

# ACT No. XX OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
3rd April, 1942.)

An Act further to amend the Motor Vehicles Act,  
1939.

IV of 1939. **W**HEREAS it is expedient further to amend the  
Motor Vehicles Act, 1939, for the purposes herein-  
after appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Motor Vehicles Short title.  
(Amendment) Act, 1942.

IV of 1939. 2. In section 3 of the Motor Vehicles Act, 1939 Amendment  
(hereinafter referred to as the said Act), sub-section (3) of section  
shall be omitted. 3, Act IV  
of 1939.

3. In section 4 of the said Act sub-section (3) shall Amendment  
be omitted. of section  
4, Act IV  
of 1939.

4. In section 7 of the said Act,—

(a) in sub-section (6),—

(i) the brackets and letter “(a)” at the beginning  
of clause (a), the word “or” at the end of  
that clause and the whole of clause (b) shall  
be omitted ;

(ii) in the second proviso, the words and figure  
“Part I of” shall be omitted ;

(b) in the proviso to sub-section (8), the whole of  
clause (a) and the brackets and letter “(b)”  
at the beginning of clause (b) shall be omitted.

5. In section 14 of the said Act,—

(a) in sub-section (1), after the words “which are Amendment  
the property” the words “or for the time of section  
being under the exclusive control” shall be 14, Act IV  
inserted ; of 1939.

(b) in sub-section (3), after the words “which is the  
property” the words “or for the time being  
under the exclusive control” shall be inserted.

6. In

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Amendment  
of section  
21, Act IV  
of 1939.

6. In sub-section (2) of section 21 of the said Act,—

(a) for clause (b) the following clause shall be substituted, namely :—

“(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 ; ” ;

(b) for clause (f) the following clause shall be substituted, namely :—

“(f) the exemption of prescribed persons, or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter ; ”.

Amendment  
of section  
23, Act IV  
of 1939.

7. In section 23 of the said Act, the brackets and figure “ (1) ” at the beginning of sub-section (1) and the whole of sub-sections (2) and (3) shall be omitted.

Amendment  
of section 28  
Act IV of  
1939.

8. In section 28 of the said Act,—

(a) in sub-section (1), the words “ or deemed to be registered under this Act ” and the proviso to the sub-section shall be omitted ;

(b) in sub-section (2), after the word and figures “ April, 1926,” the words “ or of any Convention modifying the same,” shall be inserted.

Amendment  
of section  
36, Act IV  
of 1939.

9. In sub-section (1) of section 36 of the said Act, the words “ After the commencement of this Act, ” and the proviso to the sub-section shall be omitted.

Amendment  
of section  
38, Act IV  
of 1939.

10. In section 38 of the said Act sub-section (4) shall be omitted.

Amendment  
of section  
39, Act IV  
of 1939.

11. In section 39 of the said Act,—

(a) in sub-section (1), after the words “ which is the property ” the words “ or for the time being under the exclusive control ” shall be inserted, and after the words “ remains the property ” the words “ or under the exclusive control ” shall be inserted ;

(b) in sub-section (4), after the words “ ceases to be the property ” the words “ or under the exclusive control ” shall be inserted.

Amendment  
of section  
41, Act IV  
of 1939.

12. In sub-section (2) of section 41 of the said Act,—

(a) to clause (a) the words “ , the fees to be paid in respect of such appeals and the refund of such fees ” shall be added ;

(b) after

(b) after clause (f) the following clause shall be inserted, namely :—

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

(c) in clause (l), after the word “road-rollers” the words “, graders and other vehicles designed and used solely for the construction, repair and cleansing of roads” shall be inserted.

13. To section 44 of the said Act the following sub-section shall be added, namely :—

Amendment  
of section  
44, Act IV  
of 1939.

“(5) The Provincial Transport Authority and any Regional Transport Authority, if authorized 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.”

14. In section 62 of the said Act, the brackets and figure “(1)” at the beginning of sub-section (1) and the whole of sub-section (2) shall be omitted.

Amendment  
of section  
62, Act IV  
of 1939.

15. In sub-section (3) of section 65 of the said Act, after the words “The Provincial Government” the following shall be inserted, namely :—

Amendment  
of section  
65, Act IV  
of 1939.

“or, if authorized in this behalf by the Provincial Government by rules made under section 68, the Provincial or a Regional Transport Authority”.

16. In sub-section (2) of section 68 of the said Act,—

Amendment  
of section  
68, Act IV  
of 1939.

(a) to clause (b) the words “, the fees to be paid in respect of such appeals and the refund of such fees” shall be added ;

(b) after clause (g) the following clause shall be inserted, namely :—

“(gg) the exemption of prescribed persons or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter ;”;

(c) for clause (w) the following clause shall be substituted, namely :—

“(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 ;”.

17. In

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Amendment  
of section  
75, Act IV  
of 1939.

17. In sub-section (4) of section 75 of the said Act, after the word "Police" the following brackets and words shall be inserted, namely :—

"(or, in the Presidency-towns, the Chief Presidency Magistrate or the Commissioner of Police)".

Amendment  
of section  
78, Act IV  
of 1939.

18. (1) Section 78 of the said Act shall be renumbered as sub-section (1) of that section and in the sub-section as so renumbered, for the words and letter "a traffic sign included in Part A of the Ninth Schedule" the words "a mandatory traffic sign" shall be substituted.

(2) To the said section as so renumbered the following sub-section shall be added, namely :—

'(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.'

Amendment  
of section  
92, Act IV  
of 1939.

19. In sub-section (3) of section 92 of the said Act, after the word and figures "April, 1926," the words "or any Convention modifying the same" shall be inserted.

Insertion of  
new section  
129A in Act  
IV of 1939.

20. After section 129 of the said Act the following section shall be inserted, namely :—

"129A. Any police officer authorized in this behalf or other person authorized in this behalf by the Provincial Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of sub-section (1) 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, 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."

Insertion of  
new section  
133A in Act  
IV of 1939.

21. After section 133 of the said Act the following section shall be inserted, namely :—

"133A. (1) The Provincial 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.

Appoint-  
ment of  
motor  
vehicles  
officer.

(2) Every

of 1942.] *Motor Vehicles (Amendment).*

(2) Every such officer shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(3) The Provincial 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."

22. In section 134 of the said Act sub-sections (2), (4) and (5) shall be omitted. Amendment of section 134, Act IV of 1939.

23. In the Fourth Schedule to the said Act,— Amendment of Fourth Schedule, Act IV of 1939.

(a) in the heading and in Parts A and B, after the words "the property", wherever they occur, the words "or for the time being under the exclusive control" shall be inserted;

(b) in Part B, to the entry in the second column the words "or any person authorized by him in this behalf" shall be added;

(c) in Part C, for the words beginning with "A broad arrow above two figures" and ending with "not more than four figures" the following shall be substituted, namely:—

"A broad arrow followed by not more than six figures, or a broad arrow followed by a single letter and not more than five figures".

24. In the Eighth Schedule to the said Act, in entry No. 2, clauses (a) and (b) shall be re-lettered as clauses (b) and (d), respectively, and the following shall be inserted as clauses (a) and (c), namely:— Amendment of Eighth Schedule, Act IV of 1939.

"(a) if all the wheels are fitted with pneumatic tyres and the vehicle is a delivery van and is not drawing a trailer..... No limit.

(c) if all the wheels are fitted with pneumatic tyres and the registered laden weight of the vehicle does not exceed 17,000 pounds *avoirdupois* and the vehicle is not drawing a trailer.....

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