controlled or uncontrolled pedestrian crossings, meaning of light signals (amber, red and green), overtaking, taking a "U" turn, silence zones, one-way traffic, driving on channelised roads and other relevant matters; (3) aware of the meaning of the traffic signs specified in the Ninth Schedule; (4) not so deaf as to be unable to hear (or in the case of a person who has applied for a licence to drive a light motor vehicle with or without hearing-aid), the ordinary sound signals. (This shall not apply to a person who has produced a medical certificate in Form C); (5) able to distinguish with each eye (or in the case of a person who has held a licence to drive a motor vehicle for a period of not less than five years and lost sight of one eye after the said period of five years and has applied for a licence to drive a light motor vehicle, other than a transport vehicle, fitted with an outside mirror on the steering wheel side, with one eye) at a distance of 25 metres in good day light (with glasses, if worn) a motor car number plate containing seven letters and figures. (This shall not apply to a person who has produced a medical certificate in Form C.) OBJECTS AND REASONS This amendment substitutes the present prove the standard of driving and to mini- TEST OF COMPETENCE TO DRIVE by a mise motor vehicle accidents.-S.O.R. (Act 56 more comprehensive and stricter test. to im- of 1969).

SCHEDULE 4

4

(Sec sections 14 (1) and 39 (1) and (3)) AUTHORITIES ENTITLED TO GRANT LICENCES TO DRIVE, AND TO REGISTER MOTOR VEHICLES, THE PROPERTY [OR FOR THE TIME BEING UNDER THE EXCLUSIVE CONTROL] OF THE CENTRAL GOVERNMENT, AND REGISTRATION MARKS FOR SUCH VEHICLES PART A The authorities specified in the second column may grant licences in respect of vehicles, the property [or for the time being under the exclusive control] of the Department of the Central Government specified in the first column. Defence Department of the Central Govern- 1. District Commanders. ment. 2. Commanders of independent brigades. 3. Officers commanding units having mechanically propelled vehicles in their charge. 4. Commanders, Royal Engineers, PART B The authorities specified in the second column may register motor vehicles, the property [or for the time being under the exclusive control] of the Department of the Central Government specified in the first column, and may grant certificates of fitness in respect of such vehicles. Defence Department of the Central Govern- The Master General of the Ordnance in ment. India [or any person authorised by him in this behalf]. PART C Registration marks for vehicles registered under section 39. [A broad arrow followed by not more than six figures, or a broad arrow followed by a single letter and not more than [six figures, or a broad arrow followed by two letters and not more than five figures].]

SCHEDULE 5

5

(See sections 19 (2) and (3) and 130) Offences on conviction of which an Endorsement shall be made on the Licence of the person affected PART A 1. Driving recklessly or dangerously (section 116). 2. Driving while under the influence of drink or drugs (section 117). 3. Abetment of an offence under section 116 or 117 (section 119). 4. Taking part in unauthorised race or trial of speed (section 120). 5. Driving when disqualified (section 18). 6. Obtaining or applying for a licence without giving particulars of endorsement (section 114). 7. Failing to stop on the occurrence of an accident (section 87). 8. Altering a licence or using an altered licence. 9. Any offence punishable with imprisonment in the commission of which a motor vehicle was used. PABT B 1. Driving without a licence, or without a licence which is effective, or without a licence applicable to the vehicle driven (section 3). 2. Allowing a licence to be used by another person (section 6 (2)). 3. Driving at excessive speed (section 115). 4. Driving when mentally or physically unfit to drive (section 118). 9. Abetment of an offence punishable under section 115 or 118. 9. Refusing or failing within specified time to produce licence (section 86). 7. Failing to stop when required (section 87). 8. Driving an unregistered vehicle (section 22). 9. Driving a transport vehicle not covered by a certificate of fitness (section 38). 10. Driving in contravention of any rule made under section 70 (2) (g) relating to speed governors. 11. Driving a vehicle exceeding the permissible limit of weight (section 124). 12. Failure to comply with a requisition made under section 73. 13. Using a vehicle in unsafe condition (section 121). 14. Driving a transport vehicle in contravention of section 42. STATE AMENDMENT Tamil Nadu : In its application to the State of Tamil Nadu, in Part B of the Fifth Schedule. items 1, 5, 6, 7, 8, 9, 10 and 13 entries relating thereto, be omitted.- T. N. Act XLVIII of 1974, S. 6 (5-12-1974).

SCHEDULE 6

6

SCHEDULE 7

7

SCHEDULE 8

8

(See Section 71)

vehicle \ Maximum speed per hour in Kilometres	Class of
	(1) It all the wheels of the vehicle are fitted with pneumatic tyres and the vehicle is not drawing a trailer:- (a) if the vehicle is a light motor vehicle [* *] ... No limit. c(aa) if the vehicle is a motor cycle ... 50 Note.-Endeavour shall be made to enforce the speed limit-Specified in this sub-item by inserting in the motor cycle such device, like a governor or the like, which would ensure that the motor cycle cannot be ridden at a speed faster than the speed specified in in this sub-item.]. (b) if the vehicle is a medium or heavy passenger motor vehicle ... 80 (c) if the vehicle is a medium or heavy goods motor vehicle ... 80 (2) It the vehicle is an articulated vehicle (all the wheels of which are fitted with pneumatic tyres) which is a d[heavy goods vehicle or heavy passenger motor vehicle] ... 50 (3) It the vehicle is drawing not more than one trailer (or in the case of artillery equipment, not more than two trailers) and all the wheels of that vehicle and the trailer are fitted with pneumatic tyres :- (a) if the vehicle is a light motor vehicle and the trailer being two-wheeled has a laden weight not exceeding 800 kgms ... 60 (b) if the vehicle is light motor vehicle and the trailer has more than two wheels or a laden weight exceeding 800 kgms. ... 50 (c) if the vehicle is a d[medium goods vehicle or medium passenger motor vehicle] , ... 50 (d) the vehicle is a d[heavy goods vehicle or heavy passenger motor vehicle] ... 40 (e) if the vehicle is a d[heavy goods vehicle or heavy passenger motor vehicle] used by fire brigade ... 50 (4) Any case not covered by entry (1) (2) or (3) ... 30.]
	OBJECTS AND REASONS Clause 82.- The proposed revised Eighth Schedule seeks to increase the speed limits suitably for certain classes of motor vehicles in view of the improvement in road designs and better types of vehicles now in operation. The increase in speed limits is five or ten kilometres per hour and it is not such as to endanger road safety.-S. 0. R. (Act 56 of 1989.) The Committee have, by inserting a new entry (3) (e) in the Eighth Schedule, put down a higher speed limit of 50 Kms per hour for heavy motor vehicles (drawing trailers) used by the Fire Brigade, instead of 40 Kms per hour provided for other similar heavy motor vehicles, so that the vehicles of the Fire Brigade may reach the site of fire as speedily as possible.-J.C.R. Part A. - Mandatory Signs

SCHEDULE 9

9

[As amended by Act 51 of 1960, S. 9.] (See sections 75,77 and 78.] TRAFFIC SIGNS. ["Explanatory Notes Note 1.-In respect of Sign Nos. M 1 to M 35 in Part A.- Mandatory Signs, Sign Nos. C 1 to C 37 in Part B. - Cautionary Signs and Sign Nos. E 1 to E 22 in Part C - Informatory Signs, - (i) Normal Size, wherever specified is the minimum size of the sign which is intended to be used in rural areas on highways.declared to be National Highways or State Highways under any law for the time being in force in such rural areas. (ii) the Small Size. wherever specified, is the minimum size of the sign which is intended to be used. (a) on all roads, other than the said National Highways and the State Highways in the rural areas; and (b) on all roads within the urban areas: Provided that sign of any appropriate size may be used on bollards or alongside traffic light signals on such roads; (iii) the colour scheme of these signs shall be as specified therein and the reverse side of all such sign plates shall be painted grey: (iv) the posts of all these signs shall be painted in 25 cms. wide bands alternatively black and white and the lowest band next to the ground shall be black. (v) the definition plate, whenever specified with a sign or where required to make the meaning of a sign more explicit shall have white background, black letters and black border 20 mm. wide and shall be of adequate size for legibility but not too large is to be obtrusive. Note 2. - The numerical figures mentioned in the sign Nos. M 21, M 22, M 23, M 24, M 25 and M 26 in Part A. - Mandatory Signs are merely, by way of an example. The actual figures shall be as prescribed in each case. Note 3.-As far as may be practicable, no two or more signs of different types conveying the same information, guidance or direction shall be placed or erected together at any particular location in any public place. Note 4.-On and from the first day of June 1985, - (a) the Sign Nos. 1 to 8 in Part A.-Mandatory signs (b) the Sign relating to the General Design and the Sign Nos. 1 to 13 in Part B.-Cautionary signs: and (c) the Sign Nos. 1 to 4 in Part C.-Informatory Signs, shall not be placed or erected in any public place, and on and from such date the provisions of this schedule shall have effect as if the signs mentioned in this note and the paragraph occurring immediately after the heading "Part B. -Cautionary Signs" had been omitted from this Schedule, except as respects things done of omitted to be done."

SCHEDULE 10

10

(See sections 77 and 78) DRIVING REGULATIONS 1. The driver of a motor vehicle shall drive the vehicle as close to the left hand side of the road as may be expedient, and shall allow all traffic which is proceeding in the opposite direction to pass him on his right hand side. 2. Except as provided in regulation 3, the driver of a motor vehicle shall pass to the right of all traffic proceeding in the same direction as himself. 3. The driver of a motor vehicle may pass to the left of a vehicle the driver of which having indicated as intention to turn to the right has drawn to the centre of the road and may pass a tram-car or other vehicle running on fixed rails, whether travelling in the same direction as himself or otherwise, on either side: Provided that in no case shall he pass a tram-car at a time or in a manner likely to cause danger or inconvenience to other users of the road or pass on the left hand side a tram-car, which, when in motion would be travelling in the same direction as himself, while the tram-car is at rest for the purpose of setting down or taking up passengers. 4. The driver of a motor vehicle shall not pass a vehicle travelling in the same direction as himself- (a) if his passing is likely to cause inconvenience or danger to other traffic proceeding in any direction, or (b) where a point or corner or a hill or an obstruction of any kind renders the road ahead not clearly visible. 5. The driver of a motor vehicle shall not, when being overtaken or being pass- ed by another vehicle increase speed or do anything in any way to prevent the other vehicle from passing him. 6. The driver of a motor vehicle shall slow down when approaching a road intersection, a road junction or a road corner, and shall not enter any such inter-section or junction until he has become aware that he may do so without endangering the safety of persons thereon. 7. The driver of a motor vehicle shall on entering a road intersection, if the road entered is a main road designated as such, give way to the vehicles proceeding along that road, and in any other case give way to all traffic approaching the inter- section on his right hand. 8. The driver of a motor vehicle shall, when passing or meeting a procession or a body of troops or police on the march or when passing workmen engaged on road repair drive at a speed not greater than a[25 Km. an hour,] 225 9. The driver of a motor vehicle shall- (a) when turning to the left, drive as close as may be to the left hand side of the road from which he is making the turn and of the road which he is entering; (b) when turning to the right, draw as near as may be to the centre of the road along which he is travelling and cause the vehicle to move in such a manner that- (i) as far as may be practicable it passes beyond, and so as to leave on the driver's right hand, a point formed by the intersection of the centre lines of the intersecting roads; and (ii) it arrives as near as may be at the left hand side of the road which the driver is entering.

SCHEDULE 11

11

(See Section 79) SIGNALS 1. When about to turn to the right or to drive to the right hand side of the road In order to pass another vehicle or for any other purpose, a driver shall extend his right arm in a horizontal position outside of and to the right of his vehicle with the palm of the hand turned to the front. 2. When about to turn to the left or to drive to the left hand side of the road. a driver shall extend his right arm and rotate it in an anticlockwise direction, 3. When about to slow down, a driver shall extend his right arm with the palm downward and to the right of the vehicle and shall move the arm so extended up and down several times in such a manner, that the signal can be seen by the driver of any vehicle which may be behind him. 4. When about to stop, a driver shall raise his right forearm vertically outside of and to the right of the vehicle, palm to the front. 5. When a driver wishes to indicate to the driver of a vehicle behind him that he desires that driver to overtake him, he shall extend his right arm and hand horizontally outside of and to the right of the vehicle and shall swing the arm backwards and forwards in semicircular motion.

(See Section 135) Repeal of Certain Enactments	
Serial	Short title \ Extent of repeal No.
1 \ 2 \ 3	
1.	Motor Vehicles (Andhra Pradesh) (Anahra Area) Am endment Act, 1948 (20 of 1948) The whole except sec tions 1 and 12
2.	Motor Vehicles (Andhra Pradesh) (Telangana Area) Ame- ndment Act, 1956 (45 of 1956) \The whole.
3.	Assam State Road Transport Act, 1954 (30 of 1954) ... \ The whole.
4.	Assam State Road Transport (Amendment) Act, 1955 (18 of 1955) The whole.
5.	Motor Vehicles (Bihar Amendment) Act, 1949 (27 of 1950) The whole except sec tions 1 and 3.
6.	Motor Vehicles (Bihar Amendment) Act, 1953 (1 of 1954) \ The whole
7.	Motor Vehicles (Madras Amendment) Act, 1948 as ap plicable to Kerala (20 of 1948) The whole except sec tions 1 and 3.
8.	Motor Vehicles (Madras Amendment) Act, 1949 as ap plicable to Kerala (44 of 1949) \ The whole.
9.	Motor Vehicles (Madras Amendment) Act, 1954 as ap plicable to Kerala (39 of 1954) \ The whole.
10.	Motor Vehicles (Madras Amendment) Act, 1948 (20 of 1948) The whole except sec- tions 1, 3 and 5.
11.	Motor Vehicles (Madras Amendment) Act, 1949 (44 of 1949) \ The whole.
12.	Motor Vehicles (Madras Amendment) Act, 1954 (39 of 1954)
13.	Motor Vehicles (Madras Amendment) Act, 1957 (19 of 1957) \ The whole.
14.	Central Provinces and Berar Motor Vehicles (Amen- dment) Act, 1947 as applicable to Madhya Pradesh (3 of 1948) \ The whole.
15.	Motor Vehicles (Bombay Amendment) Act, 1947 (7 of 1947) \ The whole.
16.	Central Provinces and Berar Motor Vehicles (Amend- ment) Act, 1947 as applicable to Maharashtra (3 of 1947) \ The whole.
17.	Motor Vehicles (Bombay Amendment) Act, 1954 (31 of 1954) \ The whole.
18.	Motor Vehicles (Hyderabad Amendment) Act, 1956 as applicable to Maharashtra (55 of 1956) ... \ The whole.
18.	Motor Vehicles (Mysore Amendment) Act, 1953 (14 of 1953) \ The whole.
20.	Motor Vehicles (Mysore Amendment) Act, 1955 (16 of 1955) \ The whole.
21.	Motor Vehicles (Bombay Amendment) Act, 1947 as appli- cable to Mysore (7 of 1947) \ The whole.
22.	Motor Vehicles (Bombay Amendment) Act, 1954 as appli- cable to Mysore (31 of 1954) \ The whole.
23.	Motor Vehicles (Hyderabad Amendment) Act, 1956 as applica- ble to Mysore (45 of 1956) \ The whole.
24.	Motor Vehicles (Madras Amendment) Act, 1948 as appli- cable to Mysore (20 of 1948) \ The whole.
25.	Motor Vehicles (Madras Amendment) Act, 1949 as appli- cable to Mysore (45 of 1949) \ The whole.
26.	Orissa Motor Vehicles (Amendment) Act, 1948 (1 of 1949) \ The whole.
27.	Orissa Motor Vehicles (Regulation of Stage Carriage and Public Carrier's Services) Act, 1947 (36 of 1947) \ The whole.
28.	Orissa Motor Vehicles (Regulation of Stage Carriage and Public Carrier's Services) Amendment Act, 1951 (41 of 1951) \ The whole.
29.	Motor Vehicles (East Punjab Amendment) Act, 1948 (28 of 1948) The whole except sec- tions 1, 3, 4 and 10.
30.	Motor Vehicles (United Provinces Amendment) Act, 1948 (11 of 1948) \ The whole.
31.	Motor Vehicles (Uttar Pradesh Amendment) Act, 1953 (28 of 1953) The whole.
32.	Uttar Pradesh Road Transport Services (Development) Act, 1955 (9 of 1955) The whole except sec tions 1 and 14.
33.	Motor Vehicles (West Bengal Amendment) Act, 1951 (19 of 1951) \ The whole.
34.	Motor Vehicles (Delhi Amendment) Act, 1954 (5 of 1954) \ The whole.
35.	Himachal Pradesh State Road Transport Act, 1953 (5 of 1954) \ The whole.]