

Repealed by Act 66 of 1957

THE DELHI ROAD TRANSPORT AUTHORITY ACT, 1950
No. XIII of 1950

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Repealed by Act 66 of 1957



An Act to provide for the establishment and regulation of a Road Transport Authority for the promotion of a co-ordinated system of road transport in the State of Delhi.

[Union territory of Delhi] & [7th March, 1950]

BE it enacted by Parliament as follows:—

CHAPTER I

Preliminary

- 1. Short title, extent and commencement.—(1) This Act may be called the Delhi Road Transport Authority Act, 1950.
- (2) It extends to the whole of the State of Delhi [Union territory of Delhi]
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (1) "ancillary service" means any subsidiary service which provides amenities or facilities to persons making use of any road transport service of the Authority;
- (2) "Authority" means the Delhi Road Transport Authority;
- (3) "Delhi Transport Service" means the road transport service operated in the State of Delhi or in any extended area by the Authority and includes the road transport service operated by that name in that State by the Ministry of Transport of the Government of India before the establishment of the Authority;
- (4) "extended area" means any area or route to which the operation of any road transport service of the Authority has been extended in the manner provided in section 24;
- (5) "prescribed" means prescribed by rules made under this Act;
- (6) "road transport service" means a service carrying passengers or goods or both by road in vehicles for hire or reward;
- (7) "vehicle" means any mechanically propelled vehicle, used or capable of being used for the purpose of road transport, and includes a tram-car, a trolley-vehicle and a trailer;
- (8) words and expressions used but not defined in this Act and defined in the Motor Vehicles Act, 1939 (IV of 1939), have the meanings assigned to them in that Act.

LA 1950 see No. 51-745(1)/50, 927350, 941, 1950 Ex. p. 1090. Subs. by Act 24 of 1953.

CHAPTER II

The Delhi Road Transport Authority

3. Incorporation.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established an Authority by the name of the Delhi Road Transport Authority.

(2) The said Authority shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.

4. Constitution of the Authority.—(1) The Authority shall consist of seven members as follows:—

(a) one member to be elected by the members of the Delhi Municipal Committee;

(b) one member to be elected by the members of the Delhi District Board;

(c) one non-official having experience in transport, industrial, commercial or financial matters, to be nominated by the Central Government;

(d) three officials of whom one shall represent the Ministry of Finance, to be nominated by the Central Government; and

(e) the Chief Commissioner of Delhi, or an official nominated by him.

(2) The Central Government shall nominate a member of the Authority to be the Chairman thereof.

(3) Every election or nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

5. Term of office of members of the Authority.—(1) Save as otherwise expressly provided in this Act, the term of office of a member elected under clause (a) or clause (b) of sub-section (1) of section 4, or of a member nominated under clause (c) of that sub-section shall be three years commencing from the date on which his election or nomination, as the case may be, is notified.

(2) A member nominated by the Central Government under clause (d) of sub-section (1) of section 4, or by the Chief Commissioner of Delhi under clause (e) of that sub-section, shall hold office during the pleasure of the nominating authority.

(3) A member nominated as Chairman of the Authority under sub-section (2) of section 4 shall hold office as Chairman during the pleasure of the Central Government.

(4) A member of the Authority shall, on the expiration of his term of office, be eligible for re-election or renomination.

6. Disqualifications for being chosen as, or for being, a member of the Authority.—A person shall be disqualified for being chosen as, or for being, a member of the Authority—

(a) if he is found to be a lunatic or a person of unsound mind; or

(b) if he has been adjudged insolvent; or

(c) if he has been convicted of an offence involving moral turpitude; or

(d) if he has, directly or indirectly, any interest in any subsisting contract made with, or in any work being done for, the Authority except as a share-holder (other than a director or managing agent) in a public company as defined in section 2 of the Indian Companies Act, 1913 (VII of 1913), provided that where he is a share-holder, he shall disclose to the Central Government the nature and extent of shares held by him in such company; or

1.4.50. See Notif. No 51-TAGU/50, A 21.3.50, 9 of 1.64, p-1095.

(e) if he has any financial interest in any other road transport undertaking.

7. Removal of members from office.—The Central Government may, by notification in the Official Gazette, remove from office any member of the Authority who—

(a) is or becomes subject to any of the disqualifications mentioned in section 6; or

(b) in the opinion of the Central Government, has failed or is unable to carry out his duties so as to render his removal necessary; or

(c) without excuse sufficient in the opinion of the Central Government, is absent without the leave of the Authority from more than four consecutive meetings of the Authority.

8. Resignation of office by the Chairman or an elected or nominated member.—The Chairman or an elected or nominated member of the Authority may resign his office by giving notice in writing to the Central Government and shall, on such resignation being accepted by that Government, be deemed to have vacated his office.

9. Temporary absence of any member.—If any member of the Authority is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Central Government may appoint another person to act in his place.

10. Vacancies amongst members or defect in the constitution not to invalidate acts or proceedings of the Authority.—No act or proceeding of the Authority shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

11. Temporary association of persons with the Authority for particular purposes.—(1) The Authority may, with the previous approval of the Central Government, associate with itself in such manner and for such purposes as may be determined by regulations made under this Act any persons whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person associated with it by the Authority under sub-section (1) for any purpose shall have a right to take part in the discussions of the Authority relevant to that purpose, but shall not have a right to vote at a meeting of the Authority, and shall not be a member for any other purpose.

12. Meetings of the Authority.—(1) The Authority shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings as may be provided by regulations made under this Act.

(2) The Chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Authority.

(3) All questions at a meeting of the Authority shall be decided by a majority of votes of the members present, and in the case of an equality of votes, the Chairman or, in his absence, any other person presiding shall have a second or casting vote.

13. Authentication of orders and other instruments of the Authority.—All orders and decisions of the Authority shall be authenticated by the signature of the Chairman or any other member authorised by the Authority in this behalf, and all other instruments issued by the Authority shall be authenticated by the signature of the Secretary or any other officer of the Authority authorised in this manner in this behalf.

14. Allowances or fees for attendance at meetings or for performance of other duties.—Every member referred to in clauses (a), (b) and (c) of sub-section (1) of section 4 or other person associated with the Authority under section 11 shall be entitled to receive such allowances or fees as may be prescribed for attendance at meetings of the Authority or for performance of any duty assigned to him by the Authority for the purposes of this Act.

15. Officers and servants of the Authority.—(1) There shall be a General Manager and a Chief Accounts Officer of the Authority who shall be appointed by the Central Government.

(2) The Authority may appoint such other officers and servants as it considers necessary for the efficient performance of its functions.

(3) The conditions of appointment and service and the scales of pay of the officers and servants of the Authority shall—

(a) as respects the General Manager and the Chief Accounts Officer be such as may be prescribed, and

(b) as respects the other officers and servants be such as may, subject to the provisions of section 39, be determined by regulations made under this Act.

16. Functions and duties of the General Manager and the Chief Accounts Officer.—(1) The General Manager shall be the Chief Executive Officer of the Authority and all other officers and servants of the Authority shall be subordinate to him.

(2) The General Manager shall also be the *ex-officio* Secretary of the Authority and shall have the right of being present at any meeting of the Authority and of taking part in the discussions thereat, but he shall not vote upon any proposition or make any motion at such meeting.

(3) The Chief Accounts Officer shall have the right to record his views on every proposal involving expenditure from the fund of the Authority prior to the consideration of such proposal by the Authority.

(4) The other functions and duties of the General Manager and the Chief Accounts Officer shall be such as may be prescribed.

17. General disqualification of all officers and servants.—No person who has directly or indirectly, by himself or his partner or agent, any share or interest in any contract, by or on behalf of the Authority, or in any other road transport undertaking, shall become or remain an officer or servant of the Authority.

18. Appointment of Advisory Council.—There shall be constituted by the Central Government an Advisory Council consisting of not more than fifteen members to advise the Authority, and the functions of, the procedure to be followed by, the number and term of office of, and the manner of filling casual vacancies among, members of the Advisory Council shall be such as may be prescribed.

CHAPTER III

[Union territory of Delhi] Powers and duties of the Authority

19. General duty of the Authority.—It shall be the general duty of the Authority so to exercise its powers under this Act as progressively to provide, or secure or promote the provision of, an efficient, adequate, economical and properly co-ordinated system of road transport services for passengers and goods in the ~~State of Delhi~~ and in any extended area:

Provided that nothing in this section shall be construed as imposing on the Authority either directly or indirectly, any form of duty or liability enforceable

4 Subs. by the A.O. (no: 3), 1956.

by proceedings before any court or tribunal to which it would not otherwise be subject.

20. Powers of the Authority.—(1) Subject to the provisions of this Act, the Authority shall have power—

(a) to operate road transport services in the ~~State of Delhi~~ ^{Union Territory of Delhi} and in any extended area;

(b) to provide for any ancillary service;

(c) to provide for its employees suitable conditions of service including the establishment of Provident Fund, living accommodation, places for rest and recreation and other amenities.

(2) Subject to the provisions of this Act, the powers conferred by sub-section (1) shall include power—

(a) to manufacture, purchase, maintain and repair rolling stock, vehicles, appliances, plant, equipment or any other thing required for the purpose of any of the activities of the Authority referred to in sub-section (1).

Explanation.—In this clause, the expression “manufacture” does not include the construction of the complete unit of a motor vehicle except for purposes of experiment or research;

(b) to acquire and hold such property, both movable and immovable, as the Authority may deem necessary for the purpose of any of the said activities, and to lease, sell or otherwise transfer any property held by it;

(c) to prepare schemes for the acquisition of, and to acquire, either compulsorily in accordance with such procedure as may be prescribed or by agreement, whether absolutely or for any period, the whole or any part of any undertaking of any other person to the extent to which the activities thereof consist of the operation of road transport services or ancillary services in the ~~State of Delhi~~ or in any extended area; ^{Union Territory of Delhi}

(d) to purchase by agreement or to take on lease any land and to erect thereon such buildings as may be necessary for the purpose of carrying on its undertaking;

(e) to authorise the disposal of scrap vehicles, old tyres, used oils, or any other stores of scrap value;

(f) to enter into and perform all such contracts as may be necessary for the performance of its duties and the exercise of its powers under this Act;

(g) to determine, with the previous approval of the Central Government and, in the case of a road transport service operated in any extended area, also with the previous approval of the Government of the State within which such extended area is situated, the fares and freights for the carriage of passengers and goods in any road transport service operated by the Authority;

(h) to dispose of, without the previous sanction of the Central Government, during any year any assets of which the total valuation, determined in the prescribed manner, is less than fifty thousand rupees if the disposal of such assets is, after consultation with the Chief Accounts Officer of the Authority, considered necessary by the Authority in the interests of any of its activities referred to in sub-section (1);

(i) to purchase vehicles of such type as may be suitable for use in the road transport services operated by the Authority;

↳ Subs. by the A.O. (no. 3), 1956.

(j) to purchase or otherwise secure by agreement vehicles, garages, sheds, office buildings, depots, land, workshops, equipment, tools, accessories to and spare parts for vehicles, or any other article owned or possessed by any dealer or the owner of any other undertaking for use thereof by the Authority for the purposes of its undertaking;

(k) to do anything for the purpose of advancing the skill of persons employed by the Authority or the efficiency of the equipment of the Authority or of the manner in which that equipment is operated, including the provision by the Authority, and the assistance by the Authority to others for the provision, of facilities for training, education and research;

(l) to enter into and carry out agreements with any person carrying on business as a carrier of passengers or goods providing for the carriage of passengers or goods on behalf of the Authority by that other person at a through fare or freight;

(m) with the prior approval of the Central Government, to do all other things to facilitate the proper carrying on of the business of the Authority.

(3) Nothing in this section shall be construed as authorising the Authority, except with the previous permission of the Central Government,—

(i) to manufacture or maintain anything which is not required directly or indirectly for use for the purpose of the undertaking of the Authority or to repair, store or provide any service for, any vehicle which does not belong to the Authority or is not used directly or indirectly for the purpose of its undertaking;

(ii) to purchase any vehicle for the purpose of sale to any person, or to sell or supply to any person lubricants, spare parts or equipment for, or accessories to, vehicles;

(iii) to let vehicles on hire for the carriage of passengers or goods save as expressly provided by or under this Act.

(4) Except as otherwise provided by this Act, nothing in the foregoing provisions of this section shall be construed as authorising the disregard by the Authority of any law for the time being in force.

(5) The provisions of this section shall not be construed as limiting any power of the Authority conferred by or under any subsequent provision of this Act.

21. Delegation of powers and duties to the General Manager.—The Authority may, by general or special order in writing, delegate to the General Manager, subject to such conditions and limitations (if any) as may be specified in the order, such of its powers and duties under this Act as it may deem necessary for the efficient running of day-to-day administration of its undertaking.

22. Preparation of schemes.—With a view to nationalising or developing road transport services on any route or in any area within the ^{↓ [Union territory of Delhi]} ~~State of Delhi~~, the Authority may from time to time prepare schemes not inconsistent with this Act for starting new road transport services or augmenting its existing road transport services on such route or in such area, in which provision may be made for all or any of the following matters, namely:—

(a) the purchase of chassis of motor vehicles or vehicles of a suitable type;

(b) the making of arrangements for building suitable types of bodies for vehicles;

(c) the erection of stands and sheds for passengers and goods, and the setting up of office and workshops;

↓ Subs. by the A.O. (no. 3), 1956.

(d) the purchase or acquisition of sites and lands suitable for any of the purposes specified in clause (c);

(e) the purchase of equipment, tools and spare parts for, and accessories to, vehicles;

(f) the recruitment of additional supervisory, operational and workshop staff necessary for the operation of the scheme; and

(g) such supplemental, incidental and consequential provisions as may appear to be necessary or expedient for any of the purposes aforesaid.

23. Sanction of schemes.—(1) The Authority shall, after a scheme has been prepared under section 22, obtain the advice of the Advisory Council thereon.

(2) The Authority may, after considering the advice so obtained and making such modifications in the scheme as it may deem necessary, sanction the scheme:

Provided that no sanction shall be accorded by the Authority to any scheme estimated to result in a capital expenditure exceeding fifty thousand rupees without the previous approval of the Central Government.

24. Extension of the operation of the road transport service of the Authority to areas within another State.—(1) If the Authority considers it to be expedient in the public interest to extend the operation of any of its road transport services to any route or area situated within another State, it may with the permission of the Central Government negotiate with the Government of that State regarding the proposed extension.

(2) If the Government of the other State approves the proposed extension, the Authority shall, after consulting the Advisory Council, prepare a scheme for the purpose and forward the same to that Government for its consent, and after such consent has been received, the Authority may, with the previous approval of the Central Government, sanction the scheme.

(3) After the scheme has been so sanctioned it shall be competent for the Authority to extend the operation of its road transport service to such route or area and when the operation of such service is so extended the Authority shall operate the service on that route or in that area subject to the provisions of any law in force in the State within which such route or area is situated.

25. Power to alter or extend schemes.—The Authority may from time to time alter or extend a scheme by a supplementary scheme prepared and sanctioned in the manner provided in the foregoing provisions of this Chapter.

26. Issue of passes.—Subject to any regulations made under this Act, the Authority may authorise the issue of passes to its employees and other persons either free of cost or at concessional rates and on such conditions as it may deem fit to impose.

27. Refund in respect of unused tickets and concessional passes.—The Authority may, subject to any regulations made under this Act, authorise the grant of refund in respect of unused tickets and concessional passes.

28. Disposal of unclaimed articles and property.—(1) When any articles or goods have come into the possession of the Authority for carriage or otherwise and are not claimed by the owner or any other person appearing to the Authority to be entitled thereto, the Authority shall, if such owner or other person is known, cause a notice to be served upon him requiring him to remove the articles or goods within seven days of the service of such notice.

(2) If such owner or other person is not known or the notice cannot be served upon him or he does not comply with the requisition in the notice, the Authority may, after the expiration of such period as may be specified by regulations made under this Act, sell the articles or goods by public auction and shall, after deducting from the sale-proceeds expenses for holding the sale or any amount which may be due to the Authority, credit the surplus sale-proceeds, if any, to the fund of the Authority; and the sale-proceeds so credited may be paid on demand to any person who establishes his right thereto in a court of competent jurisdiction or within one year of such sale to the satisfaction of the Authority.

CHAPTER IV

Finance, Accounts and Audit

29. General principles for Authority's finance.—In carrying on its undertaking under this Act, the Authority shall act as far as possible on business principles.

30. Authority to assume obligations of the Central Government in respect of matters to which this Act applies.—All obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Central Government for any of the purposes of this Act before the establishment of the Authority, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Authority; and all suits or other legal proceedings instituted or which might but for the issue of the notification under sub-section (1) of section 3 have been instituted by or against the Central Government, may be continued or instituted by or against the Authority.

31. Capital of the Authority.—(1) All non-recurring expenditure incurred by the Central Government for and in connection with the Delhi Transport Service up to the date of establishment of the Authority and declared to be capital expenditure by that Government shall be treated as the capital provided by the Central Government to the Authority.

(2) The Central Government may provide any further capital that may be required by the Authority for the carrying on of the undertaking of the Authority or for purposes connected therewith on such terms and conditions, not inconsistent with the provisions of this Act, as the Central Government may determine.

(3) The Central Government may empower the Authority to borrow by issue of bonds or stocks or otherwise and to make necessary arrangements with banks for meeting its obligations and discharging its functions under this Act.

32. Vesting of property in the Authority.—All property, assets and funds owned or acquired by the Central Government for the purposes of the Delhi Transport Service before the establishment of the Authority shall on such establishment vest in the Authority.

33. Fund of the Authority.—(1) The Authority shall have its own fund and all receipts of the Authority shall be carried thereto and all payments by the Authority shall be made therefrom.

(2) Except as otherwise directed by the Central Government, all moneys belonging to that fund shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such securities as may be approved by the Central Government.

34. Payment of interest.—The Authority shall pay interest on the amount of capital provided by the Central Government under section 31 at such rate as may from time to time be fixed by the Central Government and such interest shall be deemed to be part of the expenditure of the Authority.

35. Provision for depreciation and reserve and other funds.—(1) The Authority shall make such provisions for depreciation and for reserve and other funds as the Central Government may from time to time direct.

(2) The management of these funds, the sums to be carried from time to time to the credit thereof and the application of the moneys comprised therein shall be determined in accordance with such directions as the Central Government may from time to time issue.

36. Powers of the Authority to spend.—The Authority shall have power to spend such sums as it thinks fit on objects authorised under this Act and such sums shall be treated as expenditure payable out of the fund of the Authority.

37. Budget.—(1) The Authority, in consultation with its Chief Accounts Officer, shall by the 31st day of October in each year prepare and submit to the Central Government for approval a budget for the next financial year showing the estimated receipts and expenditure during that financial year in such form as may be prescribed.

(2) Subject to the provisions of sub-section (3), no sum shall be expended by or on behalf of the Authority unless the expenditure of the same is covered by a current budget grant approved by the Central Government.

(3) The Authority may, with the previous approval of the Central Government,—

(a) sanction any re-appropriation within the grant from one head of the expenditure to another or from a provision made for one scheme to that in respect of another, subject to the condition that the aggregate budget grant is not exceeded;

(b) incur expenditure in excess of the limit provided in the budget approved by the Central Government under any head of expenditure or in connection with any particular scheme.

38. Accounts and audit.—(1) The Authority shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such times and in such manner as may be prescribed.

(3) As soon as the accounts of the Authority have been audited, the Authority shall send a copy thereof together with a copy of the report of the auditor thereon to the Central Government, and on receipt thereof the Central Government shall cause the audited accounts together with such report to be laid before Parliament.

CHAPTER V

Miscellaneous

39. Directions by the Central Government.—(1) The Central Government may, after consultation with the Authority, give to the Authority general instructions to be followed by the Authority, and such instructions may include

directions relating to the conditions of service and training of its employees, wages to be paid to its workers, reserves to be maintained by it and disposal of its profits or stocks.

(2) In the exercise of its powers and the performance of its duties under this Act, the Authority shall not depart from any general instructions issued under sub-section (1).

40. Returns and reports.—(1) The Authority shall furnish to the Central Government such returns, statistics, accounts and other information with respect to its property or activities or in regard to any proposed scheme as the Central Government may from time to time require.

(2) Without prejudice to the provisions of sub-section (1), the Authority shall, as soon as possible after the end of each financial year, submit to the Central Government a report on the activities of the Authority under this Act during that year and on its policy and programme, and the Central Government shall cause a copy of every such report to be laid before Parliament as soon as may be after it is received.

41. Power to order inquiries.—(1) The Central Government, with a view to satisfy itself that the powers and duties of the Authority under this Act are being exercised and performed properly, may at any time institute inquiries into all or any of the activities of the Authority.

(2) The Authority shall give all facilities for the proper conduct of such inquiries and shall produce before, or furnish to, the person or persons making such inquiries any document, account or information in the possession of the Authority which such person or persons may demand for the purposes of the inquiries.

42. Power to control a part of the undertaking of the Authority.—(1) If, on receipt of the report of any inquiry held under section 41 or otherwise, the Central Government is satisfied that it is necessary so to do in the public interest, the Central Government may, by notification in the Official Gazette, authorise any person to take over from the Authority, and, so long as that notification is in force, to administer in accordance with such directions as may be issued from time to time by that Government such part of the undertaking of the Authority as may be specified in the notification, and any person so authorised may, for the purpose of administering the said part of the undertaking, exercise all or any of the powers of the Authority or of any officer of the Authority, issue such directions as he thinks fit to the officers or servants of the Authority and employ any outside agency.

(2) The Central Government may by such notification direct that all charges and expenses incurred by the person so authorised together with such remuneration as the Central Government may allow from time to time to such person shall be paid within such time as may be fixed by the Central Government from the fund of the Authority, and if the expenses are not so paid, the Central Government may make an order directing the person having the custody of that fund to pay to the person so authorised such expenses in priority to any other charges against such fund and he shall, so far as the funds to the credit of the Authority admit, comply with the order of the Central Government.

43. Power to supersede the Authority.—(1) If the Central Government is of opinion that the Authority is unable to perform, or has persistently made default in the performance of, the duties imposed on it by or under this Act or has exceeded or abused its powers, the Central Government may, by notification in the Official Gazette, supersede the Authority for such period as may be specified in the notification:

Provided that before issuing a notification under this sub-section the Central Government shall give a reasonable time to the Authority to show cause why

it should not be superseded and shall consider the explanations and objections, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) all the members of the Authority shall, as from the date of supersession, vacate their offices as such members;

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Authority shall, during the period of supersession, be exercised and performed by such person or persons as the Central Government may direct; and

(c) all property vested in the Authority shall, during the period of supersession, vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further term as it may consider necessary; or

(b) reconstitute the Authority in the manner provided in section 4.

44. Laying of report before Parliament of action taken under section 42 or section 43.—The Central Government shall cause a full report of any action taken under section 42 or section 43 and the circumstances leading to such action to be laid before Parliament at the earliest possible opportunity.

45. Compulsory acquisition of land for the Authority.—Any land required by the Authority for carrying out any of the purposes of this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the authority as if the provisions of Part VII of the Land Acquisition Act, 1894 (I of 1894) were applicable to it and the Authority were a company within the meaning of clause (e) of section 3 of the said Act.

46. Compensation for acquisition of road transport undertakings.—Whenever the Authority acquires under this Act the whole or any part of any undertaking, there shall be paid by the Authority compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say,—

(a) where the amount of compensation is fixed by agreement and is approved by the Central Government, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached or the amount agreed is not approved by the Central Government, the amount shall, subject to rules made under this Act, be determined by an arbitral tribunal consisting of one nominee of the Authority, one nominee of the person to be compensated and a Chairman to be nominated by the Chief Justice of the High Court exercising jurisdiction in relation to the ~~State of Delhi~~ *Union Territory of Delhi*;

(c) an appeal shall lie to the district judge against the decision of the tribunal and the order of the district judge on such appeal shall be final.

47. Application of the provisions of the Motor Vehicles Act, 1939, or any rules made thereunder, to vehicles and employees of the Authority.—The Motor Vehicles Act, 1939 (in this section referred to as the said Act) shall have effect subject to the following provisions, namely:—

(a) The Central Government may, by notification in the Official Gazette, authorise, subject to such terms and conditions, if any, as it

↓ Subs. by the A.D. (no. 3) 1956.

may think fit to impose, any person to exercise and perform to the exclusion of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or State Transport Authority, as the case may be, and without following the procedure laid down for the purpose in the said Act, all or such of the powers, functions and duties of any Licensing Authority, any Registering Authority, any Motor Vehicles Inspector, any Traffic Inspector, any Regional Transport Authority or the State Transport Authority under the said Act or under any rules made thereunder in relation to the motor vehicles of the Authority and the drivers and conductors of those vehicles, as may be specified in the notification.

(b) The Central Government may, if it so thinks necessary, by order cancel, suspend or vary the conditions of, any State carriage, contract carriage or public carriers' permit which has been granted or countersigned under Chapter IV of the said Act by any Regional Transport Authority in the State of Delhi or by the State Transport Authority, Delhi, and is valid within the whole or any part of that state, and any order so passed shall be final.

2 [Union territory of Delhi]

2 [that territory]

(c) If the Central Government, by order in writing, so directs, any Regional Transport Authority within the State of Delhi, or the State Transport Authority, Delhi, shall not grant, countersign or renew any permit under Chapter IV of the said Act other than a private carrier's permit.

(d) The Central Government may, by order in writing, exempt the motor vehicles of the Authority or its employees from the provisions of the said Act or of any rules made thereunder relating to the carrying of certificates of registration and fitness and from all or any of the provisions of Chapter IV of the said Act.

(e) The Central Government may, by notification in the Official Gazette, exempt the motor vehicles of the Authority from the operation of the provisions of Chapter VIII of the said Act.

48. Provision as to third party risk.—No notification shall be issued under clause (e) of section 47 unless a fund has been established and is maintained by the Authority in accordance with the rules made in that behalf by the Central Government under this Act for meeting any liability arising out of the use of any vehicle of the Authority which the Authority or any person in the employment of the Authority may incur to third parties.

49. Power of the Central Government to exempt vehicles of the Authority from the payment of certain charges.—The Central Government may, by order in writing, exempt all or any of the vehicles of the Authority from the payment of any tolls or other charges leviable under any enactment for the use of the road within the State of Delhi. *[Union territory of Delhi] 2*

50. Power of entry.—Whenever it is necessary for the Authority to carry out any of its works or to make any survey, examination or investigation, preliminary or incidental to the exercise of powers or the performance of duties by the Authority under this Act, any officer or servant of the Authority generally or specially empowered by the Authority may, with the previous permission of the district magistrate, enter upon any land or premises between sunrise and sunset, after giving reasonable notice of the intention to make such entry to the owner or occupier of such land or premises, and at any other time, with the consent in writing of the owner or occupier of such land or premises, for the purpose of the carrying out of such works or the making of such survey, examination or investigation.

1/2 No. 51 - TAG (12) / 50 dc 9.4.53.

2/2 Subs. by the A.O. (no. 3), 1956.

51. Members, officers and servants of the Authority to be public servants.—All members of the Authority, and all officers and servants of the Authority, whether appointed by the Central Government or the Authority, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

52. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(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 allowances or fees to be paid to any member or associate member of the Authority under section 14;
- (b) the conditions of appointment and service and the scales of pay of the General Manager and the Chief Accounts Officer of the Authority;
- (c) the functions and duties of the General Manager and the Chief Accounts Officer other than those specified in this Act;
- (d) the functions of, the procedure to be followed by the number and term of office of, and the manner of filling casual vacancies among, members of the Advisory Council;
- (e) the procedure for the compulsory acquisition by the Authority of the whole or any part of any undertaking;
- (f) the manner in which the total valuation of assets referred to in clause (h) of sub-section (2) of section 20 shall be determined;
- (g) the form in which the budget shall be prepared and submitted under sub-section (1) of section 37;
- (h) the forms and the manner in which the accounts of the Authority shall be maintained;
- (i) the time at which and the manner in which the accounts of the Authority shall be audited;
- (j) the form in which any return, statistics or report shall be furnished or submitted under section 40;
- (k) the procedure to be followed in determination of compensation by an arbitral tribunal under section 46;
- (l) the establishment and maintenance of a fund for meeting any liability referred to in section 48;
- (m) the service of notices and orders under this Act.

(3) All rules made under this section shall be laid for not less than fourteen days before Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid.

53. Power to make regulations.—(1) The Authority may, with the previous sanction of the Central Government, make regulations not inconsistent with this Act and the rules made thereunder for the administration of the affairs of the Authority and for carrying out its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the manner in which and the purposes for which persons may be associated with the Authority under section 11;
- (b) the time and place of meetings of the Authority and the procedure to be followed in regard to transaction of business at such meetings;

(c) the conditions of appointment and service and the scales of pay of officers and servants of the Authority other than the General Manager and the Chief Accounts Officer;

(d) the issue of passes to the employees of the Authority and other persons under section 26;

(e) the grant of refund in respect of unused tickets and concessional passes under section 27;

(f) the period after the expiration of which unclaimed articles or goods may be sold by public auction under sub-section (2) of section 28;

(g) the regulation of the carriage of passengers and goods in the road transport services of the Authority.

(3) All regulations made under this section shall, as soon as possible, be published in the Gazette of India.

54. Penalty for breach of any regulation made by the Authority under section 53.—The Central Government may by rule provide that the breach of any regulation made by the Authority under section 53 shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and when the breach is a continuing one, with a further fine not exceeding twenty rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.