

2 Rep. by Act 58 of 1980, 1.2 + 8 cl. (5 of 26.12.60)

Delivery of Books (Public Libraries) Amendment 1071

7. For section 7 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 7.

"7. This Act shall also apply to books and newspapers published by or under the authority of the Government but shall not apply to books meant for official use only."

Application of Act to books and newspapers published by Government.

THE MOTOR VEHICLES (AMENDMENT) ACT, 1956  
ACT No. 100 OF 1956

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

[30th December, 1956]

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 1956.

Short title and commencement.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Amendment of section 2.

4 of 1939.

2. In section 2 of the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act),—

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(a) after clause (2), the following clauses shall be inserted, namely:—

"(2A) 'Commission' means the Inter-State Transport Commission constituted under section 63A;

(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;

(2C) 'conductor's licence' means the document issued by a competent authority under Chapter IIA authorising the person specified therein to act as a conductor;";

(b) in clause (3), the Explanation shall be omitted,

(c) clause (4) shall be omitted;

<sup>1</sup>(1) 16th February, 1957, for all the provisions except clauses (b) and (e) of section 17, sections 18, 22, 32, clause (a) of section 38, clause (a) of section 60, clause (b) of section 61, clause (b) of section 85, clause (f) of section 98 and section 101, vide Notification No. S.R.O. 491, dated the 7th February, 1957, see Gazette of India, 1957, Pt. II, Sec. 3, p. 300.

(2) 1st August, 1957, for clauses (b) and (e) of section 17, section 18, clause (a) of section 38, clause (a) of section 60, clause (b) of section 61 and clause (b) of section 85, vide Notification No. S.R.O. 2291, dated 5th July, 1957, see Gazette of India, 1957, Pt. II, Sec. 3, p. 1508.

(3) 15th January, 1959 for section 98 and section 101 vide notification 2416 dated 22.11.1958, see Gazette of India Part II sec.3(ii) page 2492.

(d) after clause (5), the following clause shall be inserted, namely:—

“(5A) ‘driving licence’ means the document issued by a competent authority under Chapter II authorising the person specified therein to drive a motor vehicle or a motor vehicle of any specified class or description;”;

(e) for clause (9), the following clause shall be substituted, namely:—

“(9) ‘heavy 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, exceeds 18,000 pounds avoirdupois;”;

(f) clause (11) shall be omitted;

(g) to clause (12), the words, figures and letter “or section 21J” shall be added;

(h) for clauses (13) and (14), the following clauses shall be substituted, namely:—

“(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 6,000 pounds avoirdupois;

(14) ‘medium motor vehicle’ means any motor vehicle other than a motor cycle, invalid carriage, light motor vehicle, heavy motor vehicle or road roller;”;

(i) in clause (16), for the word “locomotive”, the word “omnibus” shall be substituted;

(j) in clause (18), for the words “used solely upon the premises of the owner”, the words “a vehicle of a special type adapted for use only in a factory or in any other enclosed premises” shall be substituted;

(k) after clause (18), the following clause shall be inserted, namely:—

“(18A) ‘omnibus’ means any motor vehicle constructed or adapted to carry more than six persons excluding the driver;”;

(l) in clause (20), after the words “issued by”, the words “the Commission or” shall be inserted;

(m) for clause (26), the following clause shall be substituted, namely:—

“(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;”;

(n) in clause (30), the words and figures "the unladen weight of which does not exceed 16,000 pounds avoirdupois" shall be omitted;

(o) for clause (33), the following clause shall be substituted, namely:—

"(33) 'transport vehicle' means a public service vehicle or a goods vehicle;"

3. In sub-section (1) of section 3 of the principal Act,—

Amendment  
of section 3.

(a) for the word "licence" occurring in both the places, the words "driving licence" shall be substituted;

(b) for the words "public service vehicle", the words "transport vehicle" shall be substituted.

4. In section 6 of the principal Act, for the word "licence" wherever it occurs, the words "driving licence" shall be substituted.

Amendment  
of section 6.

5. In section 7 of the principal Act,—

Amendment  
of section 7.

(a) for the word "licence" wherever it occurs, the words "driving licence" shall be substituted;

(b) in sub-section (6), for the first proviso, the following proviso shall be substituted, namely:—

"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:"

(c) for sub-section (7), the following sub-section shall be substituted, namely:—

"(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,—

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

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

(d) in sub-section (8),—

(i) for the words “five rupees”, the words “eleven rupees” shall be substituted;

(ii) in the proviso, for the words “motor car”, the words “light motor vehicle” shall be substituted;

(iii) after the proviso, the following further proviso shall be inserted, namely:—

“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.”.

Amendment  
of section 8.

6. In section 8 of the principal Act,—

(a) for the word “licence” wherever it occurs, the words “driving licence” shall be substituted;

(b) in sub-section (2),—

(i) for the words “public service vehicle”, the words “transport vehicle” shall be substituted;

(ii) for clauses (b) to (k), both inclusive, the following clauses shall be substituted, namely:—

“(b) invalid carriage,

(c) light motor vehicle,

(d) medium motor vehicle,

(e) heavy motor vehicle,

(f) road roller,

(g) motor vehicle of a specified description.”.

Insertion  
of new section  
8A.

7. After section 8 of the principal Act, the following section shall be inserted, namely:—

Additions  
to driving  
licence.

“8A. (1) Any person holding a driving licence 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.

(2) The provisions of section 7 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 sub-sections (3) and (4) 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."

3. In section 9 of the principal Act,—

(a) for the word "licence" wherever it occurs, the words "driving licence" shall be substituted; Amendment  
of section 9.

(b) in sub-section (2),—

(i) for the words and figures "the International Convention relative to motor traffic concluded at Paris on the 24th day of April, 1926, or of any Convention modifying the same", the words "any International Convention relative to motor traffic to which the Central Government is for the time being a party" shall be substituted;

(ii) the words "or in the French or Portuguese Settlements bounded by India" shall be omitted;

(iii) for the words "in the State or Settlement in which the licence was issued", the words "in that State" shall be substituted;

(c) in sub-section (3),—

(i) in clause (a) for the words "public service vehicle", the words "transport vehicle" shall be substituted;

(ii) at the end of clause (b), the word "or" shall be omitted;

(iii) clause (c) shall be omitted;

(d) in sub-section (4),—

(i) the words "or French or Portuguese Settlement bounded by India" shall be omitted;

(ii) the words "or Settlement as aforesaid" shall be omitted;

(iii) for the words "the State or Settlement", the words "that State" shall be substituted.

Substitution  
of new  
section for  
section 10.

9. For section 10 of the principal Act, the following section shall be substituted, namely:—

Currency  
of driving  
licence.

"10. A driving licence issued or renewed under this Act 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 three 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."

Amendment  
of section 11.

10. In section 11 of the principal Act,—

(a) for the word "licence" wherever it occurs, the words "driving licence" shall be substituted;

(b) for sub-section (1), the following sub-section shall be substituted, namely:—

"(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.";

(c) for sub-section (3), the following sub-sections shall be substituted, namely:—

"(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 nine rupees.

(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 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."

11. In section 12 of the principal Act,—

Amendment  
of section 12.

(a) for the word "licence" wherever it occurs, the words "driving licence" shall be substituted;

(b) for the words "a licensing authority", the words "any licensing authority" shall be substituted;

(c) the words "issued by it" shall be omitted;

(d) the words "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" shall be inserted at the end.

12. In section 13 of the principal Act,—

Amendment  
of section 13.

(a) in sub-section (1), for the words "the licensing authority refuses to issue or revokes or refuses to renew any licence", the words "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" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(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.";

(c) sub-section (3) shall be omitted.

Amendment  
of section 14.

13. In section 14 of the principal Act,—

(a) in sub-section (1),—

(i) for the word "licences", the words "driving licences" shall be substituted;

(ii) the words "and are used for Government purposes unconnected with any commercial enterprise" shall be inserted at the end;

(b) in sub-sections (2), (3) and (4), for the word "licence" wherever it occurs, the words "driving licence" shall be substituted.

Amendment  
of section 15.

14. In section 15 of the principal Act, for the word "licence" wherever it occurs, the words "driving licence" shall be substituted.

Amendment  
of section 16.

15. In sub-section (1) of section 16 of the principal Act, for the words "a public service vehicle", the words "a transport vehicle" shall be substituted.

Amendment  
of sections  
17, 18, 19  
and 20.

16. In sections 17 to 20, both inclusive, of the principal Act, for the word "licence" wherever it occurs, the words "driving licence" shall be substituted.

Amendment  
of section 21.

17. In sub-section (2) of section 21 of the principal Act,—

(a) for the word "licence" wherever it occurs, the words "driving-licence" shall be substituted;

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

"(aa) the conduct of persons to whom licences to drive transport vehicles or contract carriages are issued;";

(c) in clause (c), after the words "in driving", the words "or to persons whose driving licences have been surrendered" shall be inserted;

(d) in clause (d), for the words "public service vehicle", the words "transport vehicle" shall be substituted;

(e) after clause (d), the following clause shall be inserted, namely:—

"(dd) the badges and uniform to be worn by drivers of stage carriages or contract carriages and the fees to be paid in respect of badges;".



18. After Chapter II of the principal Act, the following shall be inserted, namely:—

Insertion of new Chapter IIA.

“CHAPTER IIA

LICENSING OF CONDUCTORS OF STAGE CARRIAGES

21A. (1) No person shall act as a conductor of a stage carriage unless he holds an effective conductor's licence issued to him authorising 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.

Necessity for conductor's licence.

(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. (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.

Grant of 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.

Disqualifi-  
cations for  
the grant  
of conduc-  
tor's licence.

21C. (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.

Revocation  
of a conduc-  
tor's licence,  
on grounds  
of disease or  
disability.

21D. 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.

Orders re-  
fusing, etc.,  
conductor's  
licences and  
appeals  
therefrom.

21E. (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 subsection (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.

Power of  
licensing  
authority and  
Regional  
Transport  
Authority to  
disqualify.

21F. (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. (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. Power of court to disqualify.

(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. The provisions of sub-section (2) of section 6, sub-section (1) of section 9, sections 10, 11 and 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. Certain provisions of Chapter II to apply to conductor's licence.

21I. 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 Savings.

this Chapter had been in force on the date on which that licence was granted.

Power to  
make rules.

21J. (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."

Amendment  
of section 22.

19. Sub-section (2) of section 22 of the principal Act shall be omitted.

Rep. by Act 58 of 1960

20. In section 23 of the principal Act, after the words "the provisions of", the word, figures and letter "section 24A," shall be inserted. Amendment of section 23.

21. To sub-section (1) of section 24 of the principal Act, the following proviso shall be added, namely: Amendment of section 24.

~~"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."~~

22. After section 24 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 24A.

"24A. (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. Special provision for registration of motor vehicles of diplomatic officers, etc.

(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 rules 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 purposes 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."

Amendment  
of section 25.

23. In sub-section (1) of section 25 of the principal Act, after the words "registering authority", the words "or other prescribed authority" shall be inserted.

Amendment  
of section 26.

24. Section 26 of the principal Act shall be re-numbered as sub-section (1) thereof and—

(a) in sub-section (1) as so re-numbered, for the words "authority may before", the words "authority shall before" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

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

Amendment  
of section 28.

25. In section 28 of the principal Act,—

(a) in sub-section (2),—

(i) for the words and figures "the International Convention relative to motor traffic concluded at Paris on the 24th day of April, 1926 or of any Convention modifying the same", the words "any International Convention relative to motor traffic to which the Central Government is for the time being a party" shall be substituted;

(ii) the words and figures "section 23 and" shall be omitted;

(iii) the words "or in the French or Portuguese Settlements bounded by India" shall be omitted;

(iv) for the proviso, the following proviso shall be substituted, namely:—

"Provided that there is in force in respect of the vehicle a certificate issued by the competent authority conforming to and containing substantially the same particulars as a certificate of registration in Form G as set forth in the First Schedule and that such certificate does not assign to the vehicle a standard of performance in any respect materially greater than that assignable or permissible under this Act or the rules made thereunder for a motor vehicle of like make and model in the State in which the vehicle is to be driven."

(b) in sub-section (3), after the word "India", the words "and the provisions of this Act shall be applicable thereto" shall be inserted;

(c) in sub-section (5),—

(i) the words "or any French or Portuguese Settlement" shall be omitted;

(ii) the words "or Settlement" wherever they occur shall be omitted.

26. In sub-section (1) of section 29 of the principal Act, for the words "When a motor vehicle registered in one State has been kept in another State for a period exceeding twelve months", the following words shall be substituted, namely:—

"When a motor vehicle—

(a) registered in one State has been kept in another State, or

(b) registered in the State of Jammu and Kashmir has been kept in India,

for a period exceeding twelve months,".

27. For sub-section (1) of section 31 of the principal Act, the following sub-section shall be substituted, namely:—

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

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

(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."

Substitution  
of new sec-  
tions for sec-  
tion 32.

Alteration in  
motor  
vehicle.

28. For section 32 of the principal Act, the following sections shall be substituted, namely:—

32. (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 jurisdiction 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 making 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 exceed 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 otherwise:

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 Government 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 without such approval under sub-section (3), the owner of the vehicle shall, within 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 original registering authority.

32A. Where a State Government is of opinion 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 certificates 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." Power of State Government to require the production of certificates of registration in certain cases.

29. For sub-section (1) of section 33 of the principal Act the following sub-section shall be substituted, namely:— Amendment of section 33.

"(1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within 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,

the authority may, after giving the owner an opportunity of making any representation he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), for reasons to be recorded in writing, suspend the certificate of registration of the vehicle—

(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."

30. In sub-section (3) of section 34 of the principal Act,—

(a) after the words "wish to make", the brackets and words "(by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration)" shall be inserted;

(b) after the words "in such a condition that", the words "it is incapable of being used or" shall be inserted. Amendment of section 34.

Amendment  
of section 35.

31. The proviso to sub-section (2) of section 35 of the principal Act shall be omitted.

Substitution  
of new sec-  
tion for sec-  
tions 36 and  
37.

Special pro-  
visions in  
regard to  
transport  
vehicles.

32. For section 36 and section 37 of the principal Act, the following section shall be substituted, namely:—

“36. (1) Having regard 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, a State Government may, with the approval of the Central Government, by notification in the Official Gazette, 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 registration and shall also enter in the certificate of registration of the vehicle the following 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 passengers solely or in addition to goods, the number of passengers for whom accommodation is provided; and the owner of the vehicle shall have the same particulars exhibited in the prescribed manner on the vehicle.

(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 in excess of that specified in the notification under sub-section (1) in relation to the make and model of the vehicle and to the number, nature and size of the tyres attached to its wheels:

Provided that where it appears to a State Government that heavier weights than those specified in the notification under sub-section (1) may be permitted in a particular locality for vehicles of a particular type, the State Government may, by order in the Official Gazette, direct that the provisions of this sub-section shall apply with such modifications as may be specified in the order.

Rep. by Act 58 of 1960

(4) When by reason of any alteration in such vehicle, including an alteration 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 registration of a vehicle may be revised in accordance with the provisions of sub-section (3), the registering authority may require the owners of transport 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."

33. In section 38 of the principal Act,—

Amendment  
of section 38.

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

"(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).";

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) A certificate of fitness issued under this Act shall, while it remains effective, be valid throughout India, and a State Government may, by notification in the Official Gazette, declare that subject to such conditions as may be specified in the notification, certificates of fitness issued by a competent authority in the State of Jammu and Kashmir shall, while they remain effective, be valid in the State as if they were issued under this Act."

34. In sub-section (2) of section 39 of the principal Act, for the words and letter "of fitness in Form H as set forth in the First Schedule", the words and figure "to the effect that the vehicle complies for the time being with all the requirements of Chapter V and the rules made thereunder" shall be substituted.

Amendment  
of section 39.

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Amendment  
of section 41.

35. In sub-section (2) of section 41 of the principal Act,—

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

“(c) the issue 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;”;

(b) clause (i) shall be omitted;

(c) in clause (l), for the words “delivery vans”, the words “goods vehicles, being light motor vehicles” shall be substituted.

Amendment  
of section 42.

36. In section 42 of the principal Act,—

(a) in sub-section (1), after the words “State Transport Authority”, the words “or the Commission” shall be inserted;

(b) in sub-section (3)—

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

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

(ii) after clause (e), the following clause shall be inserted, namely:—

“(ee) to any transport vehicle owned by a manufacturer of automobiles and used solely for such purposes as may be approved by the Central Government;”;

(iii) in clause (h), for the words “or any French or Portuguese Settlement bounded by India”, the word “and” shall be substituted;

(iv) for clause (i), the following clause shall be substituted, namely:—

“(i) except as may otherwise be prescribed, 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 1700 pounds avoirdupois drawn by a motor car.”;

(c) in sub-section (4), for the word “passengers”, the word “persons” shall be substituted.

## 37. In section 43 of the principal Act,—

Amendment  
of section 43.

(a) in sub-section (1), for the portion commencing with the words "and after having heard the representatives of the interests affected" and ending with the words "to be applicable throughout the State or within any area or on any route within the State", the following shall be substituted, namely:—

"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 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 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 68F;

(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.";

(b) in sub-section (3), for the words "the State and Regional Transport Authorities", the words "the State Transport Authority" shall be substituted.

Amendment  
of section 44.

38. In section 44 of the principal Act,—

(a) in sub-section (2)—

(i) for the words “such number of officials and non-officials as the State Government may think fit to appoint”, the words “a Chairman who has had judicial experience and such other officials and non-officials, not being less than two, as the State Government may think fit to appoint” shall be substituted;

(ii) to the said sub-section, the following proviso shall be added, namely:—

“Provided 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.”;

(b) in sub-section (3), after the words “State Transport Authority”, the words and figures “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 be inserted;

(c) in sub-section (4), after the word “shall”, the words “in the discharge of its functions under this Act, give effect to and” shall be inserted.

Substitution  
of new section  
for section 45.

General provision  
as to applications  
for permits.

39. For section 45 of the principal Act, the following section shall be substituted, namely:—

“45. 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."

40. For section 46 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 46.

"46. 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:—

Application for stage carriage permit.

- (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 services proposed to be provided in relation to each route or area and the time-table of the normal services;
- (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."

41. In section 47 of the principal Act,—

Amendment of section 47.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

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

- (a) the interests of the public generally;

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(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 shall, as far as may be, be given preference over applications from individual owners.”;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

(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 in any specified area or on any specified route within the region.”.



42. For section 48 of the principal Act, the following section shall be substituted, namely:—

Substitution  
of new  
section for  
section 48.

"48. (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:

Grant of  
stage carriage  
permits.

Provided that no such permit shall be granted in respect of any route or area not specified in the application.

(2) Every stage carriage permit shall be expressed to be valid only for a specified route or routes or for a specified area.

(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:—

(i) 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 services to be maintained 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;

(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.”.

43. In section 49 of the principal Act,—

Amendment of section 49.

(a) for the words “a motor vehicle as a contract carriage”, the words “one or more motor vehicles as a contract carriage or carriages” shall be substituted;

(b) in clause (a), after the word “vehicle”, the words “or each of the vehicles” shall be inserted.

44. In section 50 of the principal Act, for the words “in deciding whether to grant or refuse”, the words “in considering an application for” shall be substituted.

Amendment of section 50.

45. For section 51 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 51.

“51. (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:

Grant of contract carriage permits.

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

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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 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;

(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 taxi-meter 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.”

Amendment  
of section 52.

46. In section 52 of the principal Act,—

(a) for the words “a transport vehicle”, the words “one or more transport vehicles” shall be substituted;

(b) in clause (a), after the word “vehicle”, the words “or each of the vehicles” shall be inserted.

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47. In section 53 of the principal Act,—

Amendment  
of section 53.

(a) in sub-section (1), for the words "in deciding whether to grant or refuse", the words "in considering an application for" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

(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.;

(c) to sub-section (2), the words "or any other matter which may be prescribed" shall be added;

(d) in sub-section (3), the words "at its discretion" shall be omitted.

48. For section 54 of the principal Act, the following section shall be substituted, namely:—

Substitution  
of new  
section for  
section 54.

"54. 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:—

Application  
for public  
carrier's  
permit.

(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 seating 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.”.

Substitution  
of new sec-  
tion for sec-  
tion 55.

49. For section 55 of the principal Act, the following section shall be substituted, namely:—

Procedure in  
considering  
application  
for public  
carrier's  
permit.

“55. (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 by 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 shall, as far as may be, be given preference over applications from individual owners.

(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."

50. For section 56 of the principal Act, the following section shall be substituted, namely:—

Substitution  
of new  
section for  
section 56.

"56. (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:

Grant of  
public  
carrier's  
permits.

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."

Amendment  
of section 57.

51. In section 57 of the principal Act,—

(a) to sub-section (3), the following proviso shall be added, namely:—

"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 the procedure laid down in this sub-section.”;

(b) after sub-section (7), the following sub-sections shall be inserted, namely:—

“(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 number of services above the specified maximum, 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 56, 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.”.

52. In section 58 of the principal Act,—

Amendment  
of section 58.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(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.”;

(b) in sub-section (2),—

(i) after the opening paragraph, the following proviso shall be inserted, namely:—

“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 sixty days before the date of its expiry; and

(b) in any other case, not less than thirty days before the date of its expiry:”;

(ii) in the proviso, after the word “Provided”, the word “further” shall be inserted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Notwithstanding anything contained in the 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.”.

Insertion of  
new section  
59A.

53. After section 59 of the principal Act, the following section shall be inserted, namely:—

General form  
of permits.

“59A. 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

Rep. by Act 58 of 1980

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".

54. In section 60 of the principal Act,—

Amendment  
of section 60.

(a) in sub-section (1),—

(i) in clause (c), for the word "possess", the word "own" shall be substituted;

(ii) at the end of clause (d), the word "or" shall be inserted;

(iii) after clause (d), the following clauses shall be inserted, namely:—

"(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:";

(iv) in the proviso, for the word "submit", the word "furnish" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(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).";

(c) in sub-section (2),—

(i) after the word "permit", the words "or reduces the number of vehicles or the routes or area covered by a permit" shall be inserted;

(ii) for the words, "the revocation or suspension", the words "the action taken" shall be substituted;

(d) after sub-section (2), the following sub-section shall be inserted, namely:—

"(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."

Amendment  
of section 62.

55. In section 62 of the principal Act,—

(a) the words "at its discretion and" shall be omitted;

(b) at the end of clause (c), the word "or" shall be added;

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

"(d) pending decision on an application for the renewal of a permit;"

(d) to the said section, the following provisos shall be added, namely:—

"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."

Amendment  
of section 63.

56. In section 63 of the principal Act,—

(a) to sub-section (1), the following proviso shall be added, namely:—

"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 counter-signature of the Regional Transport Authority of the other region or of each of the other regions concerned."

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(b) to sub-section (3), the following proviso shall be added, namely:—

“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 States.”;

(c) after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) A State Government may, by rules made under section 68, specify the conditions subject to which a document issued by a competent authority in the State of Jammu and Kashmir authorising the use of a motor vehicle as a transport vehicle may be deemed for the purposes of sub-section (1) to be a permit granted under this Chapter in the State.

(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.”.

57. After section 63 of the principal Act, the following sections shall be inserted, namely:—

“63A. (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

Insertion of  
new sections  
63A, 63B  
and 63C.

Inter-State  
Transport  
Commission.

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developing, coordinating and regulating the operation of transport vehicles in respect of any area or route common to two or more States (hereinafter referred to as inter-State region) and performing such other functions as may be prescribed under section 63C.

(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, coordination 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, coordination 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.

(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 counter-signatures 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 counter-signatures of 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 Governments 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.

Delegation  
of powers,  
etc.

63B. (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 the 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.

Power of  
Central  
Government  
to make  
rules.

63C. 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 counter-signature of a permit;

(g) the grant of a permit and the counter-signature of a permit and the conditions which may be attached to a permit;

(h) the authority to which, the time within which and the manner in which, an appeal against the decision of the Commission may be preferred;

(i) any other matter which has to be, or may be, prescribed."

Amendment  
of section 64

58. In section 64 of the principal Act, for clause (g), the following clauses shall be substituted, namely:—

"(g) aggrieved by the refusal to grant permission under sub-section (1) or sub-section (2) of section 59, or

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(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

(i) aggrieved by any other order which may be prescribed.”

59. After section 64 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
64A.

“64A. The State Transport Authority 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 Regional Transport Authority and in which no appeal lies, and if it appears to the State Transport Authority that the order made by the Regional Transport Authority is improper or illegal, the State Transport Authority may pass such order in relation to the case as it deems fit:

Revision.

Provided that the State Transport Authority shall not entertain any application from a person aggrieved by an order of a Regional Transport Authority, unless the application is made within thirty days from the date of the order:

Provided further that the State Transport Authority shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.”

60. In section 67 of the principal Act,—

Amendment  
of section 67.

(a) in sub-section (1), clause (a) shall be omitted; and

(b) in sub-section (2), after clause (f), the following clauses shall be inserted, namely:—

“(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;”

61. In sub-section (2) of section 68 of the principal Act,—

Amendment  
of section 68

(a) in clause (d), for the words “lost or destroyed”, the words “lost, destroyed or mutilated” shall be substituted;

(b) clause (f) shall be omitted;

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

“(g) the fees to be paid in respect of applications for permits, duplicate permits and plates;”

(d) after clause (h), the following clause shall be inserted, namely:—

“(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;”;

(e) for clause (i), the following clauses shall be substituted, namely:—

“(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;”;

(f) in clause (o), for the words “prohibiting the painting or marking of a stage or a contract carriage”, the words “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” shall be substituted;

(g) for clause (s), the following clauses shall be substituted, namely:—

“(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;”;

(h) after clause (t), the following clause shall be inserted, namely:—

“(tt) authorising specified persons to enter at all reasonable times and inspect all premises used by permit holders for the purposes of their business;”;

(i) after clause (w), the following clause shall be inserted, namely:—

“(ww) the licensing of agents engaged in the business of collecting, forwarding and distributing of goods carried by public carriers;”;

(j) after clause (y), the following clause shall be inserted, namely:—

“(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;”.

62. After Chapter IV of the principal Act, the following shall be inserted, namely:—

Insertion of  
new Chapter  
IVA.

#### “CHAPTER IVA

##### SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

68A. In this Chapter, unless the context otherwise requires,— **Definitions.**

(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;

(iii) the Delhi Road Transport Authority established under section 3 of the Delhi Road Transport Authority Act, 1950;

(iv) any municipality or any corporation or company owned or controlled by the State Government.

68B. The provisions of this Chapter and the rules and orders made thereunder 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.

Chapter IVA  
to override  
Chapter IV  
and other  
laws.

68C. 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

Preparation  
and publica-  
tion of  
scheme of  
road trans-  
port service  
of a State  
transport  
undertaking.

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.

Objection to the scheme.

68D. (1) Any person affected by the scheme published under section 68C may, within thirty days from the date of the publication of the scheme in the Official Gazette, file objections thereto 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.

Cancellation or modification of scheme.

68E. 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 proposed to be modified as if the modification proposed were a separate scheme.

Issue of permits to State transport undertakings.

68F. (1) Where, in pursuance of an approved scheme, any State transport undertaking applies in the manner specified in Chapter IV 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 Regional Transport Authority shall issue such permit to the State transport undertaking, 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 notified route, the Regional Transport Authority may, by order,—

(a) refuse to entertain any application for the renewal of any other permit;

(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 the Regional Transport Authority under sub-section (1) or sub-section (2).

68G. (1) Where, in exercise of the powers conferred by clause (b) or clause (c) of sub-section (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.

Principles  
and method  
of determin-  
ing compen-  
sation.

(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 Regional Transport Authority 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 clause (c) of sub-section (2) of section 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 exceeding fifteen days of the unexpired period of the permit; Two hundred rupees

(b) for part of a month not exceeding fifteen days of the unexpired period of the permit; One hundred rupees

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:—

$$\frac{Y \times A}{R}$$

*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.

Payment of  
compensa-  
tion.

68H. 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 3½ per cent. per annum from the date on which it falls due.

Power to  
make rules.

68I. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

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(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;

(d) the manner of service of orders under this Chapter;

(e) any other matter which has to be, or may be, prescribed.”.

63. In section 71 of the principal Act,—

Amendment  
of section 71.

(a) in sub-section (2),—

(i) after the words “Official Gazette”, the words and figures “and by causing appropriate traffic signs to be placed or erected under section 75 at suitable places,” shall be inserted;

(ii) to the said sub-section, the following proviso shall be added, namely:—

“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.”;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Nothing in this section shall apply to any vehicle registered under section 39 while it is being used in the execution of military manœuvres within the area and during the period specified in the notification under sub-section (1) of section 2 of the Manœuvres, Field Firing and Artillery Practice Act, 1938.”.

of 1938.

64. In section 72 of the principal Act,—

Amendment  
of section 72.

(a) in sub-section (1), for the words “heavy transport vehicles”, the words “heavy motor vehicles” shall be substituted and the proviso shall be omitted;

(b) in sub-section (3),—

(i) the word "or" at the end of clause (b) shall be omitted;

(ii) clause (c) shall be omitted.

Amendment  
of section 73.

65. Section 73 of the principal Act shall be renumbered as sub-section (1) thereof and—

(a) in sub-section (1) as so renumbered, the words "or axle weight" shall be omitted;

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(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."

Amendment  
of section 74.

66. To section 74 of the principal Act, the following shall be added, namely:—

"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."

Amendment  
of section 75.

67. In section 75 of the principal Act,—

(a) in sub-section (1), after the words "purpose of", the

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words, brackets and figures "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" shall be inserted;

(b) after sub-section (4), the following sub-sections shall be inserted, namely:—

"(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."

68. In section 86 of the principal Act,—

Amendment  
of section 86.

(a) in sub-section (1), after the word "driver", the words "and the conductor, if any," shall be inserted;

(b) in sub-section (2), after the words "motor vehicle", the words and figures "other than a vehicle registered under section 39" shall be inserted.

69. In section 88 of the principal Act, after the word "driver" occurring in both the places, the words "or conductor" shall be inserted.

Amendment  
of section 88.

70. In sub-section (2) of section 91 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

Amendment  
of section 91.

"(cc) the maintenance and management of godowns for the storage of goods removed from over-loaded vehicles and the fees, if any, to be charged for the use of such godowns;"

71. In section 92 of the principal Act,—

Amendment  
of section 92.

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) 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 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.”;

(b) sub-section (3) shall be omitted;

(c) in sub-section (4),—

(i) in clause (c), after the word “drivers”, the words “and conductors” shall be inserted;

(ii) for the words, brackets, letters and figure "shall apply 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) apply", the following shall be substituted, namely:—

"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 (1A) apply."

72. In section 93 of the principal Act,—

Amendment of section 93.

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

"(a) 'authorised insurer' means an insurer in whose case the requirements of the Insurance Act, 1938, are complied with;";

of 1938.

(b) in clause (b), after the word "includes", the words "a cover note complying with such requirements as may be prescribed, and" shall be inserted;

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

"(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."

73. In section 94 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

Amendment of section 94.

"(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.

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Rep. by Act

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(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.

*Explanation.*—For the purposes of this sub-section, “appropriate Government” means the Central Government or a State Government, as the case may be, and in relation to any local authority or State transport undertaking, means that Government which has control over that local authority or State transport undertaking.”

A amendment  
of section 95.

74. In section 95 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), after the word “insurer”, the words and figures “or by a co-operative society allowed under section 108 to transact the business of an insurer” shall be inserted;

(ii) in the proviso,—

(1) the words, brackets and figure “except as may be otherwise provided under sub-section (3)” shall be omitted;

(2) in clause (i), after the word “employment” where it occurs for the second time, the following shall be inserted, namely:—

“other than a liability arising under the Workmen’s Compensation Act, 1923, in respect of the death of 1923. 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.”;

(b) for clause (a) of sub-section (2), the following clause shall be substituted, namely:—

“(a) where the vehicle is a goods vehicle, a limit of twenty 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;”;

(c) sub-section (3) shall be omitted;

(d) in sub-section (4), the words “or a cover note” shall be omitted;

(e) after sub-section (4), the following sub-section shall be inserted, namely:—

“(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.”.

75. After section 95 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 95A.

“95A. 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 section 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.”.

Validity of policies of insurance issued in reciprocating countries.

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Amendment  
of section 96.

76. In section 96 of the principal Act,—

(a) in sub-section (1), the words "or a cover note" shall be omitted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Where any such judgment as is referred to in sub-section (1) is obtained from a court in the State of Jammu and Kashmir or in a reciprocating country and in the case of a foreign judgment is, by virtue of the provisions 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: 5 of 1908. 4 of 1938.

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 of the State of Jammu and Kashmir or 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).";

(c) in sub-section (3), the words "or cover note" shall be omitted;

(d) in sub-section (6),—

(i) after the word, brackets and figure "sub-section (2)" where it first occurs and after the word, brackets and figure "sub-section (1)", the words, brackets, figure and letter "or sub-section (2A)" shall be inserted;

(ii) after the word, brackets and figure "sub-section (2)" where it last occurs, the words "or in the corresponding law of the State of Jammu and Kashmir or of the reciprocating country, as the case may be" shall be inserted.

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77. In section 102 of the principal Act, the words "or cover note" shall be omitted. Amendment  
of section  
102.

78. In section 106 of the principal Act,— Amendment  
of section  
106.

(a) in sub-section (1), after the words "in uniform", the words "authorised in this behalf by the State Government" shall be inserted;

(b) the provisos to sub-sections (1) and (2) shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(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."

79. In section 108 of the principal Act, in sub-section (1),— Amendment  
of section  
108.

(i) in the opening paragraph, for the words "public service vehicle", the words "transport vehicle" shall be substituted; and the words "as if the society were an authorised insurer" shall be omitted;

(ii) in clause (a), for the words "members of the society", the words "members of, and insured with, the society subject to a maximum of one hundred and fifty thousand rupees" shall be substituted;

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

"(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 98;"

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(iv) in clause (c), for the words "a prescribed amount", the words "such amount as may be specified by the State Government" shall be substituted;

(v) after clause (c), the following clause shall be inserted, namely:—

"(cc) the society may, if permitted by the State Government and subject to such conditions and limitations as may be imposed by it, accept re-insurances from other societies allowed to transact the business of an insurer under this section;"

(vi) in sub-clause (i) of clause (f), the words, brackets and letter "clause (b) of" shall be omitted;

(vii) in clause (g), the word "and" at the end shall be omitted;

(viii) for clause (h), the following clauses shall be substituted, namely:—

"(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; 4 of 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."

Substitution  
of new sec-  
tions for  
section 110.

80. For section 110 of the principal Act, the following sections shall be substituted, namely:—

Claims  
Tribunals.

"110. (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 motor vehicles.

(2) A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint and where

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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.

110A. (1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 110 may be made—

Application  
for compensation.

(a) by the person who has sustained the injury; or

(b) where death has resulted from the accident, by the legal representatives of the deceased; or

(c) by any agent duly authorised by the person injured or the legal representatives of the deceased, as the case may be.

(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.

(3) No application for compensation under this section shall be entertained unless it is made within sixty days of the occurrence of the accident:

Provided that the Claims Tribunal may entertain the application after the expiry of the said period of sixty days if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

110B. On receipt of an application for compensation made under section 110A, the Claims Tribunal shall, after giving the parties an opportunity of being heard, hold an inquiry into the claim and 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.

Award of  
the Claims  
Tribunal.

Procedure  
and powers  
of Claims  
Tribunals.

110C. (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 section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898. 5 of 1898.

(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.

Appeals.

110D. (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 the appeal is less than two thousand rupees.

Recovery of  
money from  
insurer as  
arrear of  
land revenue.

110E. Where any money is due from an insurer 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.

Bar of juris-  
diction of  
civil courts.

110F. 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."

Amendment  
of section  
III.

81. In sub-section (2) of section 111 of the principal Act—

(a) in clause (c), for the words "lost or destroyed", the words "lost, destroyed or mutilated" shall be substituted;

(b) in clause (i), after the words "temporary stay therein", the words "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" shall be inserted.

82. After section 111 of the principal Act, the following section shall be inserted in Chapter VIII, namely:—

Insertion of new section 111A.

"111A. 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:—

Power of State Government to make rules.

(a) the form of application for claims for 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 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."

83. In section 112 of the principal Act, for the words "twenty rupees" and "one hundred rupees", the words "one hundred rupees" and "three hundred rupees" shall respectively be substituted.

Amendment of section 112.

84. For section 113 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 113.

"113. (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.

Disobediences of orders, obstruction and refusal of information.

(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."

Amendment  
of section  
114.

85. Section 114 of the principal Act shall be re-numbered as sub-section (1) thereof and—

(a) in sub-section (1) as so re-numbered,—

(i) for the word "licence" wherever it occurs, the words "driving licence" shall be substituted;

(ii) for the words "two hundred and fifty rupees", the words "five hundred rupees" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Whoever, being disqualified under this Act, for holding or obtaining a 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 a 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."

Amendment  
of section  
115.

86. In sub-section (3) of section 115 of the principal Act, the word "timing" shall be omitted.

Insertion of  
new section  
118A.

87. After section 118 of the principal Act, the following section shall be inserted, namely:—

Punishment  
for offences  
relating to  
accident.

"118A. 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."

Amendment  
of section  
121.

88. In section 121 of the principal Act, for the words "with fine which may extend to five hundred rupees", the words "with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both" shall be substituted.

89. In section 122 of the principal Act, for the words "two hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment of Section 122.

90. For section 123 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 123.

"123. (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, shall be punishable for a first offence 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 which may extend to six months or with fine which may extend to two thousand rupees, or with both:

Using vehicle without registration or permit.

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 subsequent 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."

Amendment  
of section  
124.

91. In section 124 of the principal Act, for the words "one hundred rupees" and "five hundred rupees", the words "two hundred rupees" and "one thousand rupees" shall respectively be substituted.

Amendment  
of section  
125.

92. In section 125 of the principal Act, for the words "five hundred rupees", the words "one thousand rupees" shall be substituted.

Insertion of  
new section  
127A.

93. After section 127 of the principal Act, the following section shall be inserted, namely:—

Offences by  
companies.

"127A. (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.

*Explanation.*—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm."

94. In section 129 of the principal Act,—

Amendment  
of section  
129.

(a) in sub-section (2)—

(i) after the words "authorised in this behalf", the words "or other person authorised in this behalf" shall be inserted;

(ii) the words, brackets and figure "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)" shall be inserted at the end;

(b) in sub-section (3)—

(i) for the words "A police officer", the words "A police officer or other person" shall be substituted;

(ii) for the words "or the court has otherwise ordered", the following shall be substituted, namely :—

"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."

95. In section 129A of the principal Act, for the words, brackets and figures "sub-section (1) of section 22", the word and figures "section 22" shall be substituted.

Amendment  
of section  
129A.

96. In the opening paragraph of sub-section (1) of section 130 of the principal Act, for the word "may", the word "shall" shall be substituted.

Amendment  
of section  
130.

97. For section 134 of the principal Act, the following section shall be substituted, namely :—

Substitution  
of new  
section for  
section 134.  
Effect of  
appeal and  
revision on  
orders passed  
by original  
authority.

"134. (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

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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.

(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."

Amendment of First Schedule.

98. In the First Schedule to the principal Act,—

(a) for Form A, the following Form shall be substituted, namely:—

"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 \*public service vehicles, \*goods vehicles, the vehicles I wish to drive being of the following class(es) \*—

- \*(a) motor cycles,
- \*(b) invalid carriages,
- \*(c) light motor vehicles,
- \*(d) medium motor vehicles,
- \*(e) heavy motor vehicles,
- \*(f) road rollers,
- \*(g) a vehicle of a special type (description attached) constructed or adapted to be driven by me.

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.....

\*Strike out whichever is not applicable.

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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) Do you suffer from epilepsy, or from sudden attacks of disability, giddiness or fainting?
- (b) Are you able to distinguish with each eye at a distance of 25 yards in good daylight (with glasses, if worn) a motor car 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 pigimentary colours red and green?
- (e) Do you suffer from night blindness?
- (f) Are you so deaf as to be unable to hear 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 and 85 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 (i) 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.*

NOTE.—The fee for the issue of a driving licence is Rs. 11/-.

*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.";*

(b) after Form A, the following Form shall be inserted, namely:—

"FORM AA

(See section 8A)

*Form of application for the addition of a new class of vehicle to a driving licence*

I 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,
- (d) medium motor vehicles,
- (e) heavy motor vehicles,
- (f) road rollers,

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~~(g) a vehicle of a special type (description attached) constructed or adapted to be driven by me.~~

\*I enclose,

- (a) a medical certificate,
- (b) three copies of a recent photograph.

\* 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. Strike out if not applicable.

Dated

19 .

*Signature or thumb impression of applicant.*

Note.—No fee other than a fee for a test of competence to drive is chargeable for the addition of a new class of vehicle to a driving licence.”;

*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.”;*

(c) for Form B, the following Form shall be substituted, namely:—

“FORM B

[See section 11(2)]

*Form of application for the renewal of driving licence*

I 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, full reasons for the delay.

The renewal of the licence has not been refused by any licensing authority.

I hereby declare that I am not subject to any disease or disability likely to cause my driving of motor vehicles of the classes entered in my licence to be a source of danger to the public.

Dated

19

Signature or thumb impression of applicant.  
Address.

NOTE.—The fee for the renewal of a licence is fixed by section 11 of the Motor Vehicles Act, 1939, reproduced on the reverse.

(Reverse)

Renewal of  
driving licences.

11. (1) Any licensing authority may, on an application made to it, renew a driving 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 driving 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) 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) of 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 fee payable for such renewal shall be nine rupees.

(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 holder of the driving licence 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 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.

(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.”;

(d) in Form D,—

(i) for items (b) to (k), both inclusive, the following shall be substituted, namely:—

- “(b) invalid carriages,
- (c) light motor vehicles,
- (d) medium motor vehicles,
- (e) heavy motor vehicles,
- (f) road rollers,
- (g) a motor vehicle hereunder described:—”;

(ii) after the words and asterisk “paid employee\*”, the words and asterisk “a transport vehicle\*” shall be inserted;

(iii) for the heading “Authorisation to drive a public service vehicle”, the following heading shall be substituted, namely:—

“Authorisation to drive a transport vehicle”;

(e) in Form E,—

(i) for entry 1, the following entries shall be substituted, namely:—

“1. Full name, name of father or husband, and address of person to be registered as registered owner.

1A. Age of the person to be registered as registered owner..... ;

1B. Name and address of the person from whom the vehicle was purchased.....”;

(ii) after entry 13, the following shall be inserted, namely:—

“13A. I hereby declare that this vehicle has not been registered in any State in India.

Additional particular to be completed only in the case of transport vehicles other than motor cars.

13B. Colour or colours of body, wings and front end.....”;

(iii) in entry 16, after the word “weight”, the brackets and words “(to be furnished in the case of heavy motor vehicles only)” shall be inserted;

(iv) for the words "two or three axles, for an articulated vehicle of three", the words "two or more axles, for an articulated vehicle of three or more" shall be substituted;

(v) in entry 19, for the word "the", the word "each" shall be substituted;

(vi) to entry 20, the words and brackets "in respect of each axle (to be furnished in the case of heavy motor vehicles only)" shall be added;

(f) Form F shall be omitted;

(g) in Form G,—

(i) after the words "name of father", the words "or husband" shall be inserted;

(ii) after entry 11, the following shall be inserted, namely:—

"Additional particular in the case of all transport vehicles other than motor cars.

11A. Colour or colours of body, wings and front end.....";

(iii) in entry 14, after the word "weight", the brackets and words "(in the case of heavy motor vehicles only)" shall be inserted;

(iv) in entry 17, for the word "the", the word "each" shall be substituted;

(v) to entry 18, the words and brackets "in respect of each axle (in the case of heavy motor vehicles only)" shall be added;

(h) in Form H, for the words, figures and brackets "sections 38 and 39(2)", the word and figures "section 38" shall be substituted.

99. In the Fourth Schedule to the principal Act, in Part C, for the words "five figures", the words "six figures, or a broad arrow followed by two letters and not more than five figures" shall be substituted.

100. For the Sixth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

Substitution of new Schedule for Sixth Schedule.

**"THE SIXTH SCHEDULE**

[See sections 24 (3) and 29 (2)]

**REGISTRATION MARKS**

One of the groups of letters specified in the second column followed by any one other letter shall be used as the registration mark for a vehicle in the State specified in the first column.

|  |        |
|--|--------|
| Andhra Pradesh.                          | AP, AD |
| Assam.                                   | AS     |
| Bihar.                                   | BR     |
| Bombay.                                  | BM, BY |
| Kerala.                                  | KL     |
| Madhya Pradesh.                          | MP, CP |
| Madras.                                  | MD, MS |
| Mysore.                                  | MY     |
| Orissa.                                  | OR     |
| Punjab.                                  | PN, PU |
| Rajasthan.                               | RJ     |
| Uttar Pradesh.                           | UP, US |
| West Bengal.                             | WB, WG |
| Delhi.                                   | DL     |
| Himachal Pradesh.                        | HI     |
| Manipur.                                 | MN     |
| Tripura.                                 | TR     |
| Andaman and Nicobar Islands.             | AN     |
| Laccadive, Minicoy and Amindivi Islands. | LC, MA |

NOTE.—These letters shall be followed by not more than four figures, and the letters and figures shall be shown—

1. In the case of transport vehicles .. In black on a white ground.
2. In the case of temporary registrations (section 25) .. In red on a yellow ground.
3. In the case of registration marks allotted to dealers [section 41(2) (k)] .. In white on a red ground.
4. In other case ... In white on a black ground.

Omission of Seventh Schedule.

101. The Seventh Schedule to the principal Act shall be omitted.

Substitution of new Schedule for Eighth Schedule.

102. For the Eighth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

"THE EIGHTH SCHEDULE

[See section 71]

LIMITS OF SPEED FOR MOTOR VEHICLES

| Class of vehicle   | Maximum speed<br>per hour<br><i>Miles</i> |
|--|---|
| (1) If all the wheels of the vehicle are with pneumatic tyres and the vehicle is not drawing a trailer :—  |   |
| (a) if the vehicle is a light motor vehicle or a motor cycle . . . . .   | No limit                                  |
| (b) if the vehicle is a medium motor vehicle . . . . .   | 35  |
| (c) if the vehicle is a heavy motor vehicle and a public service vehicle . . . . .   | 30  |
| (d) if the vehicle is a heavy motor vehicle but not a public service vehicle . . . . .   | 25  |
| (2) If 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 the drawing 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 1,700 pounds avoirdupois . . . . .  | 35  |
| (b) if the vehicle is a light motor vehicle and the trailer has more than two wheels or a laden weight exceeding 1,700 pounds avoirdupois . . . . .  | 30  |
| (c) if the vehicle is a medium motor vehicle . . . . .   | 25  |
| (d) if the vehicle is a heavy motor vehicle . . . . .  | 20  |
| (3) Any case not covered by entry (1) or entry (2) . . . . .   | 15  |