

**Report of the Expert Committee**

**Review of the  
Motor Vehicles Act, 1988**

Submitted to  
Ministry of Road Transport and  
Highways (MoRT&H)

January 2011

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Annexure I

Government of India  
Ministry of Road Transport & Highways

Transport Bhawan, 1, Parliament Street,  
New Delhi -110001

ORDER

No.RT-11012/20/09-MVL

Dated the 14th September, 2009

Sub: Constitution of an Expert Committee to review the Motor Vehicles Act, 1988 and to suggest changes therein.

It is proposed to review the Motor Vehicles Act, 1988 in a comprehensive manner in order to ensure that the provisions of the Act address present days requirements of the Road Transport Sector in an effective manner. Accordingly it has been decided with the approval of competent authority to constitute an Expert Committee with the following composition:-


(i) Shri S. Sunder, Distinguished Fellow (TERI) & Former Secretary (Ministry of Surface Transport), New Delhi	Chairman
(ii) Professor Dinesh Mohan, IIT, New Delhi	Member
(iii) Shri O.P. Agarwal, CEO & MD, UMTC, New Delhi	Member
(iv) Shri S. R. Marathe, Director (ARAI), Pune	Member
(v) Shri Dillip Chenoy, DG (SIAM), New Delhi	Member
(vi) Shri N.K. Tripathi, Com. (Transport), Govt. of Madhya Pradesh	Member
(vii) Shri Bhaskar Rao, Com. (Transport), Govt. of Karnataka	Member
(viii) Joint Secretary & Legislative Counsel, Legislative Deptt., New Delhi	Member
(ix) Shri S. N. Shrivastava, Jt. Com. (Traffic), Delhi Police	Member
(x) Shri S.K. Dash, Joint Secretary (Transport), M/O RT&H	Member Secretary

2. The terms of reference of the Expert Committee will be as under:-

(i) To review the provisions of the Act in a comprehensive manner and to make appropriate recommendations for amendments in the Act.

(ii) The Committee will also study the contemporary Act of the leading Asian countries like China, Japan, etc. and make suggestions to adopt best practices as could be suitable for the country.

3. TA / DA to the members of the Committee for attending the meetings of the Committee will be borne by the respective Departments / Organizations / State Governments. The Committee may co-opt any other member as deem appropriate by the Chairman. The Committee shall submit its report to this Ministry within a period of three months from the date of issue of this order.

  
(ANAND PRAKASH)  
Director (Road Transport)  
Telefax. No. 23719097

Copy to:

- (i) Shri S. Sunder, Distinguished Fellow (TERI) & Former Secretary (Ministry of Surface Transport), The Energy and Resources Institute, Darbari Seth Block, India Habitat Centre Complex, Lodhi Road, New Delhi-110003. (Fax No. 24682144 / 24682145).
- (ii) Professor Dinesh Mohan, Indian Institute of Technology, Hauz Khas, New Delhi-110016. (Fax No. 26582659).
- (iii) Shri O.P. Agarwal, Chief Executive Officer & Managing Director, Urban Mass Transit Company Limited, Core 4B, 4<sup>th</sup> Floor, India Habitat Centre, Lodhi road, New Delhi-110003. (Fax No. 24682070 / 24682071).
- (iv) Shri Shrikant R. Marathe, Director, Automotive Research Association of India, P.O. Box No. 832, Pune-411004. (Fax No. 020-25434190).
- (v) Shri Dilip Chenoy, Director General, Society of Indian Automobile Manufacturers, Core 4B, Zone IV, 5<sup>th</sup> Floor, India Habitat Centre, Lodhi road, New Delhi-110003. (Fax No. 24648222).
- (vi) Shri N.K. Tripathi, Transport Commissioner, Government of Madhya Pradesh, Moti Mahal, Gwalior. (Fax No. 0751-2429105).
- (vii) Shri Bhaskar Rao, Commissioner for Transport & Road Safety, Government of Karnataka, 5<sup>th</sup> Floor, 1<sup>st</sup> Gate, M.S. Building, Dr. B.R. Ambedkar Veedhi, Bangalore-560001. (Fax No. 080-22353783).
- (viii) Joint Secretary & Legislative Counsel, Ministry of Law & Justice, Legislative Department, A wing, 4<sup>th</sup> Floor, Shastri Bhawan, New Delhi-110001. (Fax No. 23073497).
- (ix) Shri S. N. Shrivastava, Joint Commissioner (Traffic), Delhi Police, 5<sup>th</sup> Floor, Police Head Quarter, I.P. Estate, New Delhi. (Fax No. 23490436).



(ANAND PRAKASH)  
Director (Road Transport)  
Telefax. No. 23719097

Copy also to:

PS to Minister (RT&H)  
PS to MOS (RT&H)  
PPS to Secretary (RT&H)  
PA to JS(T).



(ANAND PRAKASH)  
Director (Road Transport)  
Telefax. No. 23719097



**The Motor Vehicles Act, 1988 Review Committee**

**Hon'ble Chairman**

Shri S. Sundar, Distinguished Fellow (TERI), & Former Secretary, Ministry of Surface Transport, Government of India.

**Members/Co-opted members of the Committee:**

- (i) Professor Dinesh Mohan, IIT, New Delhi
- (ii) Shri O.P. Agarwal\*, CEO & MD, UMTC, New Delhi.
- (iii) Shri S.R.Marathe, Director (ARAI), Pune.
- (iv) Shri Dilip Chenoy, former DG (SIAM) and presently, CEO & MD, National Skill Development Corporation, New Delhi.
- (v) Shri Vishnu Mathur, DG, SIAM, New Delhi.
- (vi) Shri N.K.Tripathi\*, Commissioner (Transport), Govt. of Madhya Pradesh.
- (vii) Shri Bhaskar Rao, Commissioner (Transport), Govt. of Karnataka.
- (viii) Shri G. Narayan Raju, JS& LC, M/O Law & Justice, New Delhi.
- (ix) Shri S.N.Shrivastava\*, former Jt. Commissioner(Traffic), Delhi Police.
- (x) Shri Satyendra Garg, Joint Commissioner (Traffic), Delhi Police.
- (xi) Shri S.K.Dash, Joint Secretary (Transport), M/O RT&H.
- (xii) Shri Pankaj Agrawala,\* former Principal Secretary (Transport), Government of UP.
- (xiii) Shri Deepak Kapoor, Transport Commissioner, Govt. of Maharashtra.
- (xiv) Shri Upendra Tripathi, Joint Secretary, Ministry of Minority Affairs.
- (xv) Shri J. Raymond Peter, former Transport Commissioner, Govt. of Andhra Pradesh.
- (xvi) Shri J.P.Gupta, Transport Commissioner, Govt. of Gujarat.
- (xvii) Shri C.L.N. Gandhi, Additional Commissioner (Transport), Govt. of Andhra Pradesh.

*\* could not continue on the committee due to change in the portfolio*

**Officers who attended the meeting on a regular basis and contributed significantly to the deliberation and preparation of the report:**

- (i) Shri S V Thakur, Additional Commissioner (Transport), Govt. of Maharashtra,
- (ii) Mrs Rashmi Urdhwareshe, Senior Deputy Director, ARAI, Pune.
- (iii) Shri R K Pandey, Traffic, Delhi Police.
- (iv) Shri Ravinder Soni, Traffic, Delhi Police
- (v) Shri K.K.Gandhi, Executive Director (Technical), SIAM
- (vi) Shri Pankaj Kumar Karn, Assistant Manager, SIAM
- (vii) Shri Md. Dastagir, Law Officer, Transport Department, Govt. of Karnataka

**Officers from MORT&H who attended the meeting on a regular basis:**

- (i) Shri Anand Prakash, Director (Road Transport), M/O RT&H
- (ii) Shri Vivek Ashish, Under Secretary (Road Transport), M/O RT&H.
- (iii) Shri Jagmohan Jain, Assistant, M/O RT&H

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*CHAPTER I*

**PRELIMINARY**

**1. Short title, extent and commencement.**—(1) This Act may be called the Motor Vehicle Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions.

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

(1) “agricultural and forestry tractor” means a power driven vehicle, either wheeled or track laying, which has atleast two axles, whose function depends essentially on its tractive power, and which is specially designed to pull, push, carry or actuate certain implements, machines or trailers intended for use in agriculture or forestry. Such a tractor may be arranged to carry load and attendants.

(2) “area”, in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;

(3) “articulated vehicle” means a motor vehicle to which a semi-trailer or trailer is attached or a vehicle which is composed of two or more rigid sections connected by articulated joints for carriage of goods or passengers;

(4) “axle weight” means in relation to an axle of a vehicle the total weight transmitted to the surface on which the vehicle rests by the wheel/ wheels attached to that axle;

(5) “certificate of registration” means the certificate issued by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter III;



(6) “conductor” in relation to a stage carriage, means a person engaged in collecting fares from passengers, regulating their entrance into, or exit from, the “public service vehicle” and performing such other functions as may be prescribed;

(7) “contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum—

(a) on a time basis, whether or not with reference to any route or distance;

or

(b) from one point to another,

and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes a taxi notwithstanding that separate fares are charged for its passengers;

(8) “dealer” means a person engaged in the business of dealership or buying, selling and/ or service of new or used motor vehicle either on his own or under contract or any other agreement with the manufacturer or working as agent of manufacturer and includes a person who is engaged —

(a) in building bodies for attachment to chassis; or

(b) in the business of hypothecation, leasing or hire-purchase of motor vehicles;

(9) “driver” means any person who drives or steers a motor vehicle;

(10) “driving licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified category of motor vehicle/s;

(11) “educational institution bus” means a passenger carrier constructed or adapted to carry more than 6 persons excluding driver, which is owned by a school, college or other educational institution or research organization and used solely for the purpose of transporting students or staff of the institution in connection with its activities;

(12) “fares” means sums payable for a season ticket or in respect of use of the vehicle as a public service vehicle;

(13) “goods” means any kind of movable property and includes livestocks but does not include persons and their personal effects,

*Explanation:* Motor vehicles being transported on another motor vehicle shall be also considered as goods.

(14) “goods vehicle/ carriage” means any motor vehicle constructed, adapted or used for the carriage of goods;

(15) “gross vehicle weight” means in respect of any vehicle the maximum weight of the vehicle in laden condition as specified by the manufacturer and certified by the approving authority;

(16) “hazardous goods” or “dangerous goods” means substances or articles notified as hazardous or dangerous by the Government of India from time to time;

(17) “haulage tractor” means a motor vehicle designed primarily to haul other vehicles which are not power driven such as trailers and semi-trailers;

(18) “heavy goods vehicle” means any goods carriage the gross vehicle weight of which, exceeds 12,000 kilograms;

(19) “heavy passenger vehicle” means a passenger vehicle the gross vehicle weight of which, exceeds 12,000 kilograms;

(20) “Importer” means a person importing a motor vehicle/s to India for the purpose of use, sale or lease.

(21) “learner’s licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive as a learner, a motor vehicle or a motor vehicle of any specified category;

(22) “licensing authority” means an authority empowered to issue licences under Chapter II;

(23) “light motor vehicle” means a motor vehicle having four or more wheels, the gross vehicle weight of which does not exceed 7500 kilograms and includes passenger carriers and goods carriers;

(24) “manufacturer” means a person who is engaged in the manufacture of motor vehicles;

(25) “medium goods vehicle” means goods carriage having gross vehicle weight exceeding 7500 kilograms but not exceeding 12,000 kilograms;

(26) “medium passenger vehicle” means a passenger vehicle having gross vehicle weight exceeding 7,500 kilograms but not exceeding 12,000 kilograms;

(27) “motor vehicle” or “vehicle” means any mechanically propelled vehicle used in any place whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or vehicles with a maximum design speed less than 25 km/h and having power less than 250 W or such vehicles as may be notified by the Central Government from time to time;

(28) “Multi-axled Vehicle” means a vehicle having more than two axles;

(29) “Non-road mobile machinery” means any mobile machine, construction equipment, earth moving equipment, transportable industrial equipment or vehicle with or without body work, not intended for the use of passenger or goods transport on the road, in which an internal combustion engine is installed;

*Explanation:* Vehicles used for carriage of passengers or goods on road and certified as passenger vehicles or goods vehicles shall not be included in this definition.

(30) “owner” means a person :

(a) in whose name a motor vehicle stands registered and where such person is a minor, the guardian of such minor,

(b) and in relation to a motor vehicle which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;

(c) in respect of an unregistered vehicle, the person in possession or control of the vehicle

(d) a vehicle manufacturer or importer or a dealer till such time the vehicle is registered under Section 22 or 26

(31) “passenger vehicle” means any motor vehicle constructed or adapted for use for the carriage of passengers and their personal luggage;

(32) “permit” means a permit issued by a State or Regional Transport Authority or an authority prescribed in this behalf under this Act authorising the use of a motor vehicle as a transport vehicle; this does not include Light Motor Vehicles used in schemes to promote shared passenger traffic such as car pooling, car on sharing basis, etc. as may be notified

*Explanation:* Carpool consists of two or more persons driving together in a privately owned vehicle. At a workplace, employees may choose to carpool without any assistance or involvement from the employer

(33) “prescribed” means prescribed by rules made under this Act;

(34) “private service vehicle” means a motor vehicle constructed or adapted to carry more than six persons excluding the driver and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for, or in connection with, his trade or business otherwise than for hire or reward but does not include a motor vehicle used for public purposes;

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

(36) “public service vehicle” means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward,; this does not include Light Motor Vehicles used in schemes to promote shared passenger traffic such as car pooling, car on sharing basis, etc. as may be notified

(37) “registered axle weight” means in respect of the axle of any vehicle, the axle weight certified and registered as permissible for that axle;

(38) “registering authority” means an authority empowered to register motor vehicles under Chapter III;

(39) “route” means a line of travel which may be traversed by a motor vehicle ;

(40) “semi-trailer” means ; any trailer designed to be coupled to a motor vehicle in such a way that a part of its weight and/ or a part of its load is borne by the motor vehicle to which it is coupled.;

(41 ) “stage carriage” means a a passenger vehicle used, constructed or adapted to carry more than 13 persons (including driver) for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey;

(42) “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) any corporation or company owned or controlled by the Central Government or one or more State Governments, or by the Central Government and one or more State Governments;

(iv) any local authority constituted under article 243 or 243 A of the Constitution of India.

*Explanation.*—For the purposes of this clause, “road transport service” means a service of motor vehicles carrying passengers or goods or both by road for hire or reward;

(43) “taxi” means a light motor vehicle used for carriage of not more than 13 persons (including driver) for hire or reward but does not include vehicles which are used in schemes to promote shared passenger traffic such as car pooling, car on sharing basis, etc. as may be notified.

(44) “tourist vehicle” means a contract carriage constructed or adapted and equipped and maintained in accordance with such specifications as may be prescribed in this behalf;

(45) “traffic signs” includes all signals, warning sign posts, direction posts, markings on the road or other devices for the information, guidance or direction to any user of the road;

(46) “trailer” means any non-self-propelled vehicle designed, constructed or adapted to be drawn by a vehicle driven by its own power but does not include a side car attached to a two wheeler;

(47) “transport vehicle” means a motor vehicle used for carriage of passengers for hire or reward or a goods vehicle but does not include private service vehicle.

(48). “two wheeler” means a two wheeled motor vehicle with or without a detachable side car with one or more wheels and includes a two wheeler adapted for use by differently abled person.

(49) “three wheeled Vehicle” means a motor vehicle having three wheels designed, constructed or adapted for the carriage of persons and/ or goods, but does not include



a two wheeler attached with a side car or a two wheeler adapted for use by differently abled persons.

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

(51) “Vehicle for differently abled persons” means a motor vehicle specially designed and constructed or adapted for the use by or for a person who is differently abled;

(52) “weight” means the total weight transmitted by the wheels of a vehicle to the surface on which the vehicle rests.

*CHAPTER II*

**LICENCING OF DRIVER OF MOTOR VEHICLES**

**3. Necessity for driving licence.** – (1) No person shall drive a motor vehicle in any place unless he holds an effective driving licence issued to him by the licencing authority authorizing him to drive the vehicle.

(2) No owner or person in charge of a motor vehicle shall cause or permit any person who does not hold an effective driving licence to drive the motor vehicle.

(3) The provisions of subsection (1) and (2) shall not apply to, a person receiving instructions in driving a motor vehicle, provided he has a valid learners licence and shall be subjected to such conditions as may be prescribed by the Central Government in this regard.

(4) Notwithstanding anything contained in subsection (1) or (2), no person shall drive a motor vehicle mentioned in column 4 of Schedule I, unless he holds a valid authorization to drive that type of vehicle.

(5) A learner's licence or a driving licence, issued under this Act, shall be effective throughout India.

**4. Category of driving licences.** – (1) A driving licence shall be issued by the licencing authority for the category of licence mentioned in column 2 of Schedule I authorizing him to drive any motor vehicle mentioned in column 3 against that category.

Provided that a licence holder shall not be authorized to drive a vehicle mentioned in column 4 unless he has passed such test or has produced such certificate, in addition to requirements of section 6, as may be prescribed by the central government.

(2) A person may be authorized to drive vehicles of different categories subject to his satisfying requirements of section 6.

**5. Eligibility for driving a motor vehicle.** – (1) No person under the age of eighteen years shall drive a motor vehicle in any place.

(2) No person under the age of twenty years shall drive a transport vehicle in any place.

Provided that no driving licence to drive a transport vehicle shall be granted to a person unless he possesses such educational qualification as may be prescribed by the Central Government in this regard and produces a driving certificate issued by a school or establishment referred to in section 12.

No person shall be granted a driving licence unless he is medically fit to hold that category of licence and the criterion for fitness shall be as may be prescribed by the Central government.

Provided that a licence to drive a vehicle for differently abled person may be issued to such a person if the licencing authority is satisfied that he can drive such a carriage.

**6. Grant of driving licence.** – (1) A person who wants to hold a driving licence, may apply to the licensing authority having jurisdiction over the area –

- (i) in which he ordinarily resides or carries on business, or
- (ii) in which the school or establishment referred to in section 12 from where he is receiving or has received instruction in driving a motor vehicle is situated.

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such fee and such documents as may be prescribed by the Central Government.

(3) A person who has made an application for granting of driving licence for any category of vehicles mentioned in column 2 of Schedule I shall first be issued a learning licence for that category of vehicle which is valid for a period of nine months. The learning licence issued under this section shall not be renewable.

(4) No driving or learning licence shall be issued to any applicant unless he passes to the satisfaction of the licensing authority such test of competence as may be prescribed by the Central Government.

Provided that, the licensing authority shall exempt the applicant from the test of competence prescribed under this sub-section, if the licensing authority is satisfied:

- (i) that the applicant has previously held a driving licence and that the period between the date of expiry of that licence and the date of such application does not exceed three years; or
- (ii) that the applicant holds or has previously held a driving licence issued under section 18; or
- (iii) the applicant holds a driving licence to drive such class of vehicle issued by a competent authority of any country outside India, subject to the condition that the application shall be in such form and shall be accompanied by such fee and such documents as may be prescribed by the Government of India.

**7. Grant of Authorisation.--**(1) No authorization for driving a type of vehicle mentioned in column 4 of Schedule I shall be granted by a licencing authority unless the applicant

- (i) holds a valid licence to drive a vehicle of the category as specified in Schedule I to which this vehicle belongs; and
- (ii) has submitted a certificate of competence from a recognized institute or authority as may be prescribed.

(2) A person applying for authorisation for driving a type of vehicle mentioned in column 4 of Schedule I shall apply in such form and accompanied with such documents and shall pay such fee as may be prescribed by the state government.

(3) An authorization issued under this section shall be valid for such period as may be prescribed.

(4) An authorization may be renewed in such manner as may be prescribed.

**8. Unique licence number.** --(1) A person authorized to drive a vehicle according to section 6, shall be assigned a unique number to his driving licence. The licence number issued under this section shall remain the same irrespective of

changes in licence under section (11), 3(5), (13) and (14). The unique license number shall be assigned in such manner as may be prescribed by the Central Government.

(2) The licence holders, who have obtained licence before commencement of this Act, shall be required to obtain the unique number in a period of two years from that date of commencement of the Act.

**9. Change of residence or place of business.**—(1) If the licence holder ceases to reside at or changes his place of business from the address recorded in the driving licence, he shall, within three months of any such change of address, intimate in such form accompanied by such documents as may be prescribed by the Central Government, his new address, to the licencing authority within whose jurisdiction he has the residence or place of business in order that the new address may be recorded therein.

(2) On receipt of intimation under sub-section (1), the licencing authority may, after making such verification as it may think fit, cause the new address to be entered in the driving licence.

(3) Nothing in sub-section (1) shall apply where the change of the address recorded in the driving licence is due to a temporary absence not intended to exceed three months in duration.

**10. Form and contents of licences.**— Every learner's licence and driving licence, shall be in such form including electronic format and shall contain such information as may be prescribed by the Central Government.

Provided that different forms and particulars of information may be prescribed for the driving licences issued under the provisions of section 6 or 18.

**11. Additions to driving licence.** —(1) No person shall, while he holds any driving licence for the time being in force, hold any other driving licence except a learner's licence or a driving licence issued in accordance with the provisions of section 18 or a document authorising, in accordance with the rules made under section 102, the person specified therein to drive a motor vehicle.

(2) Any person holding a driving licence of any category may apply to the licensing authority for the addition of any other category to the licence.

(3) Subject to such rules as may be prescribed by the Central government, the provisions of section 5 shall apply to an application under this section as if the said application was for the grant of a licence under that section for that category of licence which the applicant desires to be added to his licence.

**12. Authorisation and regulation of schools or establishments for imparting instruction in driving of motor vehicles.--**(1) A driving school or an establishment imparting driving education shall obtain authorisation from the State Government.

(2) Authorisation to a driving school or an establishment imparting driving education shall be granted in such manner as may be prescribed by the Central Government.

**13. Validity of driving licence. –** (1) A driving licence issued or renewed under this Act shall –

(a) in the case of a licence to drive a transport vehicle, be effective for a period of five years:

; and

Provided that the authorisation to drive a transport vehicle carrying goods of dangerous or hazardous nature will be effective for a period of three years and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus.

(b) in the case of any other licence, if the person obtaining the licence -

(i), has not attained the age of fifty years on the date of issue, until the date on which such person attains the age of fifty years; or

(ii) has attained the age of fifty years on the date of issue or, as the case may be, renewal thereof, until the date on which such person attains the age of seventy years; or



(iii) has attained the age of seventy years on the date of issue or, as the case may be, renewal thereof, for a period of five years from the date of such issue or renewal.

(2) Every driving licence of non-transport vehicle shall, notwithstanding its expiry under this section, continue to be effective for a period of sixty days from such expiry.

**14. Renewal of driving licences.** – (1) The licensing authority may, on application being made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry provided that the application for the same is made

- (i) within 60 days after the expiry period in case of a non-transport licence;
- (ii) before the period of expiry in cases other than those covered in clause (i).

Provided any such application may be made during such period before expiry as may be prescribed and different periods can be prescribed for different category of licences.

Provided further that in any case where the application for the renewal of a licence is made more than sixty days after the date of its expiry, but not later than 3 years, the driving licence shall be renewed with effect from the date of application.

(2) An application for the renewal of a driving licence shall be made in such form and accompanied by such documents and such fee as may be prescribed by the Central Government.

(3) No driving licence shall be renewed to any applicant unless he passes to the satisfaction of the licensing authority such test of competence as may be prescribed by the Central Government.

Provided that a person who seeks renewal of his license at the age of fifty and subsequently at the age of seventy years shall be required to produce a medical certificate.

**15. Refusal to issue driving licence.--** (1) If, from the application or from the medical certificate, it appears that the applicant is suffering from any disease or disability which is likely to cause the driving by him of a motor vehicle of the

category for which he, has applied for, to be a source of danger to the public or to the passengers, the licensing authority shall refer the matter to a medical board constituted for this purpose by the State Government to recommend to the licensing authority to issue or refuse the driving or learning licence;

Provided that a driving licence limited to driving a vehicle for differently abled person may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage.

(2) If the licensing authority is satisfied, after giving the applicant an opportunity of being heard, that he is a person whose licence to drive any motor vehicle has, at any time earlier, been revoked, it may for reasons to be recorded in writing, make an order refusing to issue a driving licence to such person for the period of revocation.

**16. Revocation of driving licence on grounds of disease or disability.–**

Notwithstanding anything contained in the foregoing sections, the licensing authority may at any time refer to a medical board constituted for this purpose by the State Government to recommend to the licensing authority to revoke or otherwise, a driving licence or may require, as a condition of continuing to hold such driving licence, the holder thereof to produce a medical certificate in the form and in the manner as may be prescribed, if the licensing authority has reasonable grounds to believe that the holder of the driving licence is, by virtue of any disease or disability, unfit to drive a motor vehicle.

**17. Orders refusing or revoking driving licences and appeals there from.–**

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

(2) Any person aggrieved by an order made under sub-section (1) may, within forty five 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 which made the order an opportunity of being heard.

**18. Driving licences to drive motor vehicles, belonging to the Central Government** - (1) Such authority as may be prescribed by the Central Government may issue driving licence to persons not below eighteen years of age to drive motor vehicles which are the property or for the time being under the exclusive control of the Central Government and are used for Government purposes relating to the defence of the country and unconnected with any commercial enterprise.

(2) A driving licence issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle referred to in sub-section (1).

(3) The authority issuing any driving licence under this section shall, at the request of any State Government, furnish such information respecting any person to whom a driving licence is issued under this section.

**19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence.**--(1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that the –

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

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

(c) has obtained any driving licence or a licence to drive a particular category of motor vehicle by fraud or misrepresentation; or

(d) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or

(e) has failed to submit to, or has not passed, the tests referred to in the proviso to sub-section (3) of section 22; or

(f) he has been awarded 12 or more driver penalty points.

it may, for reasons to be recorded in writing, make an order –

(g) disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any category of vehicles specified in the licence; or

(ii) revoke any such licence.

Provided that an order of disqualification shall be for a period of one year which may extend to a period of 5 years on inviting disqualification second time.

(2) Where an order under sub-section (1) is made, the holder of a driving licence shall forthwith surrender his driving licence to the licensing authority making the order, if the driving licence has not already been surrendered, and the licensing authority shall, -

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

(b) if it is not a driving licence issued under this Act, endorse the disqualification upon it and send it to the licensing authority by which it was issued; or

(c) in the case of revocation of any licence, endorse the revocation upon it and if it is not the authority which issued the same, intimate the fact of revocation to the authority which issued that licence ;

Provided that where the driving licence of a person authorizes him to drive more than one category of motor vehicles and the order, made under subsection (1), disqualifies him from driving any specified category of motor vehicles, the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder.

(3) Any person aggrieved by an order made by a licensing authority under sub-section (1) may, within thirty days of the receipt of the order, appeal to the prescribed authority, and such appellate authority shall after giving an opportunity of being heard pass such order as it thinks fit and an order passed by any such appellate authority shall be final.

**20. Power of Court to disqualify.** –(1) Where a person is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, the Court by which such person is convicted may, subject to the provisions

of this Act, in addition to imposing any other punishment authorized by law, declare the persons so convicted to be disqualified, for such period as the Court may specify, from holding any driving licence to drive all category of vehicles, or any particular category of such vehicles, as are specified in such licence:

Provided that in respect of an offence punishable under section 111 no such order shall be made for the first or second offence.

(2) Where a person is convicted of an offence under section 96, section 97 or section 119, the Court convicting any person of any such offence shall order the disqualification under sub-section (1), and if the offence is relatable to section 96 or section 97, such disqualification shall be for a period of not less than one month, and if the offence is relatable to section 119, such disqualification shall be for a period of not less than six months.

(3) A Court shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of a person—

- (a) who having been convicted of an offence punishable under section 118 is again convicted of an offence punishable under that section,
- (b) who is convicted of an offence punishable under section 124, or
- (c) who is convicted of an offence punishable under section 127:

Provided that the period of disqualification shall not exceed, in the case referred to in clause (a), five years, or in the case referred to in clause (b), two years or, in the case referred to in clause (c), one year.

(4) A Court ordering the disqualification of a person convicted of an offence punishable under section 118 may direct that such person shall, whether he has previously passed the test of competence to drive as referred to section 6 or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.

(5) The court to which an appeal would ordinarily lie from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of

disqualification made under that sub-section notwithstanding that no appeal would lie against the conviction as a result of which such order of disqualification was made.

**21. Suspension of driving licence in certain cases.** –(1) Where, in relation to a person who had been previously convicted of an offence punishable under section 119, a case is registered by a police officer on the allegation that such person has, by such dangerous driving as is referred to in the said section 119, of any category of motor vehicle caused the death of, or grievous hurt to, one or more persons, the driving licence held by such person shall in relation to such category of motor vehicle become suspended –

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

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

(2) Where, by virtue of the provisions of sub-section (1), the driving licence held by a person becomes suspended, the police officer, by whom the case referred to in sub-section (1) is registered, shall bring such suspension to the notice of the Court competent to take cognizance of such offence, and thereupon, such Court shall take possession of the driving licence, endorse the suspension thereon and intimate the fact of such endorsement to the licensing authority by which the licence was granted or last renewed within a period fifteen days.

(3) Where the person referred to in sub-section (1) is acquitted or discharged, the Court shall cancel the endorsement on such driving licence with regard to the suspension thereof.

**22. Suspension or cancellation of driving licence on conviction.** –(1) Without prejudice to the provisions of sub-section (3) of section 20 where a person, referred to in sub-section (1) of section 21 is convicted of an offence of causing, by such dangerous driving as is referred to in section 118 of any category of motor vehicle the death of or grievous hurt to, one or more persons, the Court by which such person is convicted may cancel, or suspend for such period as it may think fit,



the driving licence held by such person insofar as it relates to that category of motor vehicle.

(2) Without prejudice to the provisions of sub-section (2) of section 15, if a person, having been previously convicted of an offence punishable under section 119 is again convicted of an offence punishable under that section, the Court, making such subsequent conviction, shall, by order, cancel the driving licence held by such person.

(3) If a driving licence is cancelled or suspended under this section, the Court shall take the driving licence in its custody, endorse the cancellation or, as the case may be, suspension, thereon and send the driving licence so endorsed to the authority by which the licence was issued or last renewed and such authority shall, on receipt of the licence, keep the licence in its safe custody, and in the case of a suspended licence, return the licence to the holder thereof after the expiry of the period of suspension on an application made by him for such return.

Provided that no such licence shall be returned unless the holder thereof has, after the expiry of the period of suspension, undergone and passed, to the satisfaction of the licensing authority by which the licence was issued or last renewed, a fresh test of competence to drive referred to in section 6 and produced a medical certificate in the same form and in the same manner as is referred to section 6.

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

**23. Effect of disqualification order.** – (1) A person in respect of whom any disqualification order is made under section 19 or section 20 shall be debarred to the extent and for the period specified in such order from holding or obtaining a driving licence and the driving licence, if any, held by such person at the date of the order shall cease to be effective to such extent and during such period.

(2) the operation of a disqualification order made under section 20 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made, unless the appellate Court so directs.

(3) Any person in respect of whom any disqualification order has been made may at any time after the expiry of six months from the date of the order, apply to the Court or other authority by which the order was made, to remove the disqualification; and the Court or authority, as the case may be, may having regard to all the circumstances, either cancel or vary the disqualification order:

Provided that where the Court or other authority refuses to cancel or vary any disqualification order under this section, a second application thereunder shall not be entertained before the expiry of a period of three months from the date of such refusal.

(4) A court or authority making an order of disqualification shall intimate to the licencing authority in this regard and on receipt of such intimation, licencing authority shall endorse the same on the licence in such manner as may be prescribed.

**24. Maintenance of State Registers of Driving Licences.** – Each State Government shall maintain database of Driving Licences, in respect of driving licences issued and renewed by the licensing authorities of the State Government in such format and such manner as may be prescribed by the Central Government.

**25. Power of Central Government to make rules.**— The Central Government may make rules—(a) regarding conditions referred to in sub-section (3) of section 3;

(b) providing for the form in which the application for learner’s licence may be made, the information it shall contain and the documents to be submitted with the application referred in section 6;

(c) providing for the form of medical certificate referred to in section 6;

(d) providing for the particulars for the test referred to in section 6;

- (e) providing for the form in which the application for driving licence may be made, the information it shall contain and the documents to be submitted with the application referred to in section 6;
- (f) providing for the particulars regarding test of competence to drive, referred to in section 6;
- (g) specifying the minimum educational qualifications of persons to whom licences to drive transport vehicles may be issued under this Act and the time within which such qualifications are to be acquired by such persons;
- (h) providing for the form and contents of the licences referred to in section 10
- (i) providing for the form and contents of the application referred to in section 11 and documents to be submitted with the application and the fee to be charged;
- (j) providing for the conditions subject to which section 6 shall apply to an application made under section 11;
- (k) providing for the form and contents of the application referred to in section 14 and the documents to accompany such application section 14;
- (l) providing for the authority to grant licences under 18;
- (m) specifying the fees payable under section 6 and section 14 for the grant of learner's licences, and for the grant and renewal of driving licences and licences for the purpose of regulating the schools or establishments for imparting instructions in driving motor vehicles;
- (n) specifying the acts for the purposes under section 19;
- (o) to provide for all or any of the matters referred to in section 24;
- (p) any other matter which is, or has to be, prescribed by the Central Government..

**26. Power of State Government to make rules.**— A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 25.

*CHAPTER III*  
**REGISTRAION OF MOTOR VEHICLES**

**27. Necessity for registration.--** (1) No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any place unless the vehicle is registered in accordance with this Chapter.

Provided that nothing in this section shall apply to a motor vehicle in possession of a manufacturer, dealer or importer as otherwise prescribed by the Central Government.

(2) A motor vehicle registered and a certificate of registration issued and in force under this Act in respect of such vehicle shall be effective throughout India.

**28. Registration, where to be made.--** Subject to the provisions of section 30, section 31 and section 44, every owner of a motor vehicle shall cause the vehicle to be registered by a registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept

**29. Registration, how to be made. –** (1) An application by or on behalf of the owner of a motor vehicle for registration shall be in such form, accompanied by such documents, particulars and information, and fee and shall be made within such period as may be prescribed by the Central Government:

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 purpose of this Act.

(2) The application for registration shall be accompanied by such proof of parking space as may be prescribed by the State Government.

(3) The registering authority shall issue to the owner of a motor vehicle registered by it a certificate of registration in such form and containing such particulars and information and in such manner as may be prescribed by the Central Government.

(4) The registering authority shall enter the particulars of the certificate referred to in sub-section (3) in a database to be maintained in such form and manner as may be prescribed by the Central Government

(5) The registering authority shall assign to the vehicle, for display thereon in a manner as may be prescribed by the Central Government, a distinguishing mark (in this Act referred to as the registration mark) consisting of alphabets and numbers as are allotted to the State by the Central Government from time to time by notification in the Official Gazette.

(6) A certificate of registration issued under sub-section (3), whether before or after the commencement of this Act, in respect of a motor vehicle, other than a transport vehicle, shall, subject to the provisions contained in this Act, be valid only for a such period as may be prescribed by the Central Government from time to time and shall be renewable.

Provided that the Central Government may prescribe different validity periods for different types of vehicles.

(7) An application by or on behalf of the owner of a motor vehicle, other than a transport vehicle, for the renewal of a certificate of registration shall be made within such period and in such form, containing such particulars and information and accompanied by such fee as may be prescribed by the Central Government.

(8) Subject to the provisions of section 40, the registering authority may, on receipt of an application under sub-section (8), renew the certificate of registration for such period as may be prescribed but not exceeding five years.

(9) An application for the issue of a duplicate certificate of registration shall be made to the registering authority] in such form, containing such particulars and information along with such fee as may be prescribed by the Central Government.

**29A. Provision for third party insurance** - Notwithstanding anything contained in this chapter, no motor vehicle shall be registered or certificate of registration renewed, unless there is in force, in relation to use of the vehicle a policy of insurance.

**30. Special provision for registration of motor vehicles of diplomatic officers, etc.** –(1) Where an application for registration of a motor vehicle is made under sub-section (1) of section 29 by or on behalf of any diplomatic officer or consular officer, then, notwithstanding anything contained in sub-section (3) or subsection (5) 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 (hereafter in this section referred to as the certificate of registration) that the vehicle has been registered under this section; and any vehicle so registered shall not, so long as it remains the property of any diplomatic officer or consular officer, require to be registered otherwise under this Act.

(2) If any vehicle registered under this section ceases to be the property of any diplomatic officer or consular officer, the certificate of registration issued under this section shall also cease to be effective, and the provisions of sections 27 and 28 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 the certificates of registration of such vehicles are to be issued, the manner in which such 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.

**31. Temporary registration.** – (1) Notwithstanding anything contained in section 28, the owner of a motor vehicle may apply to the registering authority or



other prescribed agency where vehicle is purchased or brought into the territory of India in the prescribed manner to have the vehicle temporarily registered and for the issue of a temporary certificate of registration and a temporary registration mark.

(2) A registration made under this section shall be valid only for a period not exceeding one month, and shall not be renewable:

Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted with a body or for any unforeseen circumstances beyond the control of the owner, the period may, on payment of such fees, as may be prescribed, be extended by such further period as the registering authority or other prescribed authority, as the case may be, may allow.

**32. Production of vehicle at the time of registration.** - The registering authority shall before proceeding to register a motor vehicle or renew the certificate of registration in respect of a motor vehicle, other than a transport vehicle, require the person applying for registration of the vehicle or, as the case may be, for renewing the certificate of registration to produce the vehicle either before itself or such agency as the State Government may by order appoint in order that the registering authority may satisfy itself that the particulars contained in the application are true and that vehicle complies with the requirements of the Act and of the rules made thereunder.

Provided that the dealer shall certify particulars of a new vehicle, which is type approved and fully body built as defined under section 75 and manufactured in India, as mentioned in the application for registration of the vehicle and owner shall not be required to produce such a vehicle before the registering authority.

**33. Refusal of registration or renewal of the certificate of registration.--**  
The registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle ( other than a transport vehicle), if in either case, the registering authority has reason to believe;

- (i) that it is a stolen motor vehicle or
- (ii) the vehicle is mechanically defective or

(iii) fails to comply with the requirements of this Act or of the rules made thereunder, or

(iv) applicant fails to provide particulars as prescribed in section 29 or to furnish particulars of any previous registration of the vehicle or

(v) furnishes inaccurate particulars in the application for registration of the vehicle or, as the case may be, for renewal of the certificate of registration thereof.

The registering authority shall furnish the applicant whose vehicle is refused registration, or whose application for renewal of the certificate of registration is refused, a copy of such order, together with the reasons for such refusal.

**34. Change of residence or place of business.--** (1) If the registered owner of a motor vehicle ceases to reside at or changes his place of business from the address recorded in the certificate of registration of the vehicle, he shall, within ninety days of any such change of address, intimate in such form accompanied by such documents as may be prescribed by the Central Government, his new address, to the registering authority by which the certificate of registration was issued if the new address is within the jurisdiction of the registering authority or to the registering authority within whose jurisdiction he has the residence or place of business in order that the new address may be entered therein.

(2) On receipt of intimation under sub-section (1), the registering authority may, after making such verification as it may think fit, cause the new address to be entered in the certificate of registration.

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

**35. Transfer of ownership –** (1) Where the ownership of any motor vehicle registered under this Chapter is transferred, the transferee shall, within thirty days of the transfer, report the transfer along with proof of an agreement occasioning such transfer as prescribed, to the registering authority within whose jurisdiction he has

the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward the certificate of registration to that registering authority together with the prescribed fee in order that particulars of the transfer of ownership may be entered in the certificate of registration.

Provided an acknowledgement receipt shall be given to applicant in such manner as may be prescribed.

(2) Where –

(a) the person in whose name a motor vehicle stands registered dies, or,

(b) a motor vehicle has been purchased or acquired at a public auction conducted by, or on behalf of, Government, the person succeeding to the possession of the vehicle or, as the case may be, who has purchased or acquired the motor vehicle, shall make an application for the purpose of transferring the ownership of the vehicle in his name, to the registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, in such manner, accompanied with such fee, and within such period as may be prescribed by the Central Government.

(3) On receipt of a report under sub-section (1), or an application under subsection (2), the registering authority may cause the transfer of ownership if it is satisfied that there is no outstanding tax against such vehicle or there is no other reason for doing such a request as may be specified, to be entered in the certificate of registration.

(4) A registering authority making any such entry shall communicate the transfer of ownership to the transferor.

**36. Special provisions regarding motor vehicle subject to hire-purchase agreement, etc.-** Definitions for the purpose of this section:

(a) financier: a person registered under the Banking Regulation Act, 1911 or registered as the Non-Banking Finance Company (NBFC) with the RBI and also registered with the prescribed authority in a state as decided by the state government for this purpose and with whom an owner of motor vehicle has entered into an agreement

(b) agreement: an agreement for hypothecation, lease or hire-purchase under the appropriate law

(c) certificate: a no objection certificate issued by a financier

(d) appropriate authority: for the purpose of subsection (6), (8) and (9); “appropriate authority” in relation to any permit, means the authority which is authorised under this Act to renew such permit and, in relation to registration means the authority which is authorised under this Act to issue a certificate of registration.

(1) Where an application for registration of a motor vehicle which is held under an agreement is made in such form as the Central Government may prescribe from the parties to the said agreement, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement.

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

(2a) An application under sub-section 1 or 2 shall be made in such form as the Central Government may prescribe from the parties to the said agreement and shall be accompanied by such fee as may be prescribed.

Provided that different fee may be prescribed for different category of vehicles.

(3) Any entry made under subsection (1) or subsection (2) may be cancelled by the registering authority on proof of the termination of the said agreement by the parties concerned on an application being made in such form as the Central Government may prescribe.

(4) No entry regarding the transfer of ownership of any motor vehicle which is held under the said agreement shall be made in the certificate of registration except with the consent of the financier in such manner as may be prescribed.

(5) Where the financier, satisfies the registering authority that he has taken possession of the vehicle from the registered owner owing to the default of the registered owner under the provisions of the said agreement and that the registered

owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity through a notice given in such manner as prescribed to make such representation as he may wish to make cancel the certificate and issue a fresh certificate of registration in the name of the financier.

Provided that a fresh certificate of registration shall not be issued in respect of a motor vehicle, unless such person pays the prescribed fee:

Provided further that a fresh certificate of registration issued in respect of a motor vehicle, other than a transport vehicle, shall be valid only for the remaining period for which the certificate cancelled under this sub-section would have been in force.

(6) The registered owner shall, while applying to the appropriate authority, for the renewal of a permit under section 61 or for the issue of duplicate certificate of registration under section 29, or at the time of conversion of the vehicle from one category to another, or for change of residence or place of business under section 34, or for the alteration of the vehicle under section 37, also make an application to the financier for the certificate in such manner as may be prescribed.

(7) Within seven days of the receipt of an application under sub-section (6), the financier may issue, or refuse, for reasons recorded in writing and communicated to the appropriate authority to issue the certificate applied for, and where the financier fails to issue the certificate and also fails to communicate the reasons for refusal to issue the certificate to the appropriate authority within the said period of seven days, the certificate applied for shall be deemed to have been issued by the financier.

(8) On receipt of an application for the renewal of any permit or for the issue of duplicate certificate of registration or for assignment of a new registration mark in respect of a vehicle which is held under the said agreement, the appropriate authority may, subject to the other provisions of this act, -

(a) in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity of being heard, either –

- (i) renew or refuse to renew the permit, or
  - (ii) issue or refuse to issue the duplicate certificate of registration, or
  - (ii) assign or refuse to assign a new registration mark ;
- (b) in any other case, -
- (i) renew the permit, or
  - (ii) issue duplicate certificate of registration, or
  - (iii) assign a new registration mark.

(9) A registering authority making an entry in the certificate of registration regarding-

- (a) hire-purchase, lease or hypothecation agreement of a motor vehicle, or
- (b) the cancellation under sub-section (3) of an entry, or
- (c) recording transfer of ownership of motor vehicle, or
- (d) any alteration in a motor vehicle, or
- (e) suspension or cancellation of registration of a motor vehicle, or
- (f) change of address, shall communicate to the financier that such entry has been made in such manner as may be prescribed.

(10) A registering authority registering the new vehicle, or issuing the duplicate certificate of registration or a temporary certificate of registration, or issuing or renewing, a fitness certificate or substituting entries relating to another motor vehicle in the permit, shall intimate the financier of such transaction.

**37. Alteration in motor vehicle.** - (1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration change.

Provided that changing the colour of the vehicle shall not be considered as alteration to the motor vehicle.

Provided that where the owner of a motor vehicle makes modification of the engine, or any part thereof of a vehicle for facilitating its operation by different type of fuel or source of energy including battery, compressed natural gas, solar power, hybrid, liquid petroleum gas or any other fuel or source of energy, by fitment of a conversion kit, or modification and such fitment or modification shall be carried out subject to such conditions as may be prescribed.

Provided further that an owner may change engine or chassis of vehicle if procured from same manufacturer and is of same make subject to such conditions as may be provided.

(2) Notwithstanding anything contained in subsection (1), a State Government may, by notification in the Official Gazette, authorise, subject to such conditions as may be specified in the notifications, and permit any person owing not less than ten transport vehicles to alter any vehicle owned by him so as to replace the engine thereof with engine of the same make and type, without the approval of registering authority.

(2A) Notwithstanding anything contained in subsection (1), a motor vehicle may be altered so as to make it a vehicle for differently abled person after approval of the registering authority subject to such conditions as may be prescribed by the State Government.

(3) Where the colour of the vehicle has been changed or any alteration has been made in a motor vehicle or by reason of replacement of its engine or chassis under sub-section (2), 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 registration may be entered therein.

(4) Subject to the provisions made under sub-section (1), (2), and (3), no person holding a vehicle under a hire-purchase agreement shall make any alteration to the vehicle except with the written consent of the financier.

**38. Suspension of registration.** – (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 this Act or of the rules made there under, 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 acknowledgment 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 rectified to its satisfaction; and

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

(2) an authority other than a registering authority shall, when making a suspension order under sub-section (1), intimate in writing the fact of such suspension and the reasons therefor to the registering authority within whose jurisdiction the vehicle is at the time of the suspension.

(3) Where the registration of a motor vehicle has been suspended under subsection (1) for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension.

(4) The owner of a motor vehicle shall, on the demand of a registering authority or other prescribed authority which has suspended the certificate of registration of the vehicle under this section, surrender the certificate of registration.

(5) A certificate of registration surrendered under subsection (4) shall be returned to the owner when the order suspending registration has been rescinded or after the suspension period is over.

**38A. Responsibility of an owner in case of vehicle rendered unfit for use.-**

(1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, within thirty days, report the fact to the registering authority within whose jurisdiction he has the residence or place of business where



the vehicle is normally kept, as the case may be, and shall forward to the authority the certificate of registration of the vehicle.

(2) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, it shall be disposed or recycled in such manner as may be prescribed by the Central Government.

**39. Cancellation of registration.** – (1) Registration of a motor vehicle may be cancelled by the registered authority for the reasons to be recorded in writing if he is satisfied that:

(i) the vehicle is destroyed or has been rendered permanently incapable of use as per section 38A.

(ii) the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair on examination of a motor vehicle within its jurisdiction by such authority as the State Government may by order appoint

(iii) motor vehicle has been permanently removed out of India

(iv) the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, or the engine number or the chassis number embossed thereon are different from such number entered in the certificate of registration

(v) the suspension of registration of a vehicle under section 38 has continued without interruption for a period of not less than six months.

(2) No order under subsection (1) shall be made unless the owner of the motor vehicle is given an opportunity to make any representation he may wish to make and the owner shall be served notice in such manner as may be prescribed.

(3) A registering authority cancelling the registration of a motor vehicle under this section shall communicate such fact in writing to the owner of the vehicle, and the owner of the vehicle shall forthwith surrender to that authority the certificate of registration of the vehicle.

(4) A registering authority making an order of cancellation under this section shall, if it is the original registering authority, cancel the certificate of registration

and the entry relating to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(5) The expression “original registering authority” in this section and in sections 41, 49, 50, 52, 53 and 54 means the registering authority in whose records the registration of the vehicle is recorded.

(6) In this section “certificate of registration” includes a certificate of registration renewed under the provisions of this Act.

**40. Certificate of fitness of vehicles.** – Definitions for the purpose of this section-

(i) “certificate of fitness”: a certificate issued by a prescribed authority or an authorized testing station certifying fitness of a motor vehicle.

(ii) “authorized testing station” means a vehicle service station or repair and maintenance facility authorised by the Government.

(1) Subject to the provisions of section 43 and 44, a vehicle shall not be deemed to be validly registered for the purposes of section 27, unless it carries a certificate of fitness in such form containing such particulars and information as may be prescribed by the Central Government.

Provided a type of vehicles may be exempt from the provisions of this section by the Central Government for such period as it may notify.

(1A) The fitness certificate shall be issued by the prescribed authority or by an authorized testing station to the effect that the vehicle complies for the time being with all the requirements of this Act and the rules made thereunder.

Provided that where the prescribed authority or the “authorized testing station” refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal.

(2) The State Government, having regard to the experience, training and ability of the operator of such station or facility, the testing equipment and the testing

personnel therein, may accredit a testing station, in accordance with the rules made by the Central Government for their regulation and control.

(3) Subject to the provisions of sub-section (4), a certificate of fitness shall remain effective for such period as may be prescribed by the Central Government having regard to the object of this Act and different such periods may be prescribed for different category of vehicles.

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

Provided that no such cancellation shall be made by the prescribed authority unless such prescribed authority holds such technical qualification as may be prescribed or where the prescribed authority does not hold such technical qualification on the basis of the report of an officer having such qualification.

(5) A certificate of fitness issued under this chapter shall be valid throughout India.

**41. Appeals.** -[(1) Any person aggrieved by an order of the registering authority under section 29, 30, 31, 33, 34, 35, 37, 38, 39 or 40 may, within thirty days of the date on which he has received notice of such order, appeal against the order to the prescribed authority.]

(2) The appellate authority shall give notice of the appeal to the original authority and after giving an opportunity to the original authority and the appellant to be heard in the appeal pass such order as it thinks fit.

**42. Special provisions in regard to transport vehicles.** – (1) The Central Government may, having regard to the number, nature and size of the tyres attached to the wheels of a transport vehicle, and its make and model and other relevant considerations, by notification in the Official Gazette, specify, in relation to each

make and model of a transport vehicle, the maximum gross vehicle 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 gross vehicle 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.

(3) There shall not be entered in the certificate of registration of any such vehicle any gross vehicle weight or a registered axle weight of any of the axles different from that specified in the notification under sub-section (1) in relation to the make and model of such vehicle and to the number, nature and size of the tyres attached to its wheels:

Provided that where it appears to the Central Government that heavier weights than those specified in the notification under sub-section (1) may be permitted in a particular locality for vehicle of a particular type, the Central 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.

(4) In order that the gross vehicle weight entered in the certificate of registration of a vehicle may be revised in accordance with the provisions of subsection (3), the registering authority may require the owner of transport vehicle in accordance with such procedure as may be prescribed, to produce the certificate of registration within such time as may be specified by the registration authority.

**43. Power to fix the age limit of motor vehicle.** – (1) The Central Government may, having regard to the public safety, convenience and objects of this Act, by notification in the Official Gazette, specify the life of a motor vehicle reckoned from the date of its manufacture, after the expiry of which the motor vehicle shall not be deemed to comply with the requirements of this Act and the Rules made thereunder:

Provided that the Central Government may specify different ages for different classes or different types of motor vehicles.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, having regard to the purpose of a motor vehicle, such as, display or use for the purposes of a demonstration in any exhibition, use for the purposes of technical research or taking part in a vintage car rally, by notification in the Official Gazette, exempt, by a general or special order, subject to such conditions as may be specified in such notification, any class or type of motor vehicle from the operation of sub-section (1) for the purpose to be stated in the notification.

(3) Notwithstanding anything contained in section 40, no prescribed authority or authorized testing station shall grant a certificate of fitness to a motor vehicle in contravention of the provisions of any notification issued under sub-section (1).

(4) The Central Government may, have regard to the public safety, convenience and objects of this Act, may frame rules for recycling of such vehicles and parts thereof.

**44. Registration of vehicles belonging to the Central Government.** – (1) Such authority as the Central Government may, by notification in the Official Gazette, specify, may register any motor vehicle which is the property or for the time being under the exclusive control of the Central Government and is used for Government purposes relating to the defence of the country and unconnected with any commercial enterprises and any vehicle so registered shall not, so long as it remains the property or under the exclusive control of the Central Government, require to be registered otherwise under this Act.

(2) The authority registering a vehicle under sub-section (1) shall sign a registration mark in accordance with the provisions contained in the rules made in this behalf by the Central Government and shall issue a certificate in respect of that vehicle to the effect that such vehicle complies for the time being with all the requirements of this Act and the rules made thereunder and that the vehicle has been registered under this section.

(3) A vehicle registered under this section shall carry the certificate issued under sub-section (2).

(4) If a vehicle registered under this section ceases to be the property or under the exclusive control of the Central Government, the provisions of sections 27 and 28 shall thereupon apply.

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

**45. Information regarding stolen and recovered motor vehicle.** – (1) An owner of a vehicle registered under the provisions of this Act shall inform the registering authority in such manner alongwith a copy of police report as may be prescribed by the State Government regarding theft of the motor vehicle, if any.

(2) The State Government may, if it thinks necessary or expedient so to do in the public interest, direct the submission by such police officers as the State Government may specify in this behalf, of such returns containing the information regarding vehicles which have been stolen and stolen vehicles which have been recovered of which the police are aware, to the concerned registration authority.

**46. Maintenance of database of Motor Vehicles.** – Each State Government shall maintain in such form and in such manner as may be prescribed by the Central Government a database to be known as the database of Motor Vehicles, in respect of the motor vehicles in that State.

**47. Power of the Central Government to make rules.** – The Central Government may make rules to provide for all or any of the following matters, namely:—

- (a) the period within which and the form in which an application shall be made and the documents, particulars and information it shall accompany under sub-section (1) of section 29;
- (b) the form in which the certificate of registration shall be made and the particulars and information it shall contain and the manner in which it shall be issued under sub-section (4) of section 29;
- (c) the form and manner in which the particulars of the certificate of registration shall be entered in the records of the registering authority under sub-section (4) of section 29;
- (d) the manner in which and the form in which the registration mark, the letters and figures and other particulars referred to in sub-section (5) of section 29 shall be displayed and shown;
- (e) the period within which and the form in which the application shall be made and the particulars and information it shall contain under sub-section (6) of section 29;
- (f) the form in which the application referred to in sub-section (14) of section 41 shall be made, the particulars and information it shall contain and the fee to be charged;
- (g) the form in which the intimation of change of address shall be made under sub-section (1) of section 34 and the documents to be submitted along with the application;
- (h) the form in which and the manner in which the intimation of transfer of ownership shall be made under sub-section (1) of section 35 or under sub-section (2) of section 35 and the document to be submitted along with the application;

- (i) the form in which the application under sub-section (2) or sub-section (3) of section 36 shall be made;
- (j) the form in which the certificate of fitness shall be issued under sub-section (1) of section 40 and the particulars and information it shall contain;
- (k) the period for which the certificate of fitness granted or renewed under section 40 shall be effective;
- (l) the fees to be charged for the issue or renewal or alteration of certificates of registration, for making an entry regarding transfer of ownership on a certificate of registration, for making or cancelling an endorsement in respect of agreement of hire-purchase or lease or hypothecation on a certificate of registration, for certificates of fitness for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees.
- (m) any other matter which is to be, or may be, prescribed by the Central Government.

**48. Power of the State Government to make rules.**—(1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 47.

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

- (a) the conduct and hearing of appeals that may be preferred under this Chapter (the fees to be paid in respect of such appeals and the refund of such fees);
- (b) the appointment, functions and jurisdiction of registering and other prescribed authorities;
- (c) the exemption of road-rollers, graders and other vehicles designed and used solely for the construction, repair and cleaning of roads from all or any of the provisions of this Chapter and the rules made thereunder and the conditions governing such exemption;



- (d) the issue or renewal of certificates of registration and fitness and duplicates of such certificates to replace the certificates lost, destroyed or mutilated;
- (e) the production of certificates of registration before the registering authority for the revision of entries therein of particulars relating to the gross vehicle weight;
- (f) the temporary registration of motor vehicles and the issue of temporary certificate of registration and marks;
- (g) the manner in which the particulars referred to in sub-section (2) of section 42 and other prescribed particulars shall be exhibited;
- (h) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;
- (i) the forms, other than those prescribed by the Central Government, to be used for the purpose of this Chapter;
- (j) the communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the State of particulars of such vehicles and of their registration;
- (k) the extension of the validity of certificates of fitness pending consideration of applications for their renewal;
- (l) the exemption from the provisions of this Chapter and the conditions and fees for exemption, of motor vehicles in the possession of dealers;
- (m) the form in which and the period within which the return under section 45 shall be sent;
- (n) the manner in which the database of Motor Vehicles shall be maintained under section 46;
- (o) any other matter which is to be or may be prescribed.

*CHAPTER IV*  
**CONTROL OF TRANSPORT VEHICLES**

**49. Necessity for permits.** – (1) No owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place whether or not such vehicle is actually carrying any passengers or goods save in accordance with the conditions of a permit granted or countersigned by a Regional or State Transport Authority or any prescribed authority authorizing him the use of the vehicle in that place in the manner in which the vehicle is to be used:

Provided that a stage carriage permit shall, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a contract carriage:

Provided further that a stage carriage permit may, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a good carriage either when carrying passengers or not:

Provided also that a goods carriage permit shall, subject to any conditions that may be specified in the permit, authorise the holder to use the vehicle for the carriage of goods for or in connection with a trade or business carried on by him.

(2) The holder of a goods carriage permit may use the vehicle, for drawing of any trailer not owned by him, subject to such conditions as may be prescribed:

Provided that the holder of a permit of any articulated vehicle may use the prime-mover of that articulated vehicle for any other semi-trailer.

(3) The provisions of sub-section (1) shall not apply-

(a) to any transport vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise; to any transport vehicle owned by a local authority; or by a person acting under contract under local authority.

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

- (c) to any transport vehicle used solely for the conveyance of corpses and the mourners accompanying the corpses;
- (d) to any transport vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety;
- (e) to any transport vehicle used for any other public purposes as may be prescribed by the State Government in this behalf;
- (f) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf;
- (g) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf;
- (h) to any goods vehicle, the gross vehicle weight of which does not exceed 7500 kilograms;
- (i) subject to such conditions as the Central Government may, by notification in the Official Gazette, specify, to any transport vehicle purchased in one State and proceeding to a place, situated in that State or in any other State, without carrying any passenger or goods;
- (j) to any transport vehicle which has been temporarily registered under section 31 while proceeding empty to any place for the purpose of registration of the vehicle;
- (k) to any transport vehicle used for such purposes as the Central or State Government may, by order, specify;
- (l) to any transport vehicle which is subject to a hire-purchase, lease hypothecation agreement and which owing to the default of the owner has been taken possession of by or on behalf of, the person with whom the owner has entered into such agreement, to enable such motor vehicle to reach its destination; or

(m) to any transport vehicle while proceeding empty to any place for purpose of repair;

(4) Subject to the provisions of sub-section (3), sub-section (1) shall, if the State Government by rule made under section 73 so prescribes, apply to any motor vehicle adapted to carry more than nine persons excluding the driver.

**50. Powers to State Government to control road transport.** – (1) A State Government, having regard to—

- (a) the advantages offered to the public, trade and industry by the development of motor transport,
- (b) the desirability of establishing the low carbon, energy efficient and environment friendly transport system.
- (c) the desirability of preventing the deterioration of the road system, and
- (d) the desirability of preventing uneconomic competition among holders of permits.

may, from time to time, by notification in the Official Gazette, issue directions both to the State Transport Authority and Regional Transport Authority—

- (i) regarding the fixing of fares and freights (including the maximum and minimum in respect thereof) for stage carriages, contract carriages and goods carriages:
- (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 goods carriages;
- (iii) 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 coordination with other means of transport and the conveying of long distance goods traffic:

Provided that no such notification in respect of the matters referred to in clause (ii) or clause (iii) shall be issued unless a draft of the proposed directions is published in the Official Gazette specifying therein a date being not less than one month after such publication, on or after which the draft will be taken into consideration and any objection or suggestion which may be received has, in consultation with the State Transport Authority, been considered after giving the representatives of the interests affected an opportunity of being heard.

(2) Any direction under sub-section (1) regarding the fixing of fares and freights for stage carriages, contract carriages and goods carriages may provide that such fares or freights shall be inclusive of the tax payable by the passengers or the consignors of the goods, as the case may be, to the operators of the stage carriages, contract carriages or goods carriages under any law for the time being in force relating to tax on passengers and goods.

Provided that no such notification shall be issued unless a draft of the proposed direction is published in the official gazette specifying there in 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.

Provided such previous publication can be waived by the State Government in public interest in case of matters requiring urgent action.

**51. Transport Authorities** – (1) The State Government shall by notification in the Official Gazette, constitute for the State a State Transport Authority to exercise and discharge the powers and functions specified in sub-section (3), and shall in like manner constitute Regional Transport Authorities to exercise and discharge throughout such areas (in this Chapter referred to as regions) as may be specified in

the notification in respect of each Regional Transport Authority; the powers and functions conferred by or under this Chapter on such Authorities:

Provided that in the Union Territories, the Administrator may abstain from constituting any Regional Transport Authority.

(2) A State Transport Authority or a Regional Transport Authority shall consist of a Chairman who has had judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to pass any order or take any decision under any law and in the case of a State Transport Authority, such other persons (whether officials or not), not being more than four and, in the case of a Regional Transport Authority, such other persons (whether officials or not), not being more than two, as the State Government may think fit to appoint; but no person who has any financial interest whether as proprietor, employee or otherwise in any transport undertaking shall be appointed, or continue to be, a member of a State or Regional Transport Authority, and, if any person being a member of any such Authority acquires a financial interest in any transport undertaking, he shall within four weeks of so doing, give notice in writing to the State Government of the acquisition of such interest and shall vacate office.

Provided further that the State Government may by rules made in this behalf, provide for the transaction of business of such authority.

Provided further that the State Government may,—

- (i) where it considers necessary or expedient so to do, constitute the State Transport Authority or a Regional Transport Authority for any region so as to consist of only one member who shall be an official with judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to pass any order or take any decision under any law;
- (ii) by rules made in this behalf, provide for the transaction of business of such authorities in the absence of the Chairman of any other member and specify the

circumstances under which, and the manner in which, such business could be so transacted:

(3) The State Transport Authority and every Regional Transport Authority shall give effect to any directions issued under section 50 and the State Transport Authority shall, subject to such directions and save as otherwise provided by or under this Act, exercise and discharge throughout the State the following powers and functions, namely:—

(a) to coordinate and regulate the activities and policies of the Regional Transport Authorities, if any, of the State;

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

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

1[(ca) Government to formulate routes for plying stage carriages; and]

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

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

(5) The State Transport Authority and any Regional Transport Authority, if authorised in this behalf by rules made under section 73, may delegate such of its powers and functions to such authority or person subject to such restrictions, limitations and conditions as may be prescribed by the said rules.

**52. Jurisdiction as to applications for permits** – (1) Every application for a permit shall be made to the Regional Transport Authority of the region in which it is proposed to use the vehicle or vehicles:

Provided that if it is proposed to use the vehicle or vehicles in two or more regions lying within the same State, the application shall be made to the Regional Transport Authority of the region in which the major portion of the proposed route or area lies, and in case the portion of the proposed route or area in each of the regions is approximately equal, to the Regional Transport Authority of the region in which it is proposed to keep the vehicle or vehicles;

Provided further that if it is proposed to use the vehicle or vehicles in two or more regions lying in different States, the application shall be made to the Regional Transport Authority of the region in which the applicant resides or has his principal place of business.

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

**53. Application for stage and/or contract carriage permit.**—(1) An application for a permit shall carry such particulars and shall be accompanied by such documents as may be prescribed.

**54. Procedure of Regional Transport Authority in considering application for stage or contract carriage permit.**—(1) A Regional Transport Authority shall, while considering an application for a stage and/or contract permit, have regard to the object of this Act.

(2) A Regional Transport Authority shall refuse to grant a stage and / or contract carriage permit if it appears from any time-table furnished that the provisions of this Act relating to the speed at which vehicles may be driven are likely to be contravened:



Provided that before such refusal an opportunity shall be given to the applicant to amend the time-table so as to conform to the said provisions.

**55. Grant of stage carriage or contract carriage permit.**—Subject to the provisions of section 54, a Regional Transport Authority may, on an application made to it under section 53, grant a permit in accordance with the application or with such modifications and attach such conditions as it deems fit or refuse to grant such a permit.

**56. Scheme for renting of passenger vehicle.** – The Central Government may by notification in the official gazette, make a scheme for the purpose of regulating the business of renting of passenger vehicle to persons desiring to drive either by themselves or through drivers, for their own use and for matters connected therewith.

**57. Application for goods carriage permit :-** An application for a permit to use a motor vehicle for the carriage of goods for hire or reward or for the carriage of goods for or in connection with a trade or business carried on by the applicant (in this Chapter referred to as a goods carriage permit) shall, contain such particulars as may be prescribed.

**58. Consideration of application for goods carriage permit:-**A Regional Transport Authority shall, in considering an application for a goods carriage permit, have regard to the following matters, namely;-

- (a) the nature of the good to be carried with special reference to their dangerous or hazardous nature to human life;
- (b) the nature of the chemicals or explosives to be carried with special reference to the safety to human life.

**59. Grant of goods carriage permit.** – A Regional Transport Authority may, on an application made to it under section 57, grant a goods carriage permit to be valid throughout the State or in accordance with the application or with such modifications and attach such conditions as it deems fit or refuse to grant such a permit.

**60. Procedure in applying for and granting permits:-** (1) An application for a permit of any kind may be made in such manner as may be prescribed.

(2) A Regional Transport Authority, State Transport Authority or any prescribed authority referred to in section 49 shall not ordinarily refuse to grant an application for permit of any kind other than a permit for a stage carriage made at any time under this Act;

Provided that a permit to a stage carriage shall be subject to the scheme made for this purpose under the provisions of section.

Provided further that where a Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 49 refuses an application for the grant of a permit of any kind under this Act, it shall give to the applicant in writing its reasons for the refusal of the same and an opportunity of being heard in the matter.

(3) 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 by altering the route or routes or area covered by it, or in the case of a stage carriage permit by increasing the number of trips above the specified maximum or by the variation, extension or curtailment of the route or routes or the area specified in the permit shall be treated as an application for the grant of a new permit;

(4) A Regional Transport Authority, State Transport Authority or any prescribed authority referred to in section 49 may, before such date as may be specified by it in this behalf, replace any permit granted by it before the said date by a fresh permit conforming to the provisions of section 55 or section 59, 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.

(5) Notwithstanding anything contained in section 61, a permit issued under the provisions of sub-section (4) shall be effective without renewal for the remainder of the period during which the replaced permit would have been so effective.

**61. Duration and renewal of permits.** -- (1) A permit other than a temporary permit issued under section 65 or a special permit issued under subsection (8) of section 66 shall be effective from the date of issuance or renewal thereof for such period as may be prescribed. .

Provided that where the permit is countersigned under sub-section (1) of section 66, such countersignature shall remain effective without renewal for such period so as to synchronise with the validity of the primary permit.

(2) A permit may be renewed on an application being made in such format and such manner as may be prescribed.

(3) The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the renewal of a permit if the permit holder has failed to meet such conditions as may be prescribed.

Provided that no application under this sub-section shall be rejected unless an opportunity of being heard is given to the applicant.

(4) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 65, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded.

**62. Transfer of permit.** --(1) Save as provided in sub-section (2), a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not, without such permission, operate to confer on any person to whom a vehicle covered by the permit is transferred any right to use that vehicle in the manner authorised by the permit.

(2) Where the holder of a permit dies, the person succeeding to the possession of the vehicle covered by the permit may, for a period of three months, use the permit as if it had been granted to himself:

Provided that such person has, within thirty days of the death of the holder, informed the transport authority which granted the permit of the death of the holder and of his own intention to use the permit:

Provided further that no permit shall be so used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder.

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

Provided that the Transport Authority may entertain an application made after the expiry of the said period of three months if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

**63. General form of permits.** - Every permit issued under this Act shall be in such form as may be prescribed and shall contain all the conditions attached thereto.

**64. Cancellation and suspension of permits.**- (1) The Transport Authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit –

- (a) on the breach of any condition contained in the permit, or
- (b) if the holder of the permit uses or causes or allows a vehicle to be used in any manner not authorised by the permit, or
- (c) if the holder of the permit ceases to own the vehicle covered by the permit, or
- (d) if the holder of the permit has obtained the permit by fraud or misrepresentation, or
- (e) if the holder of the goods carriage permit, fails without reasonable cause, to use the vehicle for the purposes for which the permit was granted, or
- (f) if the holder of the permit acquires the citizenship of any foreign country:

Provided that no permit shall be suspended or cancelled unless an opportunity has been given to the holder of the permit to furnish his explanation.

(2) The transport authority may exercise the powers conferred on it under sub-section (1) in relation to a permit granted by any authority or person to whom power in this behalf has been delegated under section 51 as if the said permit was a permit granted by the transport authority.

(3) Where a transport authority cancels or suspends a permit, it shall give to the holder in writing its reasons for the action taken.

(4) The powers exercisable under sub-section (1) (other than the power to cancel a permit) by the transport authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under section 51.

(5) 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.

(6) The powers exercisable by the transport authority under sub-section (5) may, where an appeal has been preferred under section 67, be exercised also by the appellate authority.

(7) In relation to a permit referred to in sub-section (9) of section 66, the powers exercisable under sub-section (1) (other than the power to cancel a permit) by the transport authority which granted the permit, may be exercised by any transport authority and any authority or persons to whom power in this behalf has been delegated under section 51, as if the said permit was a permit granted by any such authority or persons.

**65. Temporary permits.** - .—(1) A Regional Transport Authority and the State Transport Authority may without following the procedure laid down in section 60, grant permits to be effective for a limited period which shall, not in any case exceed four months, to authorise the use of a transport vehicle temporarily—

- (a) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or
  - (b) for the purposes of a seasonal business, or
  - (c) to meet a particular temporary need, or
  - (d) pending decision on an application for the renewal of a permit,
- and may attach to any such permit such condition as it may think fit:

Provided that a Regional Transport Authority or, as the case may be, State Transport Authority may, in the case of goods carriages, under the circumstances of an exceptional nature, and for reasons to be recorded in writing, grant a permit for a period exceeding

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

- (i) no permit could be issued under section 55 or section 59 in respect of that route or area by reason of an order of a Court or other competent authority restraining the issue of the same, for a period not exceeding the period for which the issue of the permit has been so restrained;
- (ii) as a result of the suspension by a Court or other competent authority of the permit of any vehicle in respect of that route or area, there is no transport vehicle of the same category with a valid permit in respect of that route or area, or there is no adequate number of such vehicles in respect of that route or area, for a period not exceeding the period of such suspension:

Provided that the number of transport vehicles in respect of which temporary permits are so granted shall not exceed the number of vehicles in respect of which

the issue of the permits have been restrained or, as the case may be, the permit has been suspended.

**66. Validation of permits for use outside region in which granted. (1)**

Except as may be otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region, and a permit granted in any one State shall not be valid in any other State unless countersigned by the State Transport Authority of that other State or by the Regional Transport Authority concerned :

Provided that a goods carriage permit, granted by the Regional Transport Authority of any one region, for any area in any other region or regions within the same State, shall be valid in that area without the countersignature of the Regional Transport Authority of the other region or of each of the other regions concerned :

Provided further that where both the starting point and the terminal point of a route are situated within the same State, but part of such route lies in any other State and the length of such part does not exceed twenty kilometres, the permit shall be valid in the other State in respect of that part of the route which is in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State:

Provided also that –

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

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

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

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

(4) The provisions of this Chapter relating to the grant, revocation and suspension of permits shall apply to the grant, revocation and suspension of countersignatures of permits.

Provided that it shall not be necessary to follow the procedure laid down in section 80 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 after complying with the requirements of subsection (5).

(5) Every proposal to enter into an agreement between the States to fix the number of permits which is proposed to be granted or countersigned in respect of each route or area, shall be published by each of the State Governments concerned in the Official Gazette and in any one or more of the newspapers in regional language circulating in the area or route proposed to be covered by the agreement together with a notice of the date before which representations in connection therewith may be submitted, and the date not being less than thirty days from the date of publication in the Official Gazette, on which, and the authority by which, and the time and place at which, the proposal and any representation received in connection therewith will be considered.

(6) Every agreement arrived at between the States shall, insofar as it relates to the grant of countersignature of permits, be published by each of the State Governments concerned in the Official Gazette and in any one or more of the newspaper in the regional language circulating in the area or route covered by the



agreement and the State Transport Authority of the State and the Regional Transport Authority concerned shall give effect to it.

(7) Notwithstanding anything contained in sub-section (1), a Regional Transport Authority of one region may issue a temporary permit under section 65 to be valid in another region or State with the concurrence, given generally or for the particular occasion, of the Regional Transport Authority of that other region or of the State Transport Authority of that other State, as the case may be.

(8) Notwithstanding anything contained in sub-section (1), but subject to any rules that may be made under this Act by the Central Government, the Regional Transport Authority of any one region or, as the case may be, the State Transport Authority may, for the convenience of the public, 1[grant a special permit to any public service vehicle including any vehicle covered] by a permit issued under section 55 (including a reserve stage carriage) or under sub-section (9) of this section 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.

(9) Notwithstanding anything contained in sub-section (1) but subject to any rules that may be made by the Central Government under sub-section (14), any State Transport Authority may, for the purpose of promoting tourism, grant permits in respect of tourist vehicles valid for the whole of India, or in such contiguous States not being less than three in number including the State in which the permit is issued as may be specified in such permit in accordance with the choice indicated in the application and the provisions of sections 60, 61, 62, 63, 64 2[clause (d) of sub-

section (1) of section 65 and section 67] shall, as far as may be, apply in relation to such permits.

(10) The following shall be conditions of every permit granted under subsection (9), namely :-

- (i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in this behalf;
- (ii) every such motor vehicle shall be driven by person having such qualifications and satisfying such conditions as may be specified by the Central Government; and
- (iii) such other conditions as may be prescribed by the Central Government.

(11) Notwithstanding anything contained in sub-section (1), but, subject to the rule that may be made by the Central Government under sub-section (14), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant in a State, national permits in respect of goods carriages and the provisions of sections 52, 57, 59, 60, 61, 62, 63, 64, 4[clause (d) of sub-section (1) of section 65 and section 67] shall, as far as may be, apply to or in relation to the grant of national permits.

(12) (a) The Central Government may make rules for carrying out the provisions of this section.

(b) 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 :

- (i) the authorisation fee payable for the issue of a permit referred to in sub-section (9) and (12) ;
- (ii) the fixation of the laden weight of the motor vehicle ;
- (i) the distinguishing particulars or marks to be carried or exhibited in or on the motor vehicle ;
- (ii) the colour or colours in which the motor vehicle is to be painted ;
- (iii) such other matters as the appropriate authority shall consider in granting a national permit.

Explanation. In this section.-

- (a) “appropriate authority” , in relation to a national permit, means the authority which is authorised under this Act to grant a goods carriage permit ;
- (b) “authorisation fee” means the annual fee, not exceeding one thousand rupees, which may be charged by the appropriate authority of a State of enable a motor vehicle, covered by the permit referred to in sub-section (9) and (12) to be used in other States subject to the payment of taxes or fees, if any, levied by the States concerned ;
- (c) “national permit” means a permit granted by the appropriate authority to goods carriages to operate throughout the territory of India or in such contiguous States not being less than four in number, including the State in which the permit is issued as may be specified in such permit in accordance with the choice indicated in the application.

**67. Appeals.** – (1) Any person –

- (a) aggrieved by the refusal of the State or a Regional Transport Authority to grant a permit, or by any condition attached to a permit granted to him, or
- (b) aggrieved by the revocation or suspension of the permit or by any variation of the conditions thereof, or
- (c) aggrieved by the refusal to transfer the permit under section 62, or
- (d) aggrieved by the refusal of the State or a Regional Transport Authority to countersign a permit, or by any condition attached to such countersignature, or
- (e) aggrieved by the refusal of renewal of a permit, or
- (f) aggrieved by any other order which may be prescribed, may, within the prescribed time and in the prescribed manner, appeal to the State transport Appellate Tribunal constituted under sub-section (2), who shall, after giving such person and the original authority an opportunity of being heard, give a decision thereon which shall be final.

(2) The State Government shall constitute such number of Transport Appellate Tribunals as it thinks fit and each such Tribunal shall consist of a judicial officer who is not below the rank of a District Judge or who is qualified to be a judge

of the High Court and it shall exercise jurisdiction within such area as may be notified by that Government.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), every appeal pending at the commencement of this Act, shall continue to be proceeded with and disposed of as if this Act had not been passed.

Explanation .- For the removal of doubts, it is hereby declared that when any order is made by the State Transport Authority or the Regional Transport Authority in pursuance of a direction issued by the Inter-State Transport Commission under clause (c) of sub-section (2) of section 63A of the Motor Vehicles Act, 1939 (4 of 1939), as it stood immediately before the commencement of this Act, and any person feels aggrieved by such order on the ground that it is not in consonance with such direction, he may appeal under sub- section (1) to the State Transport Appellate Tribunal against such order but not against the direction so issued.

**68. Revision.** - The State Transport Appellate Tribunal may, on an application made to it, call for the record of any case in which an order has been made by a State Transport Authority or Regional Transport Authority against which no appeal lies, and if it appears to the State Transport Appellate Tribunal that the order made by the State Transport Authority or Regional Transport Authority is improper or illegal, the State Transport Appellate Tribunal may pass such order in relation to the case as it deems fit and every such order shall be final :

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

Provided further that the State Transport Appellate Tribunal may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by good and sufficient cause from making the application in time:

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

**69. Restriction hours of work of drivers.** –(1) The hours of work of any person engaged for operating a transport vehicle shall be such as provided in the Motor Transport Workers Act, 1961 ( 27 of 1961 )].

(2) A State Government may, by notification in the Official Gazette, grant such exemptions from the provisions of sub-section (1) as it thinks fit, to meet cases of emergency of delays by reason of circumstances which could not be foreseen.

(3) A State Government or, if authorised in this behalf by the State Government by rules made under section 73, the State or a Regional Transport Authority may require persons employing any person whose work is subject to any of the provisions of sub-section (1) to fix beforehand the hours of work of such persons so as to conform to those provisions, and may provide for the recording of the hours so fixed.

(4) No person shall work or shall cause or allow any other person to work outside the hours fixed or recorded for the work of such persons under sub-section (3),

(5) A State Government may prescribe the circumstances under which and the period during which the driver of a vehicle although not engaged in work is required to remain on or near the vehicle may be deemed to be an interval for rest within the meaning of sub-section (1).

**70. Voidance of contracts restrictive of liability.** - Any contract for the conveyance of a passenger in a stage carriage or contract carriage, in respect of which a permit has been issued under this Chapter, shall, so far as it purports to negative or restrict the liability of any person in respect of any claim made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

**71. Bar on jurisdiction of Civil Courts.** - No Civil Court shall have jurisdiction to entertain any question relating to the grant of a permit under this Act, and no injunction in respect of any action taken or to be taken by the duly constituted authorities under this Act with regard to the grant of a permit, shall be entertained by any Civil Court.

**72. Power of State Government to make rules as to passenger vehicle to ensure safety and security of passengers and the security of the State.**

**73. Power of State Government to make rules for the purposes of this Chapter.-** (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, rules under this section may be made with respect to all or any of the following matters, namely:-

- (i) the period of appointment and the terms of appointment of and the conduct of business by Regional and State Transport Authorities and the reports to be furnished by them ;
- (ii) the conduct of business by any such authority in the absence of any member (including the Chairman) thereof and the nature of business which, the circumstances under which and the manner in which, business could so conducted ;
- (iii) 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 fee ;
- (iv) the forms to be used for the purpose of this Chapter, including the forms of permits ;
- (v) the issue of copies of permits in place of permits lost, destroyed or mutilated ;
- (vi) the documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed ;
- (vii) the fees to be paid in respect of applications for permits, duplicate permits and plates ;
- (viii) the exemption of prescribed persons or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter.

- (ix) The custody, production and cancellation on revocation or expiration of permits, and the return of permits which have been cancelled;
- (x) The conditions subject to which, and the extent to which, a permit granted in another State shall be valid in the State without countersignature;
- (xi) 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 countersignature;
- (xii) the conditions to be attached to permits for the purpose of giving effect to any agreement such as is referred to in section 50;
- (xiii) The authorities to whom, the time within which and the manner in which appeals may be made ;
- (xiv) the construction and fittings of, and the equipment to be carried by, stage and contract carriages, whether generally or in specified areas ;
- (xv) the determination of the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried ;
- (xvi) the conditions subjects to which goods may be carried on stage and contract carriages partly or wholly in lieu of passengers ;
- (xvii) the safe custody and disposal of property left in a stage or contract carriage ;
- (xviii) regulating the painting or marking of transport vehicles and the display of advertising matter thereon, and in particular prohibiting the painting or marking of transport vehicles in such colour or manner as to induce any person to believe that the vehicle is used for the transport of mails;
- (xix) the conveyance in stage or contract carriages of corpses or persons suffering from any infectious or contagious disease or goods likely to cause discomfort or injury to passengers and the inspection and disinfection of such carriages, if used for such purpose;
- (xx) the provision of taxi meters on motorcabs requiring approval or standard types of taxi meters to be used and examining testing and sealing taxi meters;
- (xxi) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in specified areas or at places other than duly notified stands or halting places and requiring the driver of a stage carriage to stop and

remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place;

(xxii) 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 ;

(xxiii) the regulation of motorcab ranks;

(xxiv) requiring the owners of transport vehicles to notify any change of address or to report the failure of or damage to any vehicle used for the conveyance of passengers for hire or reward;

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

(xxvi) requiring the person in charge of a stage carriage to carry any person tendering the legal or customary fare ;

(xxvii) the conditions under which and the types of containers or vehicles in which animals or birds may be carried and the seasons during which animals or birds may or may not be carried ;

(xxviii) the licensing of and the regulation of the conduct of agents or canvassers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit customers for such vehicles ;

(xxix) the licensing of agents engaged in the business of collecting for forwarding and distributing goods carried by goods carriages ;



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(xxx) the inspection of transport vehicles and their contents and of the permits relating to them ;

(xxxii) the carriage of persons other than the driver in goods carriages;

(xxxiii) the records to be maintained and the returns to be furnished by the owners of transport vehicles ; and

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

*CHAPTER – V*  
**CONSTRUCTION, EQUIPMENT AND MAINTENANCE  
OF MOTOR VEHICLES**

**74. General provision regarding construction and maintenance of vehicles.--**(1) Every motor vehicle shall be so constructed and so maintained as to be at all times under the effective control of the person driving the vehicle.

(2) Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a signaling system and adapted to drive on the left side of the road in accordance with the rules to be prescribed by the Central Government.

(3) If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest including safety, protection of environment and energy conservation, it may by order published in the Official Gazette, notify that any article or process used by a manufacturer or by owners during the use of the vehicle, or during repair or maintenance of the vehicle in a workshop shall conform to such standard as may be specified in that order.

**75. Power of Central Government to make rules.--**(1) The Central Government may make rules including standards and rules prescribing standards regulating the construction, equipment, maintenance and inspection of all categories of motor vehicles including semi-trailers and trailers with respect to safety, protection of environment, air pollution, conservation of energy including fuel efficiency, specific performance requirement, ITS systems, vehicle security and any other matter as deemed fit.

(2) Notwithstanding anything contained in this section, the Central Government may exempt any category of motor vehicles from the provisions of this Chapter;

**76. Power of State Government to make rules.**--Without prejudice to the generality of the foregoing power, rules may be made under this section governing the following matters either generally in respect of motor vehicles of a particular class or in particular circumstances, namely:—

- (a) prohibiting or restricting the use of audible signals at certain times or in certain places;
- (b) prohibiting the carrying of appliances likely to cause annoyance or danger;
- (c) the periodical testing and inspection of vehicles by prescribed authorities [and fees to be charged for such test as prescribed by the Central Government;
- d) the particulars of exhibiting vehicles related information such as weights, tyre sizes etc. on the vehicles.
- e) the Subjects as may be delegated to the State Government by the Central Government from time to time.

*CHAPTER VI*

**CONTROL OF TRAFFIC**

**77. Limits of speed** - (1) No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any place at a speed exceeding the maximum speed or below the minimum speed fixed for the vehicle under this Act or by or under any other law for the time being in force:

Provided that such maximum speed shall in no case exceed the maximum fixed for any motor vehicle or category of motor vehicles by the Central Government by notification in the Official Gazette.

(2) The State Government or any authority authorised in this behalf by the State Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the Official Gazette, and by causing appropriate traffic signs to be placed or erected under section 81 at suitable places, fix such maximum speed limits or minimum speed limits as it thinks fit for motor vehicles or any specified category of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or on a particular road or roads:

Provided that no such notification is necessary if any restriction under this section is to remain in force for not more than one month.

(3) Nothing in this section shall apply to any vehicle registered under section 44 while it is being used in the execution of military manoeuvres within the area and during the period specified in the notification under sub-section (1) of section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (5 of 1938)

**78. Limits of weight and limitations on use.** – (1) The State Government may prescribe the conditions for the issue of permits for transport vehicles by the State or Regional Transport Authorities and may prohibit or restrict the use of such vehicles in any area or route.

(2) No person shall drive or cause or allow to be driven in any place any motor vehicle –

- (a) the unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle or
- (b) the laden weight of which exceeds the gross vehicle weight specified in the certificate or registration.
- (c) the number of persons carried in the vehicle exceeds the number of passengers the vehicle is authorized to carry in such vehicles as may be prescribed by the Central Government.

(3) Where the driver or person in charge of a motor vehicle driven in contravention of sub-section (2) or clause (a) of sub-section (3) is not the owner or consignor, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or consignor of the goods.

Provided that a consignor shall be held responsible for the offence only if he is the sole consignor for the goods carried in the motor vehicles

**79. Power to have vehicle weighed.** – (1) Any person authorised in this behalf by the State Government shall, if he has reason to believe that a motor vehicle is being used in contravention of section 78, require the driver to convey the motor vehicle to a weighing device in such manner as may be prescribed by the State Government and if on such weighing the motor vehicle is found to contravene in any respect the provisions of section 78 regarding weight, he may, by order in writing, direct the driver to off-load the excess weight at his own risk and cost and not to remove the vehicle or trailer from that place until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section 78 and on receipt of such notice, the driver shall comply with such directions.

Incase the vehicle owner or driver, as the case may be, fails to do so, such person may cause the extra weight to be unloaded at the risk and cost of owner or consignor and such cost shall be recoverable from the owner of motor vehicle or consignor of goods.

(2) Where the person authorised under sub-section (1) makes the said order in writing, he shall furnish the relevant details of the overloading on the goods carriage

permit and also intimate the fact of such details to the authority which issued that permit.

**79A. Power to inspect a passenger vehicle and authority to levy huge penalty and suspension of license under repeated offence for overloading.**

Any officer authorized in this behalf may enter into with passenger's vehicle and check whether the vehicle is carrying more passengers than it is authorized to carry. In the event of vehicle carrying more passengers than it is authorized to carry he may direct the driver or the owner of the vehicle to offload passengers beyond the authorized capacity.

**80. Power to restrict the use of vehicles.** – The State Government or any authority authorised in this behalf by the State Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by notification in the Official Gazette, prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified category of motor vehicles or the use of trailers either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under section 81 at suitable places:

**81. Power to erect traffic signs.** – (1) (a) The State Government or any authority authorised in this behalf by the State Government may cause or permit traffic signs to be placed or erected in any place for the purpose of bringing to public notice any speed limits fixed under sub-section (2) of section 77 or any prohibitions or restrictions imposed under section 80 or generally and may designate certain roads as main roads by notification in the Official Gazette or by the erection at suitable places of the appropriate traffic sign referred to in Part A of the Schedule for the purposes of the driving regulations made by the Central Government.

(2) Traffic signs placed or erected under sub-section (1) for any purpose for which provision is made in the Schedule shall be of the size, colour and type and

shall have the meanings set forth in the Schedule, but the State Government or any authority empowered in this behalf by the State Government may make or authorise the addition to any sign set forth in the said Schedule, of transcriptions of the words, letters or figures thereon in such script as the State Government may think fit provided that the transcriptions shall be similar size and colour to the words, letters or figures set forth in the Schedule.

Provided that such sign mentioned in the Schedule shall be reviewed every three years and shall reflect International Standards as subscribed to by the Government of India.

(3) A State Government may, by notification in the Official Gazette, empower any police officer to remove or cause to be removed any sign or advertisement which is so placed in his opinion as to obscure any traffic sign from view or any sign or advertisement which in his opinion is so similar in appearance to a traffic sign as to be misleading or which in his opinion is likely to distract the attention or concentration of the driver.

(4) No person shall wilfully remove, alter, deface, or in any way tamper with, any traffic signs placed or erected under this section.

(5) 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.

**82. Parking places and halting stations.** – The State Government or any authority authorised in this behalf by the State Government may, in consultation with the local authority having jurisdiction in the area concerned, determine places at which motor vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers.

**83. Driving regulations.** – Duty of the driver to take certain precautions at unguarded railway level crossings.

Every driver of a motor vehicle at the approach of any unguarded railway level crossing shall cause the vehicle to stop and the driver of the vehicle shall cause the conductor or cleaner or attendant or any other person in the vehicle to walk up to the level crossing and ensure that no train or trolley is approaching from either side and then pilot the motor vehicle across such level crossing, and where no conductor or cleaner or attendant or any other person is available in the vehicle, the driver of the vehicle shall get down from the vehicle himself to ensure that no train or trolley is approaching from either side before the railway track is crossed.

**84. Restriction on carrying of objects which are over-dimensional, flying etc.** - (1) No driver of a motor vehicle shall carry any object which protrudes outside the body of vehicle.

(2) No driver of a motor vehicle shall carry any object which may cause injury or inconvenience to a person or any other living beings or cause damage to property. It is clarified that all flora and fauna shall be part of living beings.

(3) an owner and/or consigner shall also be responsible for an offence under this section.

**85. Duty to obey traffic signs.** – (1) Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by mandatory traffic sign and in conformity with the driving regulations made by the Central Government, and shall comply with all directions given to him by any police officer for the time being engaged in the regulation of traffic in any place.

(2) In this section “mandatory traffic sign” means a traffic sign included in Part A of † [the First Schedule], or any traffic sign of similar form (that is to say, consisting of or including a circular disc displaying a device, word or figure and having a red ground or border) placed or erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 81.

**86. Vehicles with left hand control.** – No person shall drive or cause or allow to be driven in any place any motor vehicle with a left – hand steering control unless it is equipped with features/devices as may be prescribed.



**87. Leaving vehicle in dangerous position and Allowing Vehicle to remain Stationary**– No person in charge of a motor vehicle shall cause or allow the motor vehicle to be abandoned or to remain at rest on any place in such a position or in such a condition or in such circumstances as to cause or likely to cause danger, obstruction or undue inconvenience to other users of the place or to the passengers. No person driving or in charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any place, unless there is in the driver’s seat a person duly licensed to drive the vehicle or unless the mechanism has been stopped and a brake or brakes applied or such other measures taken as to ensure that the vehicle cannot accidentally be put in motion in the absence of the driver.

**88. Riding on running board, etc.** - (1) No person driving or in charge of a motor vehicle shall carry any person or permit any person to be carried on the running board or otherwise than within the body of the vehicle.

(2) No person shall travel on the running board or on the top or on the bonnet of a motor vehicle.

**89. Obstruction of driver.** – No person driving a motor vehicle shall allow any person to stand or sit or to place anything in such a manner or position as to hamper his control of the vehicle.

**90. Removal of motor vehicles abandoned or left unattended on a public place.** – (1) Where any motor vehicle is abandoned or left unattended on in any place in excess of the period prescribed or is parked in a place where parking is legally prohibited, its removal by a towing service or its immobilisation by any means including wheel clamping may be by an authorised person including a police officer in uniform having jurisdiction.

(2) Where an abandoned, unattended, wrecked, burnt or partially dismantled vehicle or creating a traffic hazard, because of its position in relation to any place, or its physical appearance is causing the impediment to the traffic, its immediate removal from any place by a towing service may be authorized.

(3) Where a vehicle is authorised to be removed under sub-section (1) or sub-section (2) by a police officer, the owner of the vehicle shall be responsible for all towing costs, besides any other penalty.

**91. Safety measures for drivers and pillion riders.** – (1) No driver of a two – wheeled motor cycle shall carry more than one person in addition to himself on the motor cycle and no such person shall be carried otherwise than sitting on a proper seat securely fixed to the motor cycle behind the driver’s seat with appropriate safety measures.

(2) In addition to the safety measures mentioned in sub-section (1), the Central Government may, prescribe other safety measures for the drivers of two-wheeled motor cycles and pillion riders thereon. It also empowers the Central Government to prescribe other safety measures in this regard.

**92. Wearing of protective headgear.** -Every person driving or riding (otherwise than in a side car, on a motor cycle of any class) shall, while in a place, wear protective headgear conforming to the standards prescribed.

Provided that the provisions of this section shall not apply to a person who is a Sikh, if he is, while driving or riding on the motor cycle, in any place, wearing a turban.

**93. Prohibition on use of mobiles while driving:** No person shall use any mobile phone or any other communication device while driving a motor vehicle.

**94. Use of seat belts:** (1) Every person shall wear seat belt while driving a motor vehicle or sitting on a seat where a seatbelt is provided.

(2) No person shall cause a child below the age of 8 years to be seated any other place than the designated child seat.

**95. Duty to produce licence and certificate of registration.** – (1) A driver of a motor vehicle in any place shall, carry following documents with him

- (i) Driving licence
- (ii) Certificate of registration
- (iii) Certificate of insurance
- (iv) PUC certificate

(v) Fitness certificate

(vi) Permit, if any, authorizing vehicle to drive the vehicle.

Provided that the driving license shall always be carried in original.

(2) A driver shall on demand by any police officer or an officer of the Motor Vehicle department in uniform, produce for examination documents as mentioned in sub-section (1).

Provided that if any of the documents mentioned in sub-section (1) is submitted or seized by a police officer, he shall give a receipt and driver may, if any document has been submitted to, or has been seized by, any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgement issued by such officer or authority in respect thereof and thereafter produce such document within such period, in such manner as may be prescribed.

(3) If the certificates or permit referred to in sub-section (1), are not at the time in the possession in original of the person to whom demand is made, it shall be a sufficient compliance with this section if such person produces the certificates or permit in original within such period in such manner as the Central Government may prescribe, to the police officer or authority making the demand.

**96. Duty of driver to stop in certain cases and Duty of owner.** – (1) The driver of motor vehicle shall cause the vehicle to stop & remain stationary so long as may for such reasonable time as may be necessary, but not exceeding twenty four hours; when required to do so by any police officer not below the rank of a Sub-Inspector in uniform, in the event of the vehicle being involved in the occurrence of an accident to a person, animal or vehicle or of damage to property, or

and he shall give his name and address and the name and address of the owner of the vehicle to any person affected by any such accident or damage who demands it provided such person also furnishes his name and address

(2) The driver of a motor vehicle shall, on demand by a person giving his own name and address and alleging that the driver has committed an offence punishable under section 118, give his name and address to that person.

**97. Duty of driver in case of accident and injury to a person.** – When any person is injured or any property of a third party is damaged, as a result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall—

(a) unless it is not practicable to do so on account of mob fury or any other reason beyond his control, take all reasonable steps to secure medical attention for the injured person, 1[by conveying him to the nearest medical practitioner or hospital, and it shall be the duty of every registered medical practitioner or the doctor on the duty in the hospital immediately to attend to the injured person and render medical aid or treatment without waiting for any procedural formalities, or financial arrangements unless the injured person or his guardian, in case he is a minor, desires otherwise;

(b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence, including the circumstances, if any, for not taking reasonable steps to secure medical attention as required under clause (a), at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence;

2[(c) give the following information in writing to the insurer, who has issued the certificates of insurance, about the occurrence of the accident, namely:—

(i) insurance policy number and period of its validity;

(ii) date, time and place of accident;

(iii) particulars of the persons injured or killed in the accident;

(iv) name of the driver and the particulars of his driving licence.

*Explanation.*—For the purposes of this section the expression “driver” includes the owner of the vehicle.]

**98. Inspection of vehicle involved in accident.** – When any accident occurs in which a motor vehicle is involved, any person authorised in this behalf by the State

Government may, on production if so required of his authority, inspect the vehicle and for that purpose may enter at any reasonable time any premises where the vehicle may be, and may remove the vehicle for examination:

Provided that the place to which the vehicle is so removed shall be intimated to the owner of the vehicle and the vehicle shall be returned 1[after completion of the formalities to the owner, driver or the person in charge of the vehicle within twenty-four hours].

Provided further that if an officer inspecting such vehicle is of the view that the vehicle is unfit for use on the road, he shall intimate in such manner as may be prescribed to the registration authority.

**99. Power of Central Government to make rules.** – The Central Government may make rules to provide for all or the manner in which the documents may be produced before the officer under section 95.

**100. Power of State Government to make rules.** – (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 99.

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

- (a) the removal and the safe custody of vehicles including their loads which have broken down or which have been left standing or have been abandoned on roads;
- (b) the installation and use of weighing devices;
- (c) the maintenance and management of wayside amenities complexes;
- (d) the exemption from all or any of the provisions of this Chapter of fire Brigade vehicles, ambulance and other special classes of vehicle, subject to such conditions as may be prescribed;
- (e) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use;
- (f) prohibiting the driving downhill of a motor vehicle with the gear disengaged either generally or in a specified place;

- (g) prohibiting the taking hold of or mounting of a motor vehicle in motion;
- (h) prohibiting the use of foot-paths or pavements by motor vehicles;
- (i) generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic; and
- (j) any other matter which is to be, or may be, prescribed.

*CHAPTER VII*

**MOTOR VEHICLE TEMPORARILY LEAVING OR VISITING INDIA**

**101. Power of Central Government to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for all or any of the following purposes, namely:—

- (a) the grant and authentication of travelling passes, certificates or authorisations to persons temporarily taking motor vehicles out of India to any place outside India or to persons temporarily proceeding out of India to any place outside India and desiring to drive a motor vehicle during their absence from India;
- (b) prescribing the conditions subject to which motor vehicles brought temporarily into India from outside India by persons intending to make a temporary stay in India may be possessed and used in India; and
- (c) prescribing the conditions subject to which persons entering India from any place outside India for a temporary stay in India may drive motor vehicles in India.

(2) For the purpose of facilitating and regulating the services of motor vehicles operating between India and any other country 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 or the provisions of this Act [other than those referred to in sub-section (4)] 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.

(3) No rule made under this section shall operate to confer on any person any immunity in any State from the payment of any tax levied in that State on motor vehicles or their users.

(4) Nothing in this Act or in any rule made thereunder by a State Government relating to—

- (a) the registration and identification of motor vehicles, or
- (b) the requirements as to construction, maintenance and equipment of motor vehicles, or
- (c) the licensing and the qualifications of drivers and conductors of motor vehicles, 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 (2) apply; or
  - (ii) to any conductor of a motor vehicle to whom any rules made under sub-section (2) apply.



*CHAPTER VIII*

**OFFENCES, PENALTIES AND PROCEDURE**

**102. General provision for punishment of offences.**— Whoever contravenes any provision of this Act or of any rule, regulation or notification made there under shall, if no penalty is provided for the offence, be punishable for the first offence, with fine which may extend to five hundred rupees, and for any second or subsequent offence with fine of one thousand rupees.

**103. General provision for driver penalty points scheme.** — (1) Any person, whoever while driving contravenes certain provisions of Act related to traffic violations or of any specified rule, regulation or notification made there under shall be awarded penalty points as applicable for the offence in addition to the fine and/ or imprisonment as the case may be. The driver penalty scheme shall be as per Schedule II.

(2) Penalty points awarded to any licence holder in terms of Schedule II shall subsist until their expiry period as specified in the Schedule.

(3) The procedure for awarding penalty points, maintaining records thereof shall be as prescribed by the Central Government.

**104. Penalty for refusal to ply contract carriage, etc.**— If the holder of a permit or the driver of a contract carriage refuses, in contravention of the provisions of this Act or rules made there under, to ply the contract carriage or to carry the passengers, he shall,—

(a) in the case of two-wheeled or three-wheeled motor vehicles, be punishable with fine which may extend to five hundred rupees; and

(b) in any other case, be punishable with fine which may extend to one thousand rupees.

**105. Disobedience of orders, obstruction and refusal of information.—**

(1) Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence, be punishable with fine of one thousand rupees. Further, it shall carry penalty points as per Schedule II.

(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 of one thousand rupees, or with both. Further, it shall carry penalty points as per Schedule II.

**106. Allowing unauthorised persons to drive vehicles.—** Whoever, being the owner or person in charge of a motor vehicle, causes or permits, any other person who does not satisfy the provisions of section 3 or section 4 or section 5 to drive the vehicle shall be punishable with fine of two thousand rupees.

**107. Driving vehicles in contravention of section 3 or section 4.—** Whoever drives a motor vehicle in contravention of section 3 or section 4 section 5 shall be punishable with fine of two thousand rupees.

**108. Offences relating to licences.—** Whoever, being disqualified under this Act for holding or obtaining a driving licence, drives a motor vehicle in any place, or applies for or obtains a driving licence or, not being entitled to have a driving licence issued to him free of endorsement, applies for or obtains a driving licence without disclosing the endorsement made on a driving licence previously held by him shall be punishable with imprisonment for a term which may extend to three months, or with fine of five thousand rupees or with both.

**109. Punishment for offences relating to construction and maintenance of vehicles.**— Any person who contravenes the provisions of sub-section (3) of section 74, shall be punishable with a fine of two thousand rupees for the first offence, and with a fine of ten thousand rupees for any subsequent offence.

**110. Punishment for offences relating to manufacturing of faulty vehicles.**-- Any manufacturer who contravenes the provisions of section 74 shall be punishable with imprisonment for a term which may extend to three months, or with fine of Rupees one lakh, or with both.

**111. Driving at excessive speed, etc --** (1) Whoever drives a motor vehicle in contravention of the speed limits referred to in section 77 shall be punishable with fine of one thousand rupees for first offence, two thousand rupees for second offence and five thousand for subsequent offences. Further, it shall carry penalty points as per Schedule II.

(2) Whoever causes any person who is employed by him or is subject to his control in driving to drive a motor vehicle in contravention of the speed limits referred to in section 77 shall be punishable with a fine of two thousand rupees.

(3) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be based on an estimate obtained by the use of some mechanical or electronic device.

(4) The publication of a time table under which, or the giving of any direction that any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for that journey or part of a journey to be completed in the specified time without contravening the speed limits referred to in section 77 be *prima facie* evidence that the person who published the time table or gave the direction has committed an offence punishable under sub-section (2).

**112. Violation of Traffic Signals** - Whoever violates a red light traffic signal shall be subjected to a fine of one thousand rupees and shall carry penalty points as per Schedule II.

**113. Use of mobile phone while driving-** Who ever uses mobile phone or any accessories thereof while driving a motor vehicle shall be punishable with a fine of one thousand rupees and shall carry penalty points as per Schedule II.

Explanation: Mobile phone means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electromagnetic transmissions, radio waves or Hertzian waves, galvanic, electric or magnetic means

**114. Failing to wear seat belt while driving or being driven** - Whoever, while driving or being driven in a 4 wheeler vehicle, fails to wear seat belt wherever provided in the motor vehicle by the manufacturer shall be punished with a fine of five hundred rupees and shall carry penalty points as per Schedule II;

**115. Failing to wear helmet while driving and riding-** Whoever, while driving or riding a two wheeler vehicle fails to wear protective helmet shall be punished with a fine of five hundred rupees and shall carry penalty points as per Schedule II;

**116. Use of headlights-** Whoever, while driving a two wheeler (including during day time), fails to keep headlights on shall be punishable with a fine of five hundred rupees and shall carry penalty points as per Schedule II.

**117. Seating of a child in vehicle-** If the child up to the age of 8 years is seated in the vehicle in violation of the provisions contained in section 94 the driver shall be punished with a fine of thousand rupees.

**118. Driving dangerously.**— Whoever drives a motor vehicle at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punishable for the first offence

with imprisonment for a term which may extend to six months or with fine of two thousand rupees, and for any second or subsequent similar offence with imprisonment of six months which may extend to one years, or with fine of five thousand rupees, or with both. Further, it shall carry penalty points as per Schedule II.

**119. Driving by a drunken person or by a person under the influence of drugs.**— Whoever, while driving, or attempting to drive, a motor vehicle,—(1) is under the influence of a alcohol is incapable of exercising proper control over the vehicle on a test by a breath analyser, or any other test including clinical test, has alcohol in his blood, to an extent of:

- (a) 30 mg to 80 mg, per 100 ml,
- (b) 81 to 150 mg per 100 ml
- (c) Above 150 mg per 100 ml of blood detected in a test by a breath analyzer

shall be punishable with -

- (i) for persons falling under clause (a), imprisonment for a term which may extend to six months, or with a fine of two thousand rupees, or both.
- (ii) for persons falling under clause (b), imprisonment for a term of six months or with a fine of five thousand rupees or both;
- (iii) for persons falling under clause (c) imprisonment of six months which may extend to one year and a fine of ten thousand rupees or both;

Further, it shall carry penalty points as per Schedule II. Second offence shall result into cancellation of driving licence.

(2) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both; and for a second or subsequent

offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term of six months which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

Explanation.—For the purposes of this section, the drug or drugs specified by the Central Government in this behalf, by notification in the Official Gazette, shall be deemed to render a person incapable of exercising proper control over a motor vehicle.

Further, it shall carry penalty points as per Schedule II. Second offence shall result into cancellation of driving licence.

**120. Driving when mentally or physically unfit to drive.**— Whoever drives a motor vehicle in any place when he is to his knowledge suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of danger to the public, shall be punishable with fine of one thousand rupees.

**121. Punishment for offences relating to accident.**— Whoever fails to comply with the provisions of section 91 shall be punishable with a fine of two thousand rupees. Further, it shall carry penalty points as per Schedule II.

**122. Rash and Negligent driving causing injury to persons/damage to property-** Without prejudice to the provisions contained in the Indian Penal Code, whoever drives a motor vehicle in a rash or negligent manner and causes injury to a person and/ or damage to any property, shall be punishable with a fine which shall not be less than five thousand rupees and which may extend upto ten thousand rupees and penalty points as per Schedule II.

**123. Punishment for abetment of certain offences.**— Whoever abets the commission of an offence under section 118 or section 119 or section 120 shall be punishable with the punishment provided for the offence.

**124. Racing and trials of speed.**— Whoever without the written consent of the State Government permits or takes part in a race or trial of speed of any kind between motor vehicles in any place shall be punishable with a fine of two thousand

rupees for the first offence and fine of three thousand for second offence. Any subsequent offences shall be punishable with fine of five thousand rupees. Further, it shall carry penalty points as per Schedule II.

**125. Using vehicle in unsafe condition.**—(1) Any person who drives or causes or allows to be driven in any place a motor vehicle or trailer while the vehicle or trailer has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to persons and vehicles using such place, shall be punishable with fine of one thousand rupees or, if as a result of such defect an accident is caused causing bodily injury or damage to property with fine of five thousand rupees. Further, it shall carry penalty points as per Schedule II.

(2) Any person who drives or causes or allows to be driven, in any place a motor vehicle, which violates the standards prescribed in relation to road safety, control of noise and air-pollution, shall be punishable for the first offence with a fine of two thousand rupees and for any second or subsequent offence with a fine of five thousand rupees. Further, it shall carry penalty points as per Schedule II.

(3) Any person who drives or causes or allows to be driven, in any place a motor vehicle which violates the provisions of this Act or the rules made there under relating to the carriage of goods which are of dangerous or hazardous nature to human life, shall be punishable for the first offence with a fine of ten thousand rupees, or with imprisonment for a term which may extend to six months, or with both, and for any second or subsequent offence with fine which may extend to twenty thousand rupees, or with imprisonment for a term of six months which may extend to one years, or with both. Further, it shall carry penalty points as per Schedule II.

**126. Sale of vehicle in or alteration of vehicle to condition contravening this Act.**— Whoever being a manufacturer, an importer or dealer of motor vehicles, sells or delivers or offers to sell or deliver a motor vehicle or trailer in such condition that the use thereof in any place would be in contravention of Chapter V or any rule made thereunder or alters the motor vehicle or trailer so as to render its condition

such that its use in any place would be in contravention of Chapter V or any rule made there under shall be punishable with fine of five thousand rupees for the first offence and ten thousand for any subsequent offence.

**127. Using vehicles without registration.**—(1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of section 27 shall be punishable for the first offence with a fine of five thousand rupees and for a second or subsequent offence with fine of ten thousand rupees:

(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 injuries or for the transport of food or materials to relieve distress or of medical supplies for a like purpose:

(3) Whoever delivers/ hands over a motor vehicle to a person without the vehicle being registered under section 27 or section 31 is punishable with fine of twenty thousand rupees.

**127A. Using vehicles without permit.**—(1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 49 or in contravention of any condition of a permit shall be punishable for the first offence with a fine of five thousand rupees and ten thousand rupees for any 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 for the transport of food or materials to relieve distress or of medical supplies for a like purpose:



**128. Driving vehicle exceeding permissible weight.**— (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 78 or section 79 or section 80 shall be punishable with fine of ten thousand rupees and an additional amount of two thousand rupees per tonne of excess load, together with the liability to pay charges for off-loading of the excess load.

(2) Any driver of a vehicle who refuses to stop and submit his vehicle to weighing after being directed to do so by an officer authorised in this behalf under section 79 or removes or causes the removal of the load or part of it prior to weighing shall be punishable with fine of seven thousand five hundred rupees.

**129. Driving uninsured vehicle.**— Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions relating to third party insurance shall be punishable with a fine of five thousand rupees for 2 wheelers, ten thousand rupees for Light Motor Vehicles and 3 wheelers and fifteen thousand rupees for other categories of vehicles.

**130. Taking vehicle without authority.**—(1) Whoever takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be punishable with fine which may extend to two thousand rupees.

Provided that no person shall be convicted under this section, if the Court is satisfied that such person acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked therefor.

(2) Whoever, unlawfully by force or threat of force or by any other form of intimidation, seizes or exercises control of a motor vehicle, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(3) Whoever attempts to commit any of the acts referred to in sub-section (1) or sub-section (2) in relation to any motor vehicle, or abets the commission of any

such act, shall also be deemed to have committed an offence under sub-section (1) or, as the case may be, sub-section (2).

**131. Unauthorised interference with vehicle.**— Whoever otherwise than with lawful authority or reasonable excuse enters or moves any stationary motor vehicle or tampers with the brake or any part of the mechanism of a motor vehicle shall be punishable with fine of five hundred rupees.

**132. Offences by companies.**—(1) Where an offence under this Act has been committed by 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 anybody corporate and includes a firm or other association of individuals; and

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

**133. Compounding of certain offences.**—(1) (1) Any offence punishable under the sections with fine only whether committed before or after the commencement of this Act, may either before or after the institution of the

prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf, provided that the amount is not less than the minimum amount of fine as may have been provided under this Act.

Provided further that offences involving imprisonment shall not be compounded.

Provided that any third or subsequent offence shall not be compoundable.

Provided further that penalty points, specified for the offence will apply and cannot be waived.

**134. Penalty for causing obstruction to free flow of traffic.**—(1) Whoever keeps a disabled vehicle in any place, in such a manner, so as to cause impediment to the free flow of traffic, shall be liable for penalty of two hundred rupees per hour, so long as it remains in that position and penalty points as per Schedule II:

Provided that the vehicle involved in accidents shall be liable for penalty only from the time of completion of inspection formalities under the law:

Provided further that where the vehicle is removed by a Government agency, towing charges shall be recovered from the vehicle owner or person in-charge of such vehicle.

(2) Penalties or towing charges under this section shall be recovered by such officer or authority as the State Government may, by notification in the Official Gazette, authorise.

**135. Power to arrest without warrant.**—(1) A police officer in uniform may arrest without warrant any person who in his presence commits an offence punishable under section 118 or section 119 or section 130.

Provided that any person so arrested in connection with an offence punishable under section 119 shall, within two hours of his arrest, be subjected to a medical examination referred to in sections 136 and 137 by a registered medical practitioner failing which he shall be released from custody.

(2) A police officer in uniform may arrest without warrant any person, who has committed an offence under this Act, if such person refuses to give his name and address.

(3) A police officer arresting without warrant the driver of a motor vehicle shall if the circumstances so require take or cause to be taken any steps he may consider proper for the temporary disposal of the vehicle.

**136. Breath tests.**— (1) A police officer in uniform or an officer of the Motor Vehicles Department, as may be authorised in this behalf by that Department, may require any person driving or attempting to drive a motor vehicle in any place to provide one or more specimens of breath for breath test there or nearby, if such police officer or officer has any reasonable cause to suspect him of having committed an offence under section 119:

Provided that requirement for breath test shall be made (unless it is made) as soon as reasonably practicable after the commission of such offence as per the procedure prescribed by Central Government

(2) If a motor vehicle is involved in an accident in any place and a police officer in uniform has any reasonable cause to suspect that the person who was driving the motor vehicle at the time of the accident had alcohol in his blood or that he was driving under the influence of a drug referred to in section 119 he may require the person so driving the motor vehicle, to provide a specimen of his breath for a breath test—

(a) in the case of a person who is at a hospital as an indoor patient, at the hospital,

(b) in the case of any other person, either at or near the place where the requirement is made, or, if the police officer thinks fit, at a police station specified by the police officer:

Provided that a person shall not be required to provide such a specimen while at a hospital as an indoor patient if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or

objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) If it appears to a police officer in uniform, in consequence of a breath test carried out by him on any person under sub-section (1) or sub-section (2), that the device by means of which the test has been carried out indicates the presence of alcohol in the person's blood, the police officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.

(4) If a person, required by a police officer under sub-section (1) or sub-section (2) to provide a specimen of breath for a breath test, refuses or fails to do so and the police officer has reasonable cause to suspect him of having alcohol in his blood, the police officer may arrest him without warrant except while he is at a hospital as an indoor patient.

(5) A person arrested under this section shall while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.

(6) The results of a breath test made in pursuance of the provisions of this section shall be admissible in evidence.

*Explanation.*—For the purposes of this section “breath test”, means a test for the purpose of obtaining an indication of the presence of alcohol in a person's blood carried out, on one or more specimens of breath provided by that person, by means of a device of a type approved by the Central Government, by notification in the Official Gazette, for the purpose of such a test.

**137. Laboratory test.**— (1) A person who has been arrested under section 136 may, while at a police station be required by a police officer to provide to such registered medical practitioner as may be produced by such police officer, a specimen of his blood for a laboratory test if,

(a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood of such person, or

(b) such person, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so:

Provided that where the person required to provide such specimen is a female and the registered medical practitioner produced by such police officer is a male medical practitioner, the specimen shall be taken only in the presence of a female, whether a medical practitioner or not.

(2) A person while at a hospital as an indoor patient may be required by a police officer to provide at the hospital a specimen of his blood for a laboratory test—

(a) if it appears to the police officer that the device by means of which test is carried out in relation to the breath of such person indicates the presence of alcohol in the blood of such person, or

(b) if the person having been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, has refused, omitted or failed to do so and a police officer has reasonable cause to suspect him of having alcohol in his blood:

Provided that a person shall not be required to provide a specimen of his blood for a laboratory test under this sub-section if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of such specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) The results of a laboratory test made in pursuance of this section shall be admissible in evidence.

*Explanation.*—For the purposes of this section, “laboratory test” means the analysis of a specimen of blood made at a laboratory established, maintained or recognised by the Central Government or a State Government.

**138. Presumption of unfitness to drive.**— In any proceeding for an offence punishable under section 119 if it is proved that the accused when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of his breath for a breath test or a specimen of his blood for a laboratory test, his refusal, omission or failure may, unless reasonable cause therefor is shown, be presumed to be a circumstance supporting any evidence given on behalf of the prosecution, or rebutting any evidence given on behalf of the defence, with respect to his condition at that time.

**139. Power to impound document.**—(1) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that any identification mark carried on a motor vehicle or any licence, permit, certificate of registration, certificate of insurance or other document produced to him by the driver or person in charge of a motor vehicle is a false document within the meaning of section 464 of the Indian Penal Code (45 of 1860) seize the mark or document and call upon the driver or owner of the vehicle to account for his possession of or the presence in the vehicle of such mark or document.

(2) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that the driver or owner of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, seize any licence held by such driver or certificate of registration of the vehicle and forward it to the Court taking cognizance of the offence and the said Court shall on the first appearance of such driver before it, return the licence or certificate of registration to him in exchange for the temporary acknowledgement given under sub-section (3).

(3) A police officer or other person seizing a licence or the certificate of registration under sub-section (2) shall give to the person surrendering the licence or the certificate of registration a temporary acknowledgement therefor and such acknowledgement shall authorise the holder to drive until the licence has been

returned to him or until such date as may be specified by the police officer or other person in the acknowledgement, 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 acknowledgement 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 authorization to drive to such date as may be specified in the acknowledgement.

**140. Power to detain vehicles in unsafe condition or used without certificate of registration permit, etc.—** (1) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of section 3 or section 4 or section 5 or section 27 or without the permit required by sub-section (1) of section 49 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, in the manner as prescribed by the State Government and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle:

Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used in contravention of section 3 or section 4 or without the permit required by sub-section (1) of section 49 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 is used, he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgement in respect thereof.

(2) Where a motor vehicle has been seized and detained under sub-section (1), the owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or



officer may, after verification of such documents, by order, release the vehicle subject to such conditions as the authority or officer may deem fit to impose.

**141. Summary disposal of cases.**—(1) The Court taking cognizance of any offence (other than an offence which the Central Government may by rules specify in this behalf) under this Act,—

(i) may, if the offence is an offence punishable with imprisonment under this Act; and

(ii) shall, in any other case,

state upon the summons to be served on the accused person that he—

(a) may appear by pleader or in person; or

(b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge and remit to the Court, by money order, such sum (not exceeding the maximum fine that may be imposed for the offence) as the Court may specify, and the plea of guilt indicated in the money order coupon itself:

Provided that the Court shall, in the case of any of the offences referred to in sub-section (2), state upon the summons that the accused person, if he pleads guilty, shall so plead in the manner specified in clause (b) and shall forward his driving licence to the Court with his letter containing such plea.

(2) Where the offence dealt with in accordance with sub-section (1) is an offence specified by the Central Government by rules for the purposes of this sub-section, the Court shall, if the accused person pleads guilty to the charge and forward his driving licence to the Court with the letter containing his plea, make an endorsement of such conviction on his driving licence.

(3) Where an accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (1), or as the case may be, sub-sections (1) and (2), no further proceedings in respect of the offence shall be taken against him nor shall he be liable, notwithstanding anything to the contrary contained

in this Act, to be disqualified for holding or obtaining a licence by reason of his having pleaded guilty.

**142. Courts to send intimation about conviction.**— Every Court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, shall send intimation to—

- (a) the licensing authority which issued the driving licence, and
- (b) the licensing authority by whom the licence was last renewed,

and every such intimation shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, the nature of the offence, the punishment awarded, award of penalty points for the same and such other particulars as may be prescribed.

*Chapter IX*

**MISCELLANEOUS**

**143. Power to levy fee.**—Any rule which the Central Government or the State Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of documents, issue of certificates, licences, permits, tests, endorsements, badges, plates, countersignatures, authorisation, supply of statistics or copies of documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Act or any rule made thereunder as may be considered necessary:

Provided that the Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full.

**144. Contribution to Solatium Fund-** The fine amounts realized under sections 111, 118, 119 and 122 shall be credited to the Solatium Fund.

**145. Publication, commencement and laying of rules and notifications.**—

(1) The power to make rules under this Act is subject to the condition of the rules being made after previous publication.

Provided that the Central Government may, in the public interest, by order in writing dispense with the condition of previous publication in any case

(2) All rules made under this Act shall be published in the Official Gazette, and shall unless some later date is appointed, come into force on the date of such publication.

(3) Every rule made by any State Government shall be laid, as soon as may be after it is made before the State Legislature.

(4) Every rule made by the Central Government under this Act, every scheme made by the Central Government under section 56 and the provision relating to third

party insurance and every notification issued by the Central Government under sub-section (1) of section 42, sub-section (1) of section 43, the proviso to sub-section (1) of section 77 and the provision relating to third party insurance and sub-section (4) of section 146 shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, scheme or notification or both Houses agree that the rule or scheme should not be made or the notification should not be issued, the rule, scheme or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, scheme or notification.

**146. Appointment of motor vehicles officers.**—(1) The State Government may, for the purpose of carrying into effect the provisions of the Act, establish a Motor Vehicles Department and appoint as officers thereof such persons as it thinks fit.

(2) Every such officer shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860 (45 of 1860).

(3) The State Government may make rules to regulate the discharge by officers of the Motor Vehicles Department of their functions and in particular and without prejudice to the generality of the foregoing power to prescribe the uniform to be worn by them, the authorities to which they shall be subordinate, the duties to be performed by them, the powers (including the powers exercisable by police officers under this Act) to be exercised by them, and the conditions governing the exercise of such powers.

(4) The Central Government may, having regard to the objects of the Act, by notification in the Official Gazette prescribe the minimum qualifications which the said officers or any class thereof shall possess for being appointed as such.

(5) In addition to the powers that may be conferred on any officer of the Motor Vehicles Department under sub-section (3), such officer as may be empowered by the State Government in this behalf shall also have the power to,—

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed;

(b) with such assistance, if any, as he thinks fit, enter, inspect and search any premises which is in the occupation of a person who, he has reason to believe, has committed an offence under this Act or in which a motor vehicle in respect of which such offence has been committed is kept:

Provided that,—

(i) any such search without a warrant shall be made only by an officer of the rank of a gazetted officer;

(ii) where the offence is punishable with fine only the search shall not be made after sunset and before sunrise;

(iii) where the search is made without a warrant, the gazetted officer concerned shall record in writing the grounds for not obtaining a warrant and report to his immediate superior that such search has been made;

(c) examine any person and require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;

(d) seize or take copies of any registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed;

(e) launch prosecutions in respect of any offence under this Act and to take a bond for ensuring the attendance of the offender before any Court;

(f) exercise such other powers as may be prescribed;

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate him.

(6) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be apply to any search or seizure under this section as they apply to any search or seizure under the authority of any warrant issued under section 94 of the Code.

**147. Effect of appeal and revision on orders passed by original authority.**—(1) Where an appeal has been preferred or an application for revision has been made against any order passed by an original authority under this Act, the appeal or the application for revision shall not operate as a stay of the order passed by the original authority and such order shall remain in force pending the disposal of the appeal or the application for revision, as the case may be, unless the prescribed appellate authority or revisional authority otherwise directs.

(2) Notwithstanding anything contained in sub-section (1), if an application made by a person for the renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Act against such rejection, the appellate authority or, as the case may be, the revisional authority may by order direct that the permit shall, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal or application for revision is disposed of.

(3) 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.

**148. Road Safety Councils and Committees.**—(1) The Central Government may, by notification in the Official Gazette, constitute for the country a National Road Safety Council consisting of a Chairman and such other members as that

Government considers necessary and on such terms and conditions as that Government may determine.

(2) A State Government may, by notification in the Official Gazette, constitute for the State a State Road Safety Council consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

(3) A State Government may, by notification in the Official Gazette, constitute District Road Safety Committee for each district in the State consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

(4) The Councils and Committees referred to in this section shall discharge such functions relating to the road safety programmes as the Central Government or the State Government, as the case may be, may, having regard to the objects of the Act, specify.

**149. Provision for Transport Development Council.**

**150. Power to remove difficulties.**—(1) If any difficulty arises in, giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

**151. Repeal and savings.**—(1) The Motor Vehicles Act, 1939 (4 of 1939) and any law corresponding to that Act in force in any State immediately before the commencement of this Act in that State (hereafter in this section referred to as the repealed enactments) are hereby repealed.

(2) Notwithstanding the repeal by sub-section (1) of the repealed enactments,—

(a) any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or exemption granted or any confiscation made, or any penalty or fine imposed, any forfeiture, cancellation or any other thing done or any other action taken under the repealed enactments, and in force immediately before such commencement shall, so far as it is not inconsistent with the provisions of the Act, be deemed to have been issued, made, granted, done or taken under the corresponding provision of this Act;

(b) any certificate of fitness or registration or licence or permit issued or granted under the repealed enactments shall continue to have effect after such commencement under the same conditions and for the same period as if this Act had not been passed;

(c) any document referring to any of the repealed enactments or the provisions thereof, shall be construed as referring to this Act or to the corresponding provisions of this Act;

(d) the assignment of distinguishing marks by the registering authority and the manner of display on motor vehicles in accordance with the provision of the repealed enactments shall, after the commencement of this Act, continue to remain in force until a notification under sub-section (5) of section 29 of this Act is issued;

(e) any scheme made under section 68C of the Motor Vehicles Act, 1939 (4 of 1939) or under the corresponding law, if any, in force in any State and pending immediately before the commencement of this Act shall be disposed of in accordance with the provisions of section 100 of this Act;

(3) Any penalty payable under any of the repealed enactments may be recovered in the manner provided by or under this Act, but without prejudice to any action already taken for the recovery of such penalty under the repealed enactments.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeals.



**151A. Renewal of permits, driving licences and registration granted under the Motor Vehicles Act, 1939.**—Notwithstanding the repeal by sub-section (1) of section 151 of the enactments referred to in that sub-section, any certificate of fitness or registration or licence or permit issued or granted under the said enactments may be renewed under this Act.]

**152. Right to claim compensation in certain cases.-**

Notwithstanding anything contained in the Motor Vehicles Act, 1939 or any law for the time being in force, in respect of claims for compensation under the said Act which are pending at any stage, at the date of commencement of the Motor Vehicles (Amendment) Act, 2007 in any Claims Tribunal or court, the right of an injured person to claim compensation shall upon his death be available to his legal representative, irrespective of whether the cause of death was relatable to or had any nexus with the injury or not:

Provided that in case where the cause of death is not relatable or has no nexus with the injury, the compensation shall be restricted to the period between the date of injury and the date of death of the person so injured.

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**Schedule I**  
**Category of Driving Licences**

<b>Sr. No</b>	<b>Category of licence (1)</b>	<b>Type of vehicle (2)</b>	<b>Basic criteria Age, educational experience (3)</b>	<b>Authorization for Specific use (4)</b>	<b>Criteria for authorization for specific use: Age, Medical fitness, Education, Experience, etc.(5)</b>	<b>Remarks</b>
A	Two wheelers	All kinds of 2 wheelers	18 years	Two wheelers used as Transport vehicle. Vehicle for differently abled person.	Age-20 years Medical Certificate	Specific tests /certification to be prescribed under rules
B	Three wheelers	1. Goods vehicle with/ without trailers. 2. Passenger vehicles.	20 years & 8 <sup>th</sup> Standard			
C	Light Motor Vehicle (vehicles having GVW not exceeding 7500 kg)	1. Passenger vehicles- All kinds of cars, SUVs, MUVs, (having seats not more than 12 including driver) 2. Passenger vehicles- All kinds of cars, SUVs, MUVs, (having seats more than 12 including driver)	18 years	Taxi, School vans, Trailers,  Vehicle for differently abled vehicles	Age- 20, 8th standard  Medical Certificate	Specific tests to be prescribed under rules
D	Medium and heavy passenger vehicle	All kinds of buses	20 years 8th standard	School buses		Specific tests /certification to be prescribed

E	Light and Medium goods vehicle	All four or more wheeler goods vehicles up to 12 Ton GVW	20 years 8th standard	<ul style="list-style-type: none"> <li>• Vehicles carrying Hazardous goods</li> <li>• Trailers</li> </ul>	Specific tests /certification to be prescribed under rules
F	Heavy goods vehicle	All goods vehicles above 12 Ton GVW Tractor and Trailers Horses and puller units Articulated Vehicles	20 years 8th standard	Vehicles carrying Hazardous goods, Hydraulic Trailers	Specific tests /certification to be prescribed under rules
G	Non-road mobile machinery	<ul style="list-style-type: none"> <li>• All kinds of construction vehicles</li> <li>• special purpose vehicles</li> <li>• Recovery vans</li> <li>• Cranes</li> <li>• Ambulance</li> </ul>	20 years 8th standard	Specific applications need specific authorisation	Specific tests /certification to be prescribed in rules
H	Agriculture Tractors	All kind of agricultural tractors with or without trailer, Power tillers, Combine harvester	18 years		

*Explanation: For the purpose of Chapter II, all vehicles covered under the category 1, 2, and 8, except those which need authorization or are the vehicle for differently abled person, shall be deemed as non-transport vehicle.*

**Schedule II**  
**Scheme of Penalty Points for Drivers**

**1 Penalty Point System**

An offender of offence mentioned in column 2 of table below shall be awarded penalty points as mentioned in column of the table.

**Table**

<b>Section</b>	<b>Gist of Offence</b>	<b>Penalty Points</b>
102	1. Obstructive parking (122) 2. Triple riding on 2 wheeler 3. Defective number plate (177)	1 1 1
104 (3)	Penalty for refusal to ply contract carriage	1
105	(1) Disobedience of orders (2) Refusal of information	1 1
111 (1)	Driving at excess speed	2 for 1 <sup>st</sup> offence 3 for 2 <sup>nd</sup> offence and subsequence offences
112	Violation of traffic signals	2
113	Use of Mobile Phone while driving	2
114	Failing to wear seat belt	2
115	Failing to wear helmet	2
116	Use of headlights	1
118	Driving dangerously (both speed and manner)	3 for 1 <sup>st</sup> offence 4 for 2 <sup>nd</sup> and subsequent offences
119	1. Drunken driving and 2. Driving under the influence of drugs	3

121	Non-compliance of duty by driver or other person relating to accident matters as per sec. 134	2
122	Rash & Negligent driving causing injury to persons/ damage to property	3
124	Racing (without permission)	2
125 (1), (2), (3)	Using vehicle in unsafe condition	3
134	Obstruction to free flow of traffic	1

**2. Award of Penalty Points:**

(1) Licensing authority or any person authorized in this behalf by government shall award penalty points corresponding to the specific offence to whoever commits an offence as prescribed in Table. The penalty points shall be endorsed and their record shall be maintained in a manner as may be prescribed.

(2) For the offences involving judicial proceedings and imprisonment, the Court shall award penalty points in addition to the fine and/ or imprisonment.

**3. Duration of validity of penalty points:** Points awarded for an offence shall remain on record for a period of 3 years from the date of award.

**4. Suspension** - At any point of time, if the cumulative total of the penalty points accrued by a driver crosses the limit of 12 points, the driving licence shall be suspended for the period of 1 year. On suspension of driving licence, the accrued penalty points shall cease to subsist.

**5. Cancellation:** If a driver, whose licence has been suspended, again accumulates 12 points, his licence shall be cancelled for a period of 5 years.

**6. Cancellation of Learner's Licence:** If a person holding a learner's licence accrues 4 points his licence shall be cancelled. The person whose learners licence has been cancelled, shall produce a certificate of driving as prescribed from recognized/ accredited institute when he applies for fresh learner's licence

**INTRODUCTION TO CHAPTERS AND CHAPTER-WISE  
RECOMMENDATIONS**

**Chapter I: Preliminary**

The definitions in Chapter I of the Motor Vehicle Act (MVA) are used extensively in the Act, CMVR and other laws. The Committee, therefore, took great care to identify the use of a definition while suggesting amendments. The Committee noted that some of the definitions were out dated and inaccurate, leading to ambiguity. The Committee has suggested deletion or replacement of these definitions. The Committee has also sought to bring the definitions in harmony with definitions used internationally and also to make the definitions technology neutral and capable of accommodating technology changes in the future.

**Chapter II: Licensing of Drivers of Motor Vehicles**

In reviewing this Chapter the Committee has sought to re-organize the Chapter to provide for a better flow and integration of the provisions relating to eligibility, grant of license, suspension etc. and to telescope some of the provisions to avoid duplication of work. The Committee has also suggested provisions to standardize categories of vehicles, restrict issuance of multiple license, enhance the validity period of licenses, introduce an unique numbering scheme and effect changes in the eligibility criteria and test procedures to ensure better driver performance and road safety. Some of these suggestions are briefly described below:

1. Category of License

The Committee has recommended eight distinct categories of licenses which are enumerated alongwith eligibility criteria in Schedule 1. The Committee has also suggested the need for a specific authorization based on skill requirement to drive a specific vehicle or a motor vehicle for a specified purpose. This is being done in order to ensure better driving performance and road safety. A two stage procedure has been suggested for the grant of the license and subsequent authorization where necessary.

2. Unique number for driving license.

Presently the Act does not provide for a scheme for allotting numbers for driving licenses and this has resulted in the issue of the same number for a new licence or duplicate license issued by different RTOs even within a State; this also allows scope for fake licenses. The Committee, therefore, has

provided for the issue of a “unique” license number to every licensee and for arrangements to enable the present license holders to obtain a unique number within a specified time period. This scheme will enable the linking of the driving license with the UID number (ADHAAR).

3. Requirement of a driving license and eligibility for driving license.

Presently the law requires a driving license only for driving a vehicle in public place. The Committee has recommended that a driving license should be made mandatory for driving a vehicle at ‘any’ place in order to reduce vehicle related morbidity and mortality.

4. Validity of a License

Presently a license for driving a non-transport vehicle is valid for 20 years and for driving a transport vehicle for 3 years. An amendment to this Act has been suggested to enhance the validity of a licence to drive a non-transport vehicle till the holder attains the age of 50 and for renewal thereafter till he attains the age of 70 years on the basis of a medical certificate; subsequent renewals will be valid for 5 years each. In the case of transport vehicles the initial license will be valid for a period of 5 years and shall be renewable. The authorisation for driving a vehicle of a special category or use shall be for such period as may be prescribed.

5. The provisions for the grant of a learners’ license and a driving license are now separate. The Committee has suggested telescoping the provisions in order to avoid duplication of work and inconvenience to applicants without compromising road safety.

### **Chapter III: Licensing of Conductor of Stage Carriages**

The Committee was of the view that if conductors were necessary for stage carriages, they were equally necessary for contract carriages, which carry passengers over long inter-city distances, to ensure their safety and welfare. The Committee was of the view that detailed provisions in the Act were not necessary to regulate conductors and this could be left to the state government. Accordingly the Committee has proposed deletion of Chapter III and the introduction of a provision in Chapter V to enable state governments to prescribe rules in respect of conductors as required.

## **Chapter IV: Registration of Motor Vehicles**

The Committee has suggested substantive changes to this Chapter in an attempt make it more streamlined and user friendly. Some of the major changes suggested are highlighted below:

### 1. Portability of Registration Number

Presently the owner of a vehicle is required to apply for a new number when he shifts his place of residence or place of business from one state to another. The Committee has suggested an amendment to introduce a scheme that would provide for 'number portability' and allow the original registration number to remain valid throughout the country. The Committee recommends that this provision should be implemented to begin with for non-transport vehicles and later for other categories.

The Committee has also suggested simplification in the procedure for notifying and recording the change of address. However; penalty for not notifying change of address has been made more stringent.

### 2 Provision relating to hire purchase agreements.

The Committee has suggested that the provisions in the Act relating to hire purchase agreements be restricted to banks and finance companies registered with the RBI and that charges be levied for the provision of data, issue of certificates and other services rendered by the RTO to the banks and finance companies.

### 3 Fitness certificates and Validity of Registration Certificate.

Presently all non-transport vehicles are registered for a period of 15 years and do not require to obtain a fitness certificate till the end of 15 years. While the law presently does not provide for a period for registration of transport vehicles, registration is linked to fitness certificate which has to be obtained annually after two years of initial registration.

The Committee suggests that non transport vehicle should also be required to obtain fitness certificates and revalidate their registration certificates at periodicities to be determined by the Government of India. The Committee recommends that from 2015 onwards all vehicles should renew their registration annually.

The Committee recommends the empowerment of the Government of India to frame rules to provide for disposal of vehicles and components thereof when



they cease to be road worthy in accordance with the recommendations made by the Habitat Mission of The National Action Plan on Climate Change.

#### **Chapter V: Control of Transport Vehicles**

The Committee has attempted to simplify and streamline the provision of the chapter. There are many provisions in the Chapter which should ideally be in the CMVR because they deal with procedural matters relating to permit.

#### **Chapter VI: Special Provisions relating to State Transport Undertakings**

The Committee has suggested that the protection given to state transport undertakings should be withdrawn and the state governments enabled to use both the public sector and / or the private sectors to provide public transport. Accordingly, the Committee has recommended that the State Governments be empowered to draw up and implement schemes for providing public transport, including Para transit, within a city or between cities. The Committee has also suggested streamlining and simplification of the procedures for the issue of other permits.

#### **Chapter VII: Construction, Equipment and Maintenance of Motor Vehicles**

Amendments to this Chapter have been made to meet current and future technology changes and to empower the Government of India to set standards and procedures to protect the environment, ensure fuel efficiency and energy conservation and improve the performance of in-use vehicles.

#### **Chapter VIII Control of Traffic**

The Committee recommends that in the case of overloading the owner and the consigner should also be presumed to have committed the offence. This is necessary to stop overloading altogether and is in accordance with international best practices. The Committee has also suggested provisions to regulate the carriage of over dimensional equipments / goods, flying object etc. Further, the Committee has suggested that provisions relating to safety of all vehicle occupants be made more stringent. The Committee has also made suggestions for updating traffic and road signs from time to time and harmonizing them with international best practices.

**Chapter IX: Motor Vehicle temporarily leaving or visiting India**

No Change in provisions.

**Chapter X (Liability without fault in certain cases), Chapter XI (Insurance of Motor Vehicles against third party risks) & Chapter XII (Claims Tribunal)**

The Committee recommends that the above chapters be taken out of the Motor Vehicle Act and the provisions relating to vehicle insurance in the MVA be restricted to the following. Other matters relating to insurance of Motor Vehicles, payment of compensation to the

accident victims and the procedure in this regard etc. should be incorporated into a separate Act more appropriately drawn up by the Ministry of Finance.

Matters to be dealt with by the Motor Vehicle Act:

- i) Third Party Insurance for a motor vehicle shall be mandatory. "Third Party should be adequately defined.
- ii) The Certificate of Insurance should be co-terminus with the validity of Certificate of Registration of the motor vehicle.
- iii) The motor vehicle owner/driver shall produce the Certificate of Insurance for inspection to the police officer/enforcement authorities on demand.
- iv) Cash less medical treatment to the road accident victims during first 72 hours will be provided by the Insurance Companies.

**These recommendations could be formulated as under:**

**Necessity for insurance against third party risk** - A motor vehicle shall be insured as per a policy of insurance complying with the requirements of this Chapter.

Provided that the certificate of insurance shall be valid till the validity of registration of the motor vehicle as may be prescribed by the Government from time to time.

Provided further that in the case of a vehicle carrying, or meant to carry, dangerous or hazardous goods, there shall also be a policy of insurance under the Public Liability Insurance Act, 1991.

Explanation:- A person driving a motor vehicle merely as a paid employee, while there is in force in relation to the use of the vehicle no such policy as is required by this sub-section, shall not be deemed to act in contravention of the sub-section unless he knows or has reason to believe that there is no such policy in force.

**Definition of Third Party:-**

“third party” means any person other than the insured and the insurer, and includes the Government, the driver of the vehicle and the passengers travelling in it.

**Production of certificate of registration:-**

The driver or conductor of a motor vehicle shall produce certificate of insurance on demand by any police officer in uniform or any other officer authorized by the State Government in this behalf, and if the certificate is not in his possession, he shall produce in person an extract or extracts of the documents duly attested by any police officer or by any other officer or send it to the officer who demanded the document by registered post within 15 days from the date of demand.

**Cashless treatment to road accident victims:-**

The Government may frame a scheme to provide cashless medical treatment to the road accident victims during first 72 hours by the insurance company.

**The Committee makes the following recommendations which could be considered for incorporation in the proposed new Motor Vehicle Insurance Act:-**

- a) Definition of authorized insurer be modified to include all private player also, duly licensed by Insurance Regulatory Development Authority. **Section 145 (a)**
- b) The amount of compensation under “hit & run” cases and under the Structured Compensation Formula should be enhanced. Further there should be a provision to increase the amount of compensation based on the rising cost of living. **Section 161 (3) (a), Section 163A**
- c) Provision should be made for an insurance policy to become void on the grounds of non-disclosure or misrepresentation or non-receipt of premium. **Section 149 (1)**
- d) The insurer may be relieved from the liability in case the vehicle is driven by a person not having an effective driving licence or in case of non-receipt of premium. **Section 149 (2)**
- e) The insurer may be allowed to contest the claim on any relevant ground including the quantum. **New Provision**
- f) There should be a cap on the liability of insurers to pay compensation under the Structured Compensation Formula on “no fault principles”, of Rs. 10 lakhs and on fault principle of Rs. 20 lakhs. There should be a similar cap on the compensation to

be awarded by the MACTs. Claims beyond this amount should be adjudicated by Civil Courts. **New provision**

g) The Motor Accident Claims Tribunal (MACT) or Civil Court shall endeavor to dispose of a case within two years from the date of its filing, not to ordinarily grant adjournment unless sufficient cause and reasons of adjournment have been recorded in writing by the MACT or civil court. **New provision**

h) There should be a time limit, say, 3 years for filing application from the occurrence of accident subject to general principles provided in the Limitations Act, 1963. **New provision**

i) To enable the insurer to make an endeavour to settle the claims out of court/Tribunal directly with the claimant by mutual consent. **New provision**

j) The rate of interest on the amount of compensation be linked to 200 basis points above the bank rate as notified by the Reserve Bank of India to introduce certainty and uniformity regarding the interest on amount payable as compensation. **New provision**

k) Provision for interim compensation of Rs. 1,00,000/- in case of death or permanent total disablement and Rs. 50,000/- in case of permanent partial disablement, resulting from loss of a limb or sight of either eye or grievous hurt leading to such disablement. to the victim within three months from the date of filing of application **New provision**

l) The Act may suitably provide for the adoption of the procedure for settlement of accident cases by MACT, as laid down by the Hon'ble High Court of Delhi and Hon'ble Supreme Court of India in the respective MACT Rules of the States. **New provision**

### **Chapter XIII: Offences, Penalties and Procedure**

The provisions relating to offences, penalties and the procedure for levy of penalties were last prescribed in 1988 and have, over time, ceased to have any punitive effect. The Committee has reviewed and revised the provisions to make them punitive. The Committee has also made specific provisions to deal with offences like red light jumping, using mobile phones, not wearing helmets etc. which are currently covered under Section 177 which covers all violations of the Act that have not been specifically provided for. A large number of violations currently attract both imprisonment and fine. Experience has shown that imprisonment is seldom resorted to by the courts. The Committee has restricted the provision of imprisonment only to offences that endanger human life and property. Also, presently even offences that provide for imprisonment are compoundable under Section 200. The amendments

proposed do not enable offences which provide for imprisonment to be compounded. In the case of serious and repeated offences, the Committee has also prescribed the minimum period of imprisonment or fine that should be levied.

In order to reduce the growing tendency to commit repeated violations of provisions of the Motor Vehicle Act the Committee has introduced a scheme for penalty points as is prevalent in other countries like Singapore, Brazil, and Australia etc. The scheme, which has been detailed in Schedule II of the proposed Act, will result in penalty points, as specified, being awarded and noted in the license for violations as specified and lead to suspension or cancellation of the license on accumulation of the prescribed number of points.

#### **Chapter XIV: Miscellaneous**

Section 215 dealing with Road Safety Councils could be deleted in the context of the Bill to establish a National Road Safety and Traffic Management Board and Advisory Committees.

Provision should be introduced to describe the Transport Development Council and its remit.

Provisions for appeal against the orders of the relevant authorities are presently contained in different chapters. These provisions should be transferred to this chapter.

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

Existing Text of MVA	Expert Committee Suggestion	Remark/Justification
<p><b>CHAPTER 1: PRELIMINARY</b></p> <p><b>1. Short title, extent and commencement.—</b>(1) This Act may be called the Motor Vehicles Act, 1988.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in this Act to the commencement of this Act shall, in relation to a State, be construed as a reference to the coming into force of this Act in that State.</p>	<p><b>CHAPTER 1: PRELIMINARY</b></p> <p><b>1. Short title, extent and commencement.—</b>(1) This Act may be called the Motor Vehicles Act, 2011.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint different dates may be appointed for different provisions.</p>	
<p><b>2. Definitions.—In this Act, unless the context otherwise requires,—</b></p>	<p><b>2. Definitions.—In this Act, unless the context otherwise requires,—</b></p> <p>(1) “agricultural and forestry tractor” means a power-driven vehicle, either wheeled or track laying, which has at least two-axles, whose function depends essentially on its tractive power, and which is specially designed to pull, push, carry or actuate certain implements, machines or trailers intended for use in agriculture or forestry.</p> <p>Such a tractor may be arranged to carry load and attendants.</p>	<p>New Definition of “agricultural and forestry tractor” has been introduced.</p> <p>(1) Existing definition of agriculture tractor in CMVR should be replaced by this definition, which is internationally accepted definition.</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

*Annexure V*

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(1) “area”, in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;</p> <p>(2) “articulated vehicle” means a motor vehicle to which a semi-trailer is attached;</p> <p>(3) “axle weight” means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface on which the vehicle rests;</p> <p>(4) “certificate of registration” means the certificate issued by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter IV;</p>	<p>(2) “area” – No change</p> <p>(3) articulated vehicle” means a motor vehicle to which a semi-trailer or trailer is attached or a vehicle which is composed of two or more rigid sections connected by articulated joints for carriage of goods or passengers;</p> <p>(4) “axle weight” means in relation to an axle of a vehicle the total weight transmitted to the surface on which the vehicle rests by the wheel/wheels attached to that axle;</p> <p>(5): “certificate of registration” – No change in definition; however, Chapter IV has been changed to Chapter III.</p>	<p>(2) Sr. No 1 has been changed to (2) and similar changes also for subsequent serial numbers.</p> <p>(3) Expands the scope of the definition to include vehicles with two rigid sections attached by an articulated joint.</p> <p>(4): Reworded to convey the same meaning in simple words.</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(5) “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;</p> <p>(6) “conductor’s licence” means the licence issued by a competent authority under Chapter III authorising the person specified therein to act as a conductor;</p> <p>(7) “contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum—</p> <p>(a) on a time basis, whether or not with reference to any route or distance; or</p> <p>(b) from one point to another, and in either case, without stopping to pick up or set down passengers not included in the contract</p>	<p>(6): “conductor” in relation to a stage carriage, means a person engaged in collecting fares from passengers, regulating their entrance into, or exit from, the “public service vehicle” and performing such other functions as may be prescribed;</p> <p>(7): “conductor licence” - Deleted</p> <p>(7) “contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum—</p> <p>(a) on a time basis, whether or not with reference to any route or distance; or</p> <p>(b) from one point to another, and in either case, without stopping to pick up or set down passengers not included in the contract</p>	<p>(6) Definition is modified to enable appointment of conductors on any vehicles carrying passengers for hire or reward.</p> <p>(7) Deleted as Redundant</p> <p>(7) “(i) maxicab; and” &amp; “(ii) motorcab” are replaced with “a taxi” to minimise various categories of vehicles.</p>



**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>anywhere during the journey, and includes—</p> <p>(i) a maxicab; and</p> <p>(ii) a motorcab notwithstanding the separate fares are charged for its passengers;</p> <p>(8) “dealer” includes a person who is engaged—                      1[***]</p> <p>(b) in building bodies for attachment to chassis; or</p> <p>(c) in the repair of motor vehicles; or</p> <p>(d) in the business of hypothecation, leasing or hire-purchase of motor vehicle;</p> <p>(9) “driver” includes, in relation to a motor vehicle which is drawn by another motor vehicle, the person who acts as a steersman of the drawn vehicle;</p>	<p>anywhere during the journey, and includes a taxi notwithstanding that separate fares are charged for its passengers;</p> <p>(8) “dealer” means a person engaged in the business of dealership or buying, selling and/ or service of new or used motor vehicle either on his own or under contract or any other agreement with the manufacturer or working as agent of manufacturer and includes a person who is engaged—</p> <p>(a) in building bodies for attachment to chassis; or</p> <p>(b) in the business of hypothecation, leasing or hire-purchase of motor vehicles;</p> <p>(9) “driver” means any person who drives or steers a motor vehicle.</p>	<p>(8) Dealer’s definition has been made more comprehensive to include all those who deal in motor vehicles.</p> <p>(9) Definition of “driver” has been simplified.</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(10) “driving licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified class or description;</p> <p>(11) “educational institution bus” means an omnibus, which is owned by a college, school or other educational institution and used solely for the purpose of transporting students or staff of the educational institution in connection with any of its activities;</p> <p>(12) “fares” includes sums payable for a season ticket or in respect of the hire of a contract carriage;</p>	<p>(10) “driving licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified category of motor vehicle/s;</p> <p>(11) “educational institution bus” means a passenger carrier constructed or adapted to carry more than six persons excluding driver, which is owned by a school, college or other educational institution or research organization and used solely for the purpose of transporting students or staff of the institution in connection with its activities;</p> <p>(12) “fares” means sums payable for a season ticket or in respect of use of the vehicle as a public service vehicle</p>	<p>(10) Word “<i>description</i>” is removed. In Motor Vehicle Act; at various places, words class/classes or description are used. The same are confusing; therefore, “class or classes or description” have been replaced with “category” through the ACT.</p> <p>(11) Scope of educational institution bus is extended and definition has been amended as “omnibus” has been deleted in view of minimising the various categories.</p> <p>(12) Definition has been amended to make it comprehensive and include fares paid for the use of any public service vehicle. (Please see definition of Public service Vehicle)</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(13) “goods” includes livestock, and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to a motor car or the personal luggage of passengers travelling in the vehicle;</p> <p>(14) “goods carriage” means any motor vehicle constructed or adapted for use solely for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods;</p> <p>(15) “gross vehicle weight” means in respect of any vehicle the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle;</p>	<p>(13) “goods” means any kind of movable property and includes livestock but does not include persons and their personal effects. Explanation- Motor vehicles being transported on another motor vehicle shall be also considered as goods.</p> <p>(14) “goods vehicle/carriage” means any motor vehicle constructed, adapted or used for the carriage of goods.</p> <p>(15) “gross vehicle weight” means in respect of any vehicle the maximum weight of the vehicle in laden condition as specified by the manufacturer and certified by the approving authority.</p> <p>(16) “hazardous goods” or “dangerous goods” means substances or articles notified as hazardous or dangerous by the Government of India from time to time;</p>	<p>(13) Definition has been simplified and streamlined.</p> <p>(14) Definition has been simplified and streamlined.</p> <p>(15) Definition of gross vehicle weight has been modified to make it technically correct.</p> <p>Introduced new definitions (16) and (17);</p> <p>(16) To clearly define the meaning of Hazardous goods and enable the Government to notify hazardous or dangerous goods in consonance with different Acts.</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

*Annexure V*

Existing Text of MVA	Expert Committee Suggestion	Remark/Justification
<p>(16) “heavy goods vehicle” means any goods carriage the gross vehicle weight of which, or a tractor or a road-roller the unladen weight of either of which, exceeds 12,000 kilograms;</p> <p>(17) “heavy passenger motor vehicle” means any public service vehicle or private service vehicle or educational institution bus or omnibus the gross vehicle weight of any of which, or a motor car the unladen weight of which, exceeds 12,000 kilograms;</p>	<p>(17) “haulage tractor” means a motor vehicle designed primarily to haul other motor vehicles which are not driven by their own power;</p> <p>(18) “heavy goods vehicle” means any goods carriage the gross vehicle weight of which, exceeds 12,000 kilograms;</p> <p>(19) “heavy passenger vehicle” means a passenger vehicle the gross vehicle weight of which, exceeds 12,000 kilograms;</p> <p>(20) “Importer” means a person importing a motor vehicle/s to India for the purpose of use, sale or lease.</p>	<p>(17) Existing definition of tractor has been now redefined as “haulage tractor” and simplified the earlier definition, besides bringing into its fold tractors which are not exclusively but primarily used for haulage purposes.</p> <p>(18) Definition has been simplified.</p> <p>(19) Definition has been simplified.</p> <p>Introduced new definition “importer” at sr. no (20)</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(18) “invalid carriage” means a motor vehicle specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person;</p> <p>(19) “learner’s licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive as a learner, a <i>motor vehicle</i> or a motor vehicle of any specified class or description;</p> <p>(20) “licensing authority” means an authority empowered to issue licences under Chapter II or, as the case may be, Chapter III;</p> <p>(21) “light motor vehicle” means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed 2[7,500] kilograms;</p> <p>(21A) “manufacturer” means a person who is engaged in the manufacture of motor vehicles;]</p>	<p>(18) “invalid carriage” - Deleted.</p> <p>(21) “learner’s licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive as a learner, a motor vehicle or a motor vehicle of any specified category.</p> <p>(22) “licensing authority” means an authority empowered to issue licences under Chapter II.</p> <p>(23) “light motor vehicle” means a motor vehicle having four or more wheels, the gross vehicle weight of which, does not exceed 7500 kilograms and includes passenger carriers and goods carriers;</p> <p>(24) “manufacturer” means a person who is engaged in the manufacture of motor vehicles.</p>	<p>(18) The definition is replaced with the legal wordings “vehicles for differently abled person.”</p> <p>(21): Word “<i>description</i>” is removed from learner’s license to avoid confusion.</p> <p>(22) Reference to Chapter III has been omitted as Chapter III has been deleted.</p> <p>(23) Definition has been simplified and streamlined.</p> <p>(24) words “and includes a person who is engaged in building the body of a vehicle” are added. Scope of the definition is enhanced.</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(22) “maxicab” means any motor vehicle constructed or adapted to carry more than six passengers, but not more than twelve passengers, excluding the driver, for hire or reward;</p> <p>(23) “medium goods vehicle” means any goods carriage other than a light motor vehicle or a heavy goods vehicle;</p> <p>(24) “medium passenger motor vehicle” means any public service vehicle or private service vehicle, or educational institution bus other than a motor cycle, invalid carriage, light motor vehicle or heavy passenger motor vehicle;</p> <p>(25) “motor cab” means any motor vehicle constructed or adapted to carry not more than six passengers excluding the driver for hire or reward;</p> <p>(26) “motor car” means any motor vehicle other than a transport vehicle, omnibus, road-roller, tractor, motor cycle or invalid carriage;</p>	<p>(22) maxicab: deleted</p> <p>(25) “medium goods vehicle” means goods carriage having gross vehicle weight exceeding 7500 kilograms but not exceeding 12,000 kilograms;</p> <p>(26) “medium passenger vehicle” means a passenger vehicle having gross vehicle weight exceeding 7,500 kilograms but not exceeding 12,000 kilograms;</p> <p>(25) motor cab: Deleted</p> <p>(26) motor car: Deleted</p>	<p>(22) To reduce category of vehicle.</p> <p>(25) LMV and Heavy goods vehicles are separately defined; therefore the same are removed from definition of medium goods vehicle.</p> <p>(26) Simplified and streamlined.</p> <p>(25): To reduce number of category of vehicles.</p> <p>(26): To reduce number of category of vehicles.</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(27) “motor cycle” means a two-wheeled motor vehicle, inclusive of any detachable side-car having an extra wheel, attached to the motor vehicle;</p> <p>(28) “motor vehicle” or “vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding 4[twenty-five cubic centimeters];</p>	<p>(27) motor cycle is replaced with two wheelers</p> <p>(27) “motor vehicle” or “vehicle” means any mechanically propelled vehicle used in any place whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or vehicles with a maximum design speed less than 25 km/h and having power less than 250 W or such vehicles as may be notified by the Central Government from time to time</p> <p>(28): “Multi-axled Vehicle” means a vehicle having more than two axles;</p> <p>(29): “non-road mobile machinery” means any mobile machine, construction equipment, earth moving equipment, transportable industrial</p>	<p>(27): Definition has been deleted in view of new definition of “two wheeler” at 49.</p> <p>(27) Definition has been amended to cover the use of Motor Vehicle in any place and not only on roads except areas for which have been specifically excluded. The definition has also been amended to reflect technological changes and electric vehicles.</p> <p>New definition “Multi-axled Vehicle” at sr. no (28) and “non-road mobile machinery” at sr. no (29) have been introduced.</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(29) “omnibus” means any motor vehicle constructed or adapted to carry more than six persons excluding the driver;</p> <p>(30) “owner” means a person in whose name a motor vehicle stands registered, and where such person is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchase, agreement*, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;</p>	<p>equipment or vehicle with or without body work, not intended for the use of passenger or goods transport on the road, in which an internal combustion engine is installed.</p> <p>Explanation: Vehicles used for carriage of passengers or goods on road and certified as passenger vehicles or goods vehicles shall not be included in this definition.</p> <p>(29) omnibus: Deleted.</p> <p>(30) “owner” means a person:</p> <p>(a) in whose name a motor vehicle stands registered and where such person is a minor, the guardian of such minor,</p> <p>(b) and in relation to a motor vehicle which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;</p> <p>(c) in respect of an unregistered vehicle, the person in possession or control of the vehicle</p> <p>(d) a vehicle manufacturer or importer or a dealer till such time the vehicle is registered under</p>	<p>(30): Definition has been streamlined and made comprehensive.</p>



**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

Existing Text of MVA	Expert Committee Suggestion	Remark/Justification
<p>(31) “permit” means a permit issued by a State or Regional Transport Authority or an authority prescribed in this behalf under this Act authorising the use of a motor vehicle as a transport vehicle;</p> <p>(32) “prescribed” means prescribed by rules made under this Act;</p>	<p>Section 27 or 31.</p> <p>(31) “passenger vehicle” means any motor vehicle constructed or adapted for use for the carriage of passengers and their personal luggage;</p> <p>(32) “permit” means a permit issued by a State or Regional Transport Authority or an authority prescribed in this behalf under this Act authorising the use of a motor vehicle as a transport vehicle; this does not include Light Motor Vehicles used in schemes to promote shared passenger traffic such as car pooling, car on sharing basis, etc. as may be notified.                      Explanation: Carpool consists of two or more persons driving together in a privately owned vehicle. At a workplace, employees may choose to carpool without any assistance or involvement from the employer.</p> <p>(33) “prescribed” – only Sr. No has been changed;</p>	<p>New definition of “passenger vehicle” has been introduced at sr. no 31.</p> <p>(32) Definition has been streamlined to facilitate Car Pools or Car Sharing.</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(33) “private service vehicle” means a motor vehicle constructed or adapted to carry more than six persons excluding the driver and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for, or in connection with, his trade or business otherwise than for hire or reward but does not include a motor vehicle used for public purposes;</p>	<p>(34) “private service vehicle” - only Sr. No has been changed ,</p>	
<p>(34) “public place” means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage;</p>	<p>(35) “public place” means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down;</p>	<p>(35) Simplified.</p>
<p>(35) “public service vehicle” means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a maxicab, a motorcab, contract carriage, and stage carriage;</p>	<p>(36) “public service vehicle” means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward,; this does not include Light Motor Vehicles used in schemes to promote shared passenger traffic such as car pooling, car on sharing basis, etc. as may be notified</p>	<p>(36) Definition has been simplified and streamlined.</p>

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<p>(36) “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;</p>	<p>(37) “registered axle weight” means in respect of the axle of any vehicle, the axle weight certified and registered as permissible for that axle;</p>	<p>37) Words “by the registering authority” are removed and Simplified.</p>
<p>(37) “registering authority” means an authority empowered to register motor vehicles under Chapter IV;</p>	<p>(38) “registering authority” - No change in definition; however, Chapter IV has been changed to Chapter III.</p>	<p>(39): Simplified.</p>
<p>(38) “route” means a line of travel which specifies the <i>highway</i> which may be traversed by a motor vehicle between one terminus and another;</p>	<p>(39) “route” means a line of travel which may be traversed by a motor vehicle;</p>	<p>(40): Simplified and streamlined.</p>
<p>5[(39) “semi-trailer” means a vehicle not mechanically propelled (other than a trailer), which is intended to be connected to a motor vehicle and which is so constructed that a portion of it is super-imposed on, and a part of whose weight is borne by, that motor vehicle;]</p>	<p>(40) “semi-trailer” means any trailer designed to be coupled to a motor vehicle in such a way that a part of its weight and/ or a part of its load is borne by the motor vehicle to which it is coupled.;</p>	<p>(41) Definition has been amended to reflect the change in other definition.</p>
<p>(40) “stage carriage” means a motor vehicle constructed or adapted to carry more than six passengers excluding the driver for hire or reward at</p>	<p>(41) “stage carriage” means a passenger vehicle used, constructed or adapted to carry more than thirteen persons (including driver) for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for</p>	<p>(41) Definition has been amended to reflect the change in other definition.</p>

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<p>separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey;</p> <p>(41) “State Government” in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution;</p> <p>(42) “State transport undertaking” means any undertaking providing road transport service, where such undertaking is carried on by,—</p> <p>(i) the Central Government or a State Government;</p> <p>(ii) any Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950 (64 of 1950);</p> <p>(iii) any municipality or any corporation or company owned or controlled by the Central Government or one or more State Governments, or by the Central Government and one or more State Governments.</p> <p>6[(iv) Zila Parishad or any other similar local authority.]</p> <p><i>Explanation.</i>—For the purposes of this clause, “road transport service” means a service of motor vehicles carrying passengers or goods or both by road for hire</p>	<p>stages of the journey;</p> <p>(41) “State Government” - Deleted</p> <p>(42) “State transport undertaking” means any undertaking providing road transport service, where such undertaking is carried on by,—</p> <p>(i) the Central Government or a State Government;</p> <p>(ii) any Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950;</p> <p>(iii) any corporation or company owned or controlled by the Central Government or one or more State Governments, or by the Central Government and one or more State Governments;</p> <p>(iv) any local authority constituted under article 243 or 243 A of the Constitution of India.</p> <p><i>Explanation.</i>—For the purposes of this clause, “road transport service” means a service of motor vehicles carrying passengers or goods or both by</p>	<p>(41): Deleted as is Redundant.</p> <p>(42) Definition has been amended to reflect the correct legal position.</p>

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<p>or reward</p>	<p>road for hire or reward;</p>	<p>New definition of “taxi” at sr. no (43) has been introduced.</p>
<p>(43) “tourist vehicle” means a contract carriage, constructed or adapted and equipped and maintained in accordance with such specifications as may be prescribed in this behalf;</p>	<p>(43) “taxi” means a light motor vehicle used for carriage of not more than 13 persons (including driver) for hire or reward but does not include vehicles which are used in schemes to promote shared passenger traffic such as car pooling, car on sharing basis, etc. as may be notified</p>	
<p>(44) “tractor” means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion); but excludes a road-roller;</p>	<p>(44) “tourist vehicle” – only change in Sr, No.</p>	
<p>(45) “traffic signs” includes all signals, warning sign posts, direction posts, markings on the road or other devices for the information, guidance or direction of motor vehicles;</p>	<p>(45) “tractor” is redefined as “haulage tractor” .</p>	
	<p>(45) “traffic signs” includes all signals, warning sign posts, direction posts, markings on the road or other devices for the information, guidance or direction to any user of the road.</p>	

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<p>(46) “trailer” means any vehicle, other than a semi-trailer and a side-car, drawn or intended to be drawn by a motor vehicle;</p> <p>(47) “transport vehicle” means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle;</p>	<p>(46) “trailer” means any non-self-propelled vehicle designed, constructed or adapted to be drawn by a vehicle driven by its own power but does not include a side car attached to a two wheeler;</p> <p>(47) “transport vehicle” means a motor vehicle used for carriage of passengers for hire or reward or a goods vehicle but does not include private service vehicle.</p> <p>(48). “two wheeler” means a two wheeled motor vehicle with or without a detachable side car with one or more wheels and includes a two wheeler adapted for use by differently abled person.</p> <p>(49) “three wheeled Vehicle” means a motor vehicle having three wheels designed, constructed or adapted for the carriage of persons and/ or goods, but does not include a two wheeler attached with a side car or a two wheeler adapted for use by differently abled persons.</p>	<p>(46): Words “to any user of the road” are inserted while words “of drivers of motor vehicles” are deleted for better clarity.                      Applicability of traffic sign is made for all users in addition to drivers.</p> <p>New definitions (49): Three Wheeled Vehicle and (48): Two Wheeler have been added. The definition of 3W and 2W were conspicuously absent. Hence included now.</p>

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<p>(48) “unladen weight” means the weight of a vehicle or trailer including all equipment ordinarily used with the vehicle or trailer when working, but excluding the weight of a driver or attendant; and where alternative parts or bodies are used the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body;</p>	<p>(50) “unladen weight” - No Change except for Sr. No.</p>	<p>(51): Definition is introduced to replace existing definition of “invalid carriage”. Definition is legally correct and negative connotation in the earlier definition is removed.</p>
<p>(49) “weight” means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests.</p>	<p>(51): “Vehicle for differently abled persons” means a motor vehicle specially designed and constructed or adapted for the use by or for a person who is differently abled;</p> <p>(52) “weight” means the total weight transmitted by the wheels of a vehicle to the surface on which the vehicle rests.</p>	<p>(52): Words “for the time being” are deleted and definition is simplified. Renumbered</p>
<p><b>CHAPTER II: LICENSING OF DRIVERS OF MOTOR VEHICLES</b></p> <p><b>3. Necessity for driving licence.</b>—(1) No person shall drive a motor vehicle in any public place unless he holds an effective driving licence issued to him authorising him to drive the vehicle; and no person shall so drive a transport vehicle</p>	<p><b>3. Necessity for driving licence.</b> – (1) No person shall drive a motor vehicle in any place unless he holds an effective driving licence issued to him by the licencing authority authorizing him</p>	<p>3(1): The committee recommends that license is necessary to drive a vehicle in “any place” and not only in public place as safety issues are involved. The definition has also been streamlined.</p>

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<p>[other than 1 [a motor cab or motor cycle] hired for his own use or rented under any scheme made under sub-section (2) of section 75] unless his driving licence specifically entitles him so to do.</p> <p>(2) The conditions subject to which sub-section (1) shall not apply to a person receiving instructions in driving a motor vehicle shall be such as may be prescribed by the Central Government.</p>	<p>to drive the vehicle.</p> <p>(2) No owner or person in charge of a motor vehicle shall cause or permit any person who does not hold an effective driving licence to drive the motor vehicle.</p> <p>(3) The provisions of sub-section (1) and (2) shall not apply to, a person receiving instructions in driving a motor vehicle, provided he has a valid learners licence and shall be subjected to such conditions as may be prescribed by the Central Government in this regard.</p> <p>(4) Notwithstanding anything contained in sub-section (1) or (2), no person shall drive a motor vehicle mentioned in column 4 of Schedule I,</p>	<p>3(2): New subsection (2) is existing Section (5).</p> <p>Existing subsection 3(2) has been replaced with a new subsection 3(3) and language of the section is made clear by specifying that any person receiving instructions in driving needs a learner's licence.</p> <p>3(5) is existing Section (13).</p>



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	<p>unless he holds a valid authorization to drive that type of vehicle.</p> <p>(5) A learner’s licence or a driving licence, issued under this Act, shall be effective throughout India.</p> <p><b>4. Category of driving licences.</b> (1) A driving licence shall be issued by the licencing authority for the category of licence mentioned in column 2 of Schedule I authorizing him to drive any motor vehicle mentioned in column 3 against that category.</p> <p style="padding-left: 40px;">Provided that a licence holder shall not be authorized to drive a vehicle mentioned in column 4 unless he has passed such test or has produced such certificate, in addition to requirements of section 6, as may be prescribed by the Central Government.</p> <p style="padding-left: 40px;">(2) A person may be authorized to drive vehicles of different categories subject to his satisfying requirements of section 6.</p>	<p><b><i>New provision 4 is added.</i></b></p> <p>(4): Issue of the driving license has been made a two stage processes. The driving license and authorisation. Hence the requirement of new provision. Due to telescoping of learners and driver license, existing section 10(2) is taken under “Category of Driving License 3(A)” new provision. In view of lack of clarity on category of driving licenses and a driving license authorising a license holder to drive what all kind of vehicles.</p> <p>Cross reference of section is new section 6.</p>

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<p><b>4. Age limit in connection with driving of motor vehicles.</b>—(1) No person under the age of eighteen years shall drive a motor vehicle in any public place: Provided that [a motor cycle with engine capacity not exceeding 50cc] may be driven in a public place by a person after attaining the age of sixteen years.</p> <p>(2) Subject to the provisions of section 18, no person under the age of twenty years shall drive a transport vehicle in any public place.</p> <p>(3) No learner's licence or driving licence shall be issued to any person to drive a vehicle of the class to which he has made an application unless he is eligible to drive that class of vehicle under this section.</p>	<p><b>5. Eligibility for driving a motor vehicle</b></p> <p>(1) No person under the age of eighteen years shall drive a motor vehicle in any place.</p> <p>(2) No person under the age of twenty years shall drive a transport vehicle in any place.</p> <p>Provided that no driving licence to drive a transport vehicle shall be granted to a person unless he possesses such educational qualification as may be prescribed by the Central Government in this regard and produces a driving certificate issued by a school or establishment referred to in section 12.</p> <p>No person shall be granted a driving licence unless he is medically fit to hold that category of licence and the criterion for fitness shall be as may be prescribed by the Central government.</p> <p>Provided that a licence to drive a vehicle for differently abled person may be issued to such a person if the licencing authority is satisfied that he can drive such a carriage.</p>	<p>Title and Sr. no of Section (4) has been changed.</p> <p>Proviso of old section 4(1) has been deleted as currently no motor cycle with an engine capacity of 50 c.c. or less is being manufactured and the committee feels that no one under the age of 18 years should be allowed to drive a motor vehicle.</p>

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<p><b>5. Responsibility of owners of motor vehicles for contravention of sections 3 and 4.</b>—No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle.</p>		Relocated as new 3(2).
<p><b>6. Restrictions on the holding of driving licences.</b>—(1) No person shall, while he holds any driving licence for the time being in force, hold any other driving licence except a learner's licence or a driving licence issued in accordance with the provisions of section 18 or a document authorising, in accordance with the rules made under section 139, the person specified therein to drive a motor vehicle.</p> <p>(2) No holder of a driving licence or a learner's licence shall permit it to be used by any other person.</p> <p>(3) Nothing in this section shall prevent a licensing authority having the jurisdiction referred to in sub-section (1) of section 9 from adding to the classes of vehicles which the driving licence authorises the holder to drive.</p>		<p>6(1) No change; but relocated as new 7(1).</p> <p>Section 6(2) is redundant as it constitutes offence.</p> <p>Section 6(3) is redundant in view of the amendments proposed earlier.</p>
<p><b>7. Restrictions on the granting of learner's licences for certain vehicles.</b>—1[(1) No person shall be granted a learner's licence to drive a transport vehicle unless he has held a driving licence</p>		7(1) has been relocated under new section (4).

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<p>to drive a light motor vehicle for at least one year.]</p> <p>(2) No person under the age of sixteen years shall be granted a learner's licence to drive a motor cycle without gear except with the consent in writing of the person having the care of the person desiring the learner's licence.</p>		<p>7(2) is deleted in view of amendments to section (4) earlier.</p>
<p><b>8. Grant of learner's licence.</b>—(1) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving licence may, subject to the provisions of section 7, apply to the licensing authority having jurisdiction in the area—</p> <p>(i) in which he ordinarily resides or carries on business, or</p> <p>(ii) in which the school or establishment referred to in section 12 from where he intends to receive instruction in driving a motor vehicle is situate, for the issue to him of a learner's licence.</p> <p>(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such documents and with such fee as may be prescribed by the Central Government.</p> <p>(3) Every application under sub-section (1) shall be accompanied by a medical certificate in such form as</p>		<p>Provision of existing sub-section 8(1), 8(2), 8(3), 8(3), 8(4), 8(5), 8(7) and 8(8) are telescoped in old section (9) and the same section has been renumbered as new section (5) which deals with driving license.</p> <p>8(6) is redundant. Also, refusal of license on grounds of disability existing under subsection 8(4) shall not be at the discretion of the licensing authority; the matter to be referred to medical board.</p>

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<p>may be prescribed by the Central Government and signed by such registered medical practitioner, as the State Government or any person authorised in this behalf by the State Government may, by notification in the Official Gazette, appoint for this purpose:</p> <p>1 [Provided that no such medical certificate is required for licence to drive a vehicle other than a transport vehicle.]</p> <p>(4) If, from the application or from the medical certificate referred to in sub-section (3), it appears that the applicant is suffering from any disease or disability which is likely to cause the driving by him of a motor vehicle of the class which he would be authorised by the learner's licence applied for to drive to be a source of danger to the public or to the passengers, the licensing authority shall refuse to issue the learner's licence:</p> <p>Provided that a learner's licence limited to driving an invalid carriage may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage.</p> <p>(5) No learner's licence shall be issued to any applicant unless he passes to the satisfaction of the licensing authority such test as may be prescribed by the Central Government.</p> <p>(6) When an application has been duly made to the</p>		

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<p>appropriate licensing authority and the applicant has satisfied such authority of his physical fitness under sub-section (3) and has passed to the satisfaction of the licensing authority the test referred to in sub-section (5), the licensing authority shall, subject to the provisions of section 7, issue the applicant a learner's licence unless the applicant is disqualified under section 4 for driving a motor vehicle or is for the time being disqualified for holding or obtaining a licence to drive a motor vehicle:</p> <p>Provided that a licensing authority may issue a learner's licence to drive a motor cycle or a light motor vehicle notwithstanding that it is not the appropriate licensing authority, if such authority is satisfied that there is good reason for the applicant's inability to apply to the appropriate licensing authority.</p> <p>(7) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of persons from the provisions of sub-section (3), or sub-section (5), or both.</p> <p>(8) Any learner's licence for driving a motor cycle in force immediately before the commencement of this Act shall, after such</p>		

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<p>commencement, be deemed to be effective for driving a motor cycle with or without gear.</p> <p><b>9. Grant of driving licence.</b>—(1) Any person who is not for the time being disqualified for holding or obtaining a driving licence may apply to the licensing authority having jurisdiction in the area—</p> <p>(i) in which he ordinarily resides or carries on business, or</p> <p>(ii) in which the school or establishment referred to in section 12 from where he is receiving or has received instruction in driving a motor vehicle is situated.</p> <p>for the issue to him of a driving licence.</p> <p>(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such fee and such documents as may be prescribed by the Central Government.</p> <p>1[(3) If the applicant passes such test as may be prescribed by the Central Government, he shall be issued the driving licence:</p>	<p><b>6. Grant of driving licence.</b> – (1) A person who wants to hold a driving licence, may apply to the licensing authority having jurisdiction over the area –</p> <p>(i) in which he ordinarily resides or carries on business, or</p> <p>(ii) in which the school or establishment referred to in section 12 from where he is receiving or has received instruction in driving a motor vehicle is situated.</p> <p>(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such fee and such documents as may be prescribed by the Government.</p> <p>(3) A person who has made an application for granting of driving licence for any category of vehicles mentioned in column 2 of Schedule I shall first be issued a learning licence for that category of vehicle which is valid for a period of</p>	<p>Serial no. of old section (9) has been renumbered as section (6) due to relocation or deletion of previous sections.</p> <p>6(1): Only change in language.</p> <p>No change in 6(2).</p> <p>6(3): Existing Section (8) and 14(1) are reflected in new subsection no. 6(3). Proviso (a) of 9(3) and second proviso are retained; however proviso of 9(3)(b) has been deleted.</p>

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<p>Provided that no such test shall be necessary where the applicant produces proof to show that—</p> <p>(a) (i) the applicant has previously held a driving licence to drive such class of vehicle and that the period between the date of expiry of that licence and the date of the application does not exceed five years, or</p> <p>(ii) the applicant holds or has previously held a driving licence to drive such class of vehicle issued under section 18, or</p> <p>(iii) the applicant holds a driving licence to drive such class of vehicle issued by a competent authority of any country outside India, subject to the condition that the applicant complies with the provisions of sub-section (3) of section 8,</p> <p>(b) the applicant is not suffering from any disability</p>	<p>nine months. The learning licence issued under this section shall not be renewable.</p> <p>(4) No learning or driving licence shall be issued to any applicant unless he passes to the satisfaction of the licensing authority such test of competence as may be prescribed by the Central Government.</p> <p>Provided that, the licensing authority shall exempt the applicant from the test of competence prescribed under this sub-section, if the licensing authority is satisfied:</p> <p>(i) that the applicant has previously held a driving licence and that the period between the date of expiry of that licence and the date of such application does not exceed three years; or</p> <p>(ii) that the applicant holds or has previously held a driving licence issued under section 18; or</p> <p>(iii) the applicant holds a driving licence to drive such category of vehicle issued by a competent authority of any country outside India, subject to the condition that the application shall be in such form and shall be accompanied by such fee and such documents as may be prescribed by the</p>	<p>Simplified and streamlined. Subsection 4 and proviso thereunder with conditions (i), (ii) and (iii) are added.</p>



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<p>which is likely to cause the driving by him to be a source of danger to the public; and the licensing authority may, for that purpose, require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8:</p> <p>Provided further that where the application is for a driving licence to drive a motor vehicle (not being a transport vehicle), the licensing authority may exempt the applicant from the test of competence to drive a vehicle prescribed under this sub-section, if the applicant possesses a driving certificate issued by any institution recognised in this behalf by the State Government.]</p> <p>4) Where the application is for a licence to drive a transport vehicle, no such authorisation shall be granted to any applicant unless he possesses such minimum educational qualification as may be prescribed by the Central Government and a driving certificate issued by a school or establishment referred to in section 12.</p> <p>2[(5) Where the applicant does not pass the test, he may be permitted to re-appear for the test after a period of seven days:</p>	<p>Government of India.</p>	<p>9(4) is relocated as new 5(2), Eligibility section.</p> <p>Existing 9(5) and 9(6) are procedural matter, hence deleted and the same to be dealt in Rule.</p>

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<p>Provided that where the applicant does not pass the test even after three appearances, he shall not be qualified to re-appear for such test before the expiry of a period of sixty days from the date of last such test.]</p> <p>(6) The test of competence to drive shall be carried out in a vehicle of the type to which the application refers:</p> <p>Provided that a person who passed a test in driving a motor cycle with gear shall be deemed also to have passed a test in driving a motor cycle without gear.</p> <p>(7) When any application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his competence to drive, the licensing authority shall issue the applicant a driving licence unless the applicant is for the time being disqualified for holding or obtaining a driving licence:</p> <p>Provided that a licensing authority may issue a driving licence to drive a motor cycle or a light motor vehicle notwithstanding that it is not the appropriate licensing authority, if the licensing authority is satisfied that there is good and sufficient</p>		<p>Existing Section (7) is repetitive, therefore deleted.</p>

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<p>reason for the applicant's inability to apply to the appropriate licensing authority:</p> <p>Provided further that the licensing authority shall not issue a new driving licence to the applicant, if he had previously held a driving licence, unless it is satisfied that there is good and sufficient reason for his inability to obtain a duplicate copy of his former licence.</p>		
<p>(8) If the licensing authority is satisfied, after giving the applicant an opportunity of being heard, that he—</p> <p>(a) is a habitual criminal or a habitual drunkard; or</p> <p>(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or</p> <p>(c) is a person whose licence to drive any motor vehicle has, at any time earlier, been revoked, it may, for reasons to be recorded in writing, make an order refusing to issue a driving licence to such person and any person aggrieved by an order made by a licensing authority under this sub-section may, within thirty days of the receipt of the order, appeal</p>		<p>Current 9(8) has been deleted as it covered under the disqualification provision.</p>

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<p>to the prescribed authority.</p> <p>(9) Any driving licence for driving a motor cycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motor cycle with or without gear.</p>	<p><b>7. Grant of Authorisation.</b> - (1) No authorization for driving a category of vehicle mentioned in column 4 of Schedule I shall be granted by a licencing authority unless the applicant</p> <p>(i) holds a valid licence to drive a vehicle of the category as specified in Schedule I to which this vehicle belongs; and</p> <p>(ii) has submitted a certificate of competence from accredited institute or authority as may be prescribed.</p> <p>(2) A person applying for authorisation for driving a type of vehicle mentioned in column 4 of Schedule I shall apply in such form and accompanied with such documents and shall pay such fee as may be prescribed by the State Government.</p> <p>(3) An authorization issued under this section shall be valid for such period as may be</p>	<p>Current 9(9) has been deleted.</p> <p><b>New Provisions (7), (8) and (9) are added.</b></p> <p>7: Earlier this was part of rules. Now new section has been introduced to make licencing a two stage process. This section mandates issue of authorization and the procedure thereof.</p>

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	<p>prescribed.</p> <p>(4) An authorization may be renewed in such manner as may be prescribed.</p> <p><b>8. Unique licence number.</b>-(1) A person authorized to drive a vehicle according to section 6, shall be assigned a unique number to his driving licence. The licence number issued under this section shall remain the same irrespective of changes in licence under section (11), 3(5), (13) and (14). The unique licence number shall be assigned in such manner as may be prescribed by the Central Government.</p> <p>(2) The licence holders, who have obtained licence before commencement of this Act, shall be required to obtain the unique number in a period of two years from that date of commencement of the Act.</p> <p><b>9. Change of residence or place of business.</b></p> <p>(1) If the licence holder ceases to reside at or changes his place of business from the address recorded in the driving licence, he shall, within three months of any such change of address,</p>	<p>8: This provision will avoid duplication of licenses and leading to complications or malpractices in the process of renewal, additions etc. The unique number can also be linked to the same as UID being given by the Government of India. However, this should be feasible only when an electronic database is created in every state and they are linked with one another.</p> <p>9: Presently the provision existing rule. This has been brought in that to make it more stringent and thereby ensuring that database remains up to date and all other processes simple</p>

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	<p>intimate in such form accompanied by such documents as may be prescribed by the Central Government, his new address, to the licencing authority within whose jurisdiction he has the residence or place of business in order that the new address may be recorded therein.</p> <p>(2) On receipt of intimation under sub-section (1), the licencing authority may, after making such verification as it may think fit, cause the new address to be entered in the driving licence.</p> <p>(3) Nothing in sub-section (1) shall apply where the change of the address recorded in the driving licence is due to a temporary absence not intended to exceed three months in duration.</p>	
<p><b>10. Form and contents of licences to drive.—</b>                      (1) Every learner’s licence and driving licence, except a driving licence issued under section 18, shall be in such form and shall contain such information as may be prescribed by the Central Government.</p>	<p><b>10. Form and contents of licences –</b> Every learner’s licence and driving licence shall be in such form including electronic format and shall contain such information as may be prescribed by the Central Government.</p> <p>Provided that different forms and particulars of information may be prescribed for the driving licences issued under the provisions of section 6 or 18.</p>	<p>Words “<i>including electronic format</i>” are included. Proviso is added.</p>

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<p>(2) A learner's licence or, as the case may be, driving licence shall also be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely:—</p> <p>(a) motor cycle without gear;</p> <p>(b) motor cycle with gear;</p> <p>(c) invalid carriage;</p> <p>(d) light motor vehicle;</p> <p>1[(e) transport vehicle;]</p> <p>(f) road-roller;</p> <p>(j) motor vehicle of a specified description.</p>		<p>10(2): This section is completely redrafted and new section with clear categorization of Driving Licence and authorization introduced under 3A. Lack of clarity on category of driving licences and a driving licence authorizing a licence holder to drive what all kind of vehicles</p>
<p><b>11. Additions to driving licence.</b>—(1) Any person holding a driving licence to drive any class or description of motor vehicles, who is not for the time being disqualified for holding or obtaining a driving licence to drive any other class or description of motor vehicles, may apply to the licensing authority having jurisdiction in the area in which he resides or carries on his business in such form and accompanied by such, documents and with such fees as may be prescribed by the Central Government for the addition of such other class or description of motor vehicles to the licence.</p>	<p><b>11. Additions to driving licence.</b>—(1) No person shall, while he holds any driving licence for the time being in force, hold any other driving licence except a learner's licence or a driving licence issued in accordance with the provisions of section 18 or a document authorising, in accordance with the rules made under section 102, the person specified therein to drive a motor vehicle.</p> <p>(2) Any person holding a driving licence of any category may apply to the licensing authority for the addition of any other category to the licence.</p>	<p>11(1): Modified into subsection 11(1) and 11(2) with removal of redundant clause.</p>

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<p>(2) Subject to such rules as may be prescribed by the Central Government, the provisions of section 9 shall apply to an application under this section as if the said application was for the grant of a licence under that section to drive the class or description of motor vehicles which the applicant desires to be added to his licence.</p> <p><b>12. Licensing and regulation of schools or establishments for imparting instruction in driving of motor vehicles.</b>—(1) The Central Government may make rules for the purpose of licensing and regulating, by the State Governments, schools or establishments (by whatever name called) for imparting instruction in driving of motor vehicles and matters connected therewith.</p> <p>(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) licensing of such schools or establishments including grant, renewal and revocation of such</p>	<p>(3) Subject to such rules as may be prescribed by the Central government, the provisions of section 5 shall apply to an application under this section as if the said application was for the grant of a licence under that section for that category of licence which the applicant desires to be added to his licence.</p> <p><b>12. Authorisation and regulation of schools or establishments for imparting instruction in driving of motor vehicles.</b> - (1) A driving school or an establishment imparting driving education shall obtain authorisation from the State Government. (2) Authorisation to a driving school or an establishment imparting driving education shall be granted in such manner as may be prescribed by the Central Government.</p>	<p>Existing 11(2): Words “to drive the class or description of motor vehicles” are removed and renumbered as (3).</p> <p>Title of section is modified. 12(1): Redrafted providing for establishment of a driving school and manner thereof and reflected in new section 12 (1) and 12 (2).</p> <p>Existing subsection 12 (2) is deleted. List of matter to be provided in Rule.</p>



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<p>licences;</p> <p>(b) supervision of such schools or establishments;</p> <p>(c) the form of application and the form of licence and the particulars to be contained therein;</p> <p>(d) fee to be paid with the application for such licences;</p> <p>(e) conditions subject to which such licences may be granted;</p> <p>(f) appeals against the orders of refusal to grant or renew such licences and appeals against the orders revoking such licences;</p> <p>(g) conditions subject to which a person may establish and maintain any such school or establishment for imparting instruction in driving of motor vehicles;</p> <p>(h) nature, syllabus and duration of course or courses for efficient instruction in driving any motor vehicle;</p> <p>(i) apparatus and equipments (including motor vehicles fitted with dual control) required for the purpose of imparting such instruction;</p> <p>(j) suitability of the premises at which such schools or establishments may be established or maintained and facilities to be provided therein;</p> <p>(k) qualifications, both educational and professional (including experience), which a person imparting</p>		

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<p>instruction in driving a motor vehicle shall possess;</p> <p>(l) inspection of such schools and establishments (including the services rendered by them and the apparatus, equipments and motor vehicles maintained by them for imparting such instruction);</p> <p>(m) maintenance of records by such schools or establishments;</p> <p>(n) financial stability of such schools or establishments;</p> <p>(o) the driving certificates, if any, to be issued by such schools or establishments and the form in which such driving certificates shall be issued and the requirements to be complied with for the purposes of issuing such certificates;</p> <p>(p) such other matters as may be necessary to carry out the purposes of this section.</p> <p>(3) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of schools or establishments imparting instruction in driving of motor vehicles or matters connected therewith from the provisions of this section.</p>		<p>Subsection 12(3) is deleted.</p>

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<p>(4) A school or establishment imparting instruction in driving of motor vehicles or matters connected therewith immediately before the commencement of this Act, whether under a licence or not, may continue to impart such instruction without a licence issued under this Act for a period of one month from such commencement, and if it has made an application for such licence under this Act within the said period of one month and such application is in the prescribed form, contains the prescribed particulars and is accompanied by the prescribed fee, till the disposal of such application by the licensing authority.</p>		<p>Subsection 12(4): Redundant, deleted.</p>
<p><b>13. Extent of effectiveness of licences, to drive motor vehicles.</b>—A learner’s licence or a driving licence issued under this Act shall be effective throughout India.</p>		<p>No change but placed along with new section 3(5).</p>
<p><b>14. Currency of licences to drive motor vehicles.</b>—(1) A learner’s licence issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six months from the date of issue of the licence.</p> <p>(2) A driving licence issued or renewed under this</p>	<p><b>13. Validity of driving licence.</b> – (1) A driving licence issued or renewed under this Act shall – (a) in the case of a licence to drive a transport vehicle, be effective for a period of five years; ; and</p>	<p>Title of section is changed. Existing 14(1) is relocated in new section 5 (3).</p> <p>13(2)(a): Duration changed from 3 years to 5 years. There are no reason or safety issues which require the license to be renewed every three</p>

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<p>Act shall,—</p> <p>(a) in the case of a licence to drive a transport vehicle, be effective for a period of three years: 1[***]</p> <p>2[Provided that in the case of licence to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of one year and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus; and]</p> <p>(b) in the case of any other licence,—</p> <p>(i) if the person obtaining the licence, either originally or on renewal thereof, has not attained the age of 3[fifty years] on the date of issue or, as the case may be, renewal thereof,—</p> <p>(A) be effective for a period of twenty years from the date of such issue or renewal; or</p> <p>(B) until the date on which such person attains the age of 3[fifty years], whichever is earlier;</p> <p>4[(ii) if the person referred to in sub-clause (i), has attained the age of fifty years on the date of issue or as the case may be, renewal thereof, be effective, on</p>	<p>Provided that the authorisation to drive a transport vehicle carrying goods of dangerous or hazardous nature will be effective for a period of three years and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus.</p> <p>(b) in the case of any other licence, if the person obtaining the licence -</p> <p>(i), has not attained the age of fifty years on the date of issue, until the date on which such person attains the age of fifty years; or</p> <p>(ii) has attained the age of fifty years on the date of issue or, as the case may be, renewal thereof, until the date on which such person attains the age of seventy years; or</p> <p>(iii) has attained the age of seventy years on the date of issue or, as the case may be, renewal thereof, for a period of five years from the date of such issue or renewal.</p>	<p>years. There are no reason or safety issues which require the license to be renewed every one year.</p> <p>13(2)(b)(i)&amp;(ii): The provisions under the sub-section are completely revised with following changes below.</p> <ol style="list-style-type: none"> <li>1. Original licence from 20 years changed to till the time person attends age of 50 years</li> <li>2. Renewal after 50 years changed from 5 years to 20 years up to the age of 70 years.</li> <li>3. Renewal period retained at 5 years beyond the age of 70 years.</li> </ol>

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<p>payment of such fee as may be prescribed, for a period of five years from the date of such issue or renewal:]</p> <p>Provided that every driving licence shall, notwithstanding its expiry under this sub-section continue to be effective for a period of thirty days from such expiry.</p>	<p>(2) Every driving licence of non-transport vehicle shall, notwithstanding its expiry under this section, continue to be effective for a period of sixty days from such expiry.</p>	<p>Proviso of 13: Period extended from 30 days to 60 days in case of non-transport vehicles while no grace period for transport vehicles as reflected in new subsection 9(2).</p>
<p><b>15. Renewal of driving licences.</b>—(1) Any licensing authority may, on application made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry:</p> <p>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:</p>	<p><b>14. Renewal of driving licences.</b> – (1) The licensing authority may, on application being made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry provided that the application for the same is made</p> <p>(i) within 60 days after the expiry period in case of a non-transport licence;</p> <p>(ii) before the period of expiry in cases other than those covered in clause (i).</p> <p>Provided any such application may be made during such period before expiry as may be prescribed and different periods can be prescribed for different category of licences.</p>	<p>14(1): The provision changed to bring in following new different periods of expiry may be prescribed for different category of vehicles.</p>

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<p>Provided further that where the application is for the renewal of a licence to drive a transport vehicle or where in any other case the applicant has attained the age of forty years, the same shall be accompanied by a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8, and the provisions of sub-section (4) of section 8 shall, so far as may be, apply in relation to every such case as they apply in relation to a learner's licence.</p> <p>(2) An application for the renewal of a driving licence shall be made in such form and accompanied by such documents as may be prescribed by the Central Government.</p>	<p>Provided further that in any case where the application for the renewal of a licence is made more than sixty days after the date of its expiry, but not later than 3 years, the driving licence shall be renewed with effect from the date of application.</p> <p>(2) An application for the renewal of a driving licence shall be made in such form and accompanied by such documents and such fee as may be prescribed by the Central Government.</p> <p>(3) No driving licence shall be renewed to any applicant unless he passes to the satisfaction of the licensing authority such test of competence as may be prescribed by the Central Government.</p> <p>Provided that a person who seeks renewal of his licence at the age of fifty and subsequently at the age of seventy years shall be required to produce a medical certificate.</p>	<p>Proviso 2 of 14(1): The period extended from 30 days to 60 days in.</p> <p>14(2): words “<i>and such fee</i>” are added.</p> <p>Proviso 1 of 14(3): Retained and synchronised with the age of 50 years.</p>

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<p>(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 such as may be prescribed by the Central Government in this behalf.</p> <p>(4) 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 such amount as may be prescribed by the Central Government:</p> <p style="padding-left: 40px;">Provided that the fee referred to in sub-section (3) may be accepted by the licensing authority in respect of an application for the renewal of a driving licence made under this sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from applying within the time specified in sub-section (3):</p> <p>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 referred to in sub-section (3) of section 9.</p>		<p>Existing 15(3): Deleted</p> <p>Existing 15(4) and 15(5) to be framed in rule, hence deleted.</p> <p>Existing 15(6): Automatically done through system.</p>





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	heard, that he is a person whose licence to drive any motor vehicle has, at any time earlier, been revoked, it may for reasons to be recorded in writing, make an order refusing to issue a driving licence to such person for the period of revocation.	This amendment is consequential to amendment in section 14 above.
<b>16. Revocation of driving licence on grounds of disease or disability.</b> —Notwithstanding anything contained in the foregoing sections, any licensing authority may at any time revoke a driving licence or may require, as a condition of continuing to hold such driving licence, the holder thereof to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8, if the licensing authority has reasonable grounds to believe that the holder of the driving licence is, by virtue of any disease or disability, unfit to drive a motor vehicle 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.	<b>16. Revocation of driving licence on grounds of disease or disability.</b> – Notwithstanding anything contained in the foregoing sections, the licensing authority may at any time refer to a medical board constituted for this purpose by the State Government to recommend to the licensing authority to revoke or otherwise, a driving licence or may require, as a condition of continuing to hold such driving licence, the holder thereof to produce a medical certificate in the form and in the manner as may be prescribed, if the licensing authority has reasonable grounds to believe that the holder of the driving licence is, by virtue of any disease or disability, unfit to drive a motor vehicle.	The provision amended to include provision of constitution of a medical board to advise the licensing authority regarding issue of licence.  The license holder shall be examined by a Medical Board before his license is revoked on the ground of disease or disability.
<b>17. Orders refusing or revoking driving licences and appeals there from.</b> —(1) Where a licensing authority refuses to issue any learner's licence, or to issue or renew, or revokes any driving licence, or refuses to add a class or description of	<b>17. Orders refusing or revoking driving licences and appeals there from.</b> – (1) Where a licensing authority refuses to issue any learner's licence or to issue or renew, or revokes, any driving licence, or refuses to add a category of motor vehicle to any driving licence, it shall do so	17(1): class or description has been replaced with category.

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<p>motor vehicle to any driving licence, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or revocation.</p> <p>(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 which made the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority which made the order.</p>	<p>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.</p> <p>(2) Any person aggrieved by an order made under sub-section (1) may, within forty five 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 which made the order an opportunity of being heard.</p>	<p>17(2): Period changed from 30 days to 45 days. Simplified and streamlined. Period within which an appeal should be disposed of is prescribed. In case an appeal is not disposed within the period specified, the authority is required to record its reasons.</p>
<p><b>18. Driving licences to drive motor vehicles, belonging to the Central Government.</b>—(1) Such authority as may be prescribed by the Central Government may issue driving licence valid throughout India to persons who have completed their eighteenth year to drive motor vehicles which are the property or for the time being under the exclusive control of the Central Government and are used for Government purposes relating to the defence of the country and unconnected with any commercial enterprise.</p> <p>(2) A driving licence issued under this section shall specify the class or description of vehicle</p>	<p><b>18. Driving licences to drive motor vehicles, belonging to the Central Government.</b> - (1) Such authority as may be prescribed by the Central Government may issue driving licence to persons not below eighteen years of age to drive motor vehicles which are the property or for the time being under the exclusive control of the Central Government and are used for Government purposes relating to the defence of the country and unconnected with any commercial enterprise.</p>	<p>18(1) and 18(4): Simplified and streamlined.</p> <p>18(2): Deleted.</p>

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<p>which the holder is entitled to drive and the period for which he is so entitled.</p> <p>(3) A driving licence issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle referred to in sub-section (1).</p> <p>(4) The authority issuing any driving licence under this section shall, at the request of any State Government, furnish such information respecting any person to whom a driving licence is issued as that Government may at any time require.</p>	<p>(2) A driving licence issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle referred to in sub-section (1).</p> <p>(3) The authority issuing any driving licence under this section shall, at the request of any State Government, furnish such information respecting any person to whom a driving licence is issued under this section.</p>	<p>18(3): No change; however the remaining subsections 3 and 4 have been renumbered as 2 and 3.</p>
<p><b>19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence.</b>—(1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that he—</p> <p>(a) is a habitual criminal or habitual drunkard; or</p> <p>(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or</p> <p>(c) is using or has used a motor vehicle in the commission of a cognizable offence; or</p>	<p><b>19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence.</b> (1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that he –</p> <p>(a) is using or has used a motor vehicle in the commission of a cognizable offence. or</p> <p>(b) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public; or</p> <p>(c) has obtained any driving licence or a licence to drive a particular category of motor vehicle by fraud or misrepresentation ; or</p> <p>(d) has committed any such act which is likely to</p>	<p>19(1) (a) and (b) deleted, rest remains as it is and the same are re-numbered under (1).</p> <p>Section has been made comprehensive and streamlined to make it effective. Reference to habitual criminal/ habitual drinker, drug addiction, etc has been removed by licensing authority.</p>

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<p>(d) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public; or</p> <p>(e) has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation; or</p> <p>(f) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or</p> <p>(g) has failed to submit to, or has not passed, the tests referred to in the proviso to sub-section (3) of section 22; or</p> <p>(h) being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the person having the care of the holder of the licence and has ceased to be in such care, it may, for reasons to be recorded in writing, make an order—</p> <p>(i) disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence; or</p>	<p>cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or</p> <p>(e) has failed to submit to, or has not passed, the tests referred to in the proviso to sub-section (3) of section 22; or</p> <p>(f) he has been awarded 12 or more driver penalty points.</p> <p>it may, for reasons to be recorded in writing, make an order –</p> <p>(g) disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any category of vehicles specified in the licence; or</p> <p>(ii) revoke any such licence.</p> <p>Provided that an order of disqualification shall be for a period of one year which may extend to a period of 5 years on inviting disqualification second time.</p>	

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<p>(ii) revoke any such licence.</p> <p>(2) Where an order under sub-section (1) is made, the holder of a driving licence shall forthwith surrender his driving licence to the licensing authority making the order, if the driving licence has not already been surrendered, and the licensing authority shall,—</p> <p>(a) if the driving licence is a driving licence issued under this Act, keep it until the disqualification has expired or has been removed; or</p> <p>(b) if it is not a driving licence issued under this Act, endorse the disqualification upon it and send it to the licensing authority by which it was issued; or</p> <p>(c) in the case of revocation of any licence, endorse the revocation upon it and if it is not the authority which issued the same, intimate the fact of revocation to the authority which issued that licence:</p> <p>Provided that where the driving licence of a person authorises him to drive more than one class or description of motor vehicles and the order, made under sub-section (1), disqualifies him from driving any specified class or description of motor vehicles,</p>	<p>Provided that where the driving licence of a person authorizes him to drive more than one category of motor vehicles and the order, made under subsection (1), disqualifies him from driving any specified category of motor vehicles, the licensing authority shall endorse the</p>	<p>19(2) and 19 (2) (a), (b) and (c): No change</p> <p>Proviso 19(2): Words “<i>class or description</i>” are replaced with “<i>category</i>.”</p>

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<p>the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder.</p> <p>(3) Any person aggrieved by an order made by a licensing authority under sub-section (1) may, within thirty days of the receipt of the order, appeal to the prescribed authority, and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and may pass such order as it thinks fit and an order passed by any such appellate authority shall be final.</p>	<p>disqualification upon the driving licence and return the same to the holder.</p> <p>(3) Any person aggrieved by an order made by a licensing authority under sub-section (1) may, within thirty days of the receipt of the order, appeal to the prescribed authority, and such appellate authority shall after giving an opportunity of being heard pass such order as it thinks fit and an order passed by any such appellate authority shall be final.</p>	<p>19(3): Words “give notice to the licensing authority and hear either party if so required by that party and may” are replaced with “after giving an opportunity of being heard”</p>
<p><b>20. Power of Court to disqualify.</b>—(1) Where a person is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, the court by which such person is convicted may, subject to the provisions of this Act, 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, from holding any driving licence to drive all classes to description of vehicles, or any particular class or description of such vehicles, as are specified in such licence:</p>	<p><b>20. Power of Court to disqualify.</b> – (1) Where a person is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, the Court by which such person is convicted may, subject to the provisions of this Act, in addition to imposing any other punishment authorized by law, declare the persons so convicted to be disqualified, for such period as the Court may specify, from holding any driving licence to drive all category of such vehicles, or any particular category of such vehicles, as are specified in such licence:</p>	<p>The words “classes or description” are replaced with “category” in 20(1).</p> <p>No changes in others except Sr. No. of cross references of sections have been changed.</p>

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<p>Provided that in respect of an offence punishable under section 183 no such order shall be made for the first or second offence.</p> <p>(2) Where a person is convicted of an offence under clause (c) of sub-section (1) of section 132, section 134 or section 185, the Court convicting any person of any such offence shall order the disqualification under sub-section (1), and if the offence is relatable to clause (c) of sub-section (1) of section 132 or section 134, such disqualification shall be for a period of not less than one month, and if the offence is relatable to section 185, such disqualification shall be for a period of not less than six months.</p> <p>(3) A Court shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of a person—</p> <p>(a) who having been convicted of an offence punishable under section 184 is again convicted of an offence punishable under that section,</p> <p>(b) who is convicted of an offence punishable under section 189, or</p> <p>(c) who is convicted of an offence punishable under section 192:</p> <p>Provided that the period of disqualification shall</p>	<p>Provided that in respect of an offence punishable under section 111 no such order shall be made for the first or second offence.</p> <p>(2) Where a person is convicted of an offence under section 96, section 97 or section 119, the Court convicting any person of any such offence shall order the disqualification under sub-section (1), and if the offence is relatable to section 96 or section 97, such disqualification shall be for a period of not less than one month, and if the offence is relatable to section 119, such disqualification shall be for a period of not less than six months.</p> <p>(3) A Court shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of a person—</p> <p>(a) who having been convicted of an offence punishable under section 118 is again convicted of an offence punishable under that section,</p> <p>(b) who is convicted of an offence punishable under section 124, or</p> <p>(c) who is convicted of an offence punishable under section 127:</p>	

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<p>not exceed, in the case referred to in clause (a), five years, or in the case referred to in clause (b), two years or, in the case referred to in clause (c), one year.</p> <p>(4) A Court ordering the disqualification of a person convicted of an offence punishable under section 184 may direct that such person shall, whether he has previously passed the test of competence to drive as referred to in sub-section (3) of section 9 or not, remain disqualified until he has subsequently to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.</p> <p>(5) The court to which an appeal would ordinarily lie from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made under that sub-section notwithstanding that no appeal would lie against the conviction as a result of which such order of disqualification was made.</p>	<p>Provided that the period of disqualification shall not exceed, in the case referred to in clause (a), five years, or in the case referred to in clause (b), two years or, in the case referred to in clause (c), one year.</p> <p>(4) A Court ordering the disqualification of a person convicted of an offence punishable under section 118 may direct that such person shall, whether he has previously passed the test of competence to drive as referred to section 6 or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.</p> <p>(5) The court to which an appeal would ordinarily lie from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made under that sub-section notwithstanding that no appeal would lie against the conviction as a result of which such order of disqualification was made.</p>	



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<p><b>21. Suspension of driving licence in certain cases.</b>—(1) Where, in relation to a person who had been previously convicted of an offence punishable under section 184, a case is registered by a police officer on the allegation that such person has, by such dangerous driving as is referred to in the said <i>or description</i> of motor vehicle caused the death of, or grievous hurt to, one or more persons, the driving licence held by such person shall in relation to such class <i>or description</i> of motor vehicle become suspended—</p> <p>(a) for a period of <i>six</i> months from the date on which the case is registered, or</p> <p>(b) if such person is discharged or acquitted before the expiry of the period aforesaid, until such discharge or acquittal, as the case may be.</p> <p>(2) Where by virtue of the provisions of sub-section (1), the driving licence held by a person becomes suspended, the police officer, by whom the case referred to in sub-section (1) is registered, shall bring such suspension to the notice of the Court competent to take cognizance of such offence, and thereupon, such Court shall take possession of the</p>	<p><b>21. Suspension of driving licence in certain cases.</b> (1) Where, in relation to a person who had been previously convicted of an offence punishable under section 119, a case is registered by a police officer on the allegation that such person has, by such dangerous driving as is referred to in the said section 119, of any category of motor vehicle caused the death of, or grievous hurt to, one or more persons, the driving licence held by such person shall in relation to such category of motor vehicle become suspended –</p> <p>(a) for a period of three months from the date on which the case is registered, or</p> <p>(2) Where, by virtue of the provisions of sub-section (1), the driving licence held by a person becomes suspended, the police officer, by whom the case referred to in sub-section (1) is registered, shall bring such suspension to the notice of the Court competent to take cognizance of such offence, and thereupon, such Court shall</p>	<p>21(1) (a): Period changed from 6 months to 3 months. “<i>or description</i>” is removed.</p> <p>21(1)(b) : retained.</p> <p>21 (2): Period of endorsement fixed at 15 days.</p>

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<p>driving licence, endorse the suspension thereon and intimate the fact of such endorsement to the licensing authority by which the licence was granted or last renewed.</p> <p>(3) Where the person referred to in sub-section (1) is acquitted or discharged, the Court shall cancel the endorsement on such driving licence with regard to the suspension thereof.</p> <p>(4) If a driving licence in relation to a particular class or description of motor vehicles is suspended under sub-section (1), the person holding such licence shall be debarred from holding or obtaining any licence to drive such particular class or description of motor vehicles so long as the suspension of the driving licence remains in force.</p>	<p>take possession of the driving licence, endorse the suspension thereon and intimate the fact of such endorsement to the licensing authority by which the licence was granted or last renewed within a period fifteen days.</p>	<p>21 (3): No change</p> <p>Existing 21(4): Deleted</p>
<p><b>22. Suspension or cancellation of driving licence on conviction.</b>—(1) Without prejudice to the provisions of sub-section (3) of section 20 where a person, referred to in sub-section (1) of section 21, is convicted of an offence of causing, by such dangerous driving as is referred to in section 184 of any class or description of motor vehicle the death of, or grievous hurt to, one or more persons, the Court by which such person is convicted may cancel, or suspend for such period as it may think fit, the</p>	<p><b>22. Suspension or cancellation of driving licence on conviction.</b> –</p> <p>(1) Without prejudice to the provisions of sub-section (3) of section 20 where a person, referred to in sub-section (1) of section 21 is convicted of an offence of causing, by such dangerous driving as is referred to in section 118 of any category of motor vehicle the death of or grievous hurt to, one or more</p>	<p>Words “or description” are removed from 22 (1) and 22(4).</p>

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<p>driving licence held by such person in so far as it relates to that class <i>or description</i> of motor vehicle.</p> <p>(2) Without prejudice to the provisions of sub-section (2) of section 20, if a person, having been previously convicted of an offence punishable under section 185 is again convicted of an offence punishable under that section, the Court, making such subsequent conviction, shall, by order, cancel the driving licence held by such person.</p> <p>(3) If a driving licence is cancelled or suspended under this section, the court shall take the driving licence in its custody, endorse the cancellation or, as the case may be, suspension, thereon and send the driving licence so endorsed to the authority by which the licence was issued or last renewed and such authority shall, on receipt of the licence, keep the licence in its safe custody, and in the case of a suspended licence, return the licence to the holder thereof after the expiry of the period of suspension on an application made by him for such return:</p> <p>Provided that no such licence shall be returned unless the holder thereof has, after the expiry of the period of suspension, undergone and passed, to the satisfaction of the licensing authority by which the licence was issued or last renewed, a fresh test of competence to drive referred to in sub-section (3) of section 9 and produced a medical certificate in the</p>	<p>persons, the Court by which such person is convicted may cancel, or suspend for such period as it may think fit, the driving licence held by such person insofar as it relates to that category of motor vehicle.</p> <p>(2) Without prejudice to the provisions of sub-section (2) of section 15, if a person, having been previously convicted of an offence punishable under section 119 is again convicted of an offence punishable under that section, the Court, making such subsequent conviction, shall, by order, cancel the driving licence held by such person.</p> <p>Provided that no such licence shall be returned unless the holder thereof has, after the expiry of the period of suspension, undergone and passed, to the satisfaction of the licensing authority by which the licence was issued or last renewed, a fresh test of competence to drive referred to in section 6 and produced a medical</p>	<p>Proviso of Sub-section (3) is modified.</p>

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<p>same form and in the same manner as is referred to in sub-section (3) of section 8.</p> <p>(4) If a licence to drive a particular class or description of motor vehicles is cancelled or suspended under this section, the person holding such a licence shall be debarred from holding, or obtaining, any licence to drive such particular class or description of motor vehicles so long as the cancellation or suspension of the driving licence remains in force.</p>	<p>certificate in the same form and in the same manner as is referred to section 6.</p> <p>(4) If a licence to drive a particular category of motor vehicles is cancelled or suspended under this section, the person holding such a licence shall be debarred from holding, or obtaining, any licence to drive such particular category of motor vehicles so long as the cancellation or suspension of the driving licence remains in force.</p>	
<p><b>23. Effect of disqualification order.—(1) A</b> person in respect of whom any disqualification order is made under section 19 or section 20 shall be debarred to the extent and for the period specified in such order from holding or obtaining a driving licence and the driving licence, if any, held by such person at the date of the order shall cease to be effective to such extent and during such period.</p> <p>(2) The operation of a disqualification order made under section 20 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made, unless the appellate Court so directs.</p> <p>(3) Any person in respect of whom any disqualification order has been made may at any time after the expiry of six months from the date of</p>	<p><b>23. Effect of disqualification order. — No</b> Change except for addition of new sub-section (4).</p>	

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<p>the order apply to the Court or other authority by which the order was made, to remove the disqualification; and the Court or authority, as the case may be, may, having regard to all the circumstances, either cancel or vary the disqualification order:</p> <p>Provided that where the Court or other authority refuses to cancel or vary any disqualification order under this section, a second application thereunder shall not be entertained before the expiry of a period of three months from the date of such refusal.</p>	<p>(4) A court or authority making an order of disqualification shall intimate to the licencing authority in this regard and on receipt of such intimation, licencing authority shall endorse the same on the licence in such manner as may be prescribed.</p>	<p>A new subsection (4) is added after proviso of 23(3).</p>
<p><b>24. Endorsement.</b>—(1) The Court or authority making an order of disqualification shall endorse or cause to be endorsed upon the driving licence if any, held by the person disqualified, particulars of the order of disqualification and of any conviction of an offence in respect of which an order of disqualification is made; and particulars of any cancellation or variation of an order of</p>	<p>Section 24 is deleted.</p>	<p>The present provision is rather complicated. It is proposed to simplify the procedure of endorsement of all types i.e. suspension / cancellation / disqualification by the court and an obligation to send the details to the licensing authority.</p>

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<p>disqualification made under sub-section (3) of section 23 shall be similarly so endorsed.</p> <p>(2) A Court by which any person is convicted of an offence under this Act as may be prescribed by the Central Government, having regard to the objects of this Act, shall whether or not a disqualification order is made in respect of such conviction, endorse or cause to be endorsed particulars of such conviction on any driving licence held by the person convicted.</p> <p>(3) Any person accused of an offence prescribed under sub-section (2) shall when attending the Court bring with him his driving licence if it is in his possession.</p> <p>(4) Where any person is convicted of any offence under this Act and sentenced to imprisonment for a period exceeding three months, the Court awarding the sentence shall endorse the fact of such sentence upon the driving licence of the person concerned and the prosecuting authority shall intimate the fact of such endorsement to the authority by which the driving licence was granted or last renewed.</p> <p>(5) When the driving licence is endorsed or caused to be endorsed by any Court, such Court shall send the particulars of the endorsement to the licensing authority by which the driving licence was granted or last renewed.</p>		

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<p>(6) Where on an appeal against any conviction or order of a Court, which has been endorsed on a driving licence, the appellate court varies or sets aside the conviction or order, the appellate court shall inform the licensing authority by which the driving licence was granted or last renewed and such authority shall amend or cause to be amended the endorsement.</p> <p><b>25. Transfer of endorsement and issue of driving licence free from endorsement.—(1)</b> An endorsement on any driving licence shall be transferred to any new or duplicate driving licence obtained by the holder thereof until the holder becomes entitled under the provisions of this section to have a driving licence issued to him free from endorsement.</p> <p>(2) Where a driving licence is required to be endorsed and the driving licence is not in the possession of the Court or authority by which the endorsement is to be made, then—</p> <p>(a) if the person in respect of whom the endorsement is to be made is at the time the holder of a driving licence, he shall produce the driving licence to the Court or authority within five days, or such longer time as the court or</p>	<p>Section 25 is deleted.</p>	
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<p>authority may fix; or</p> <p>(b) if, not being then the holder of a driving licence, he subsequently obtains a driving licence, he shall within five days after obtaining the driving licence produce it to the Court or authority, and if the driving licence is not produced within the time specified, it shall, on the expiration of such time, be of no effect until it is produced for the purpose of endorsement.</p> <p>(3) A person whose driving licence has been endorsed shall, if during a continuous period of three years after such endorsement no further endorsement has been made against him, be entitled on surrendering his driving licence and on payment of a fee of five rupees, to receive a new driving licence free from all endorsements:</p> <p>Provided that if the endorsement is only in respect of an offence contravening the speed limits referred to in section 112, such person shall be entitled to receive a new driving licence free from such endorsements on the expiration of one year of the date of the endorsement:</p> <p>Provided further that in reckoning the said period of three years and one year, respectively, and period during which the said person was disqualified for holding or obtaining a driving licence shall be excluded.</p>		



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<p><b>26. Maintenance of State Registers of Driving Licences.</b>—(1) Each State Government shall maintain, in such form as may be prescribed by the Central Government, a register to be known as the State Register of Driving Licences, in respect of driving licences issued and renewed by the licensing authorities of the State Government, containing the following particulars, namely:—</p> <ul style="list-style-type: none"> <li>(a) names and addresses of holders of driving licences;</li> <li>(b) licence numbers;</li> <li>(c) dates of issue or renewal of licences;</li> <li>(d) dates of expiry of licences;</li> <li>(e) classes and types of vehicles authorised to be driven; and</li> <li>(f) such other particulars as the Central Government may prescribe.</li> </ul> <p>(2) Each State Government shall supply to the Central Government a 1 [printed copy or copy in such other form as the Central Government may require], of the State Register of Driving Licences and shall inform the Central Government without delay of all additions to and other amendments in such register made from time to time.</p> <p>(3) The State Register of Driving Licences shall</p>	<p><b>24. Maintenance of State Registers of Driving Licences.</b> – Each State Government shall maintain database of Driving Licences, in respect of driving licences issued and renewed by the licensing authorities of the State Government in such format and such manner as may be prescribed by the Central Government.</p>	<p>Redrafted to replace State Register with database and the same can be dealt with in rules.                  24(2) and (3): Deleted.</p> <p>With the possibilities of computerization of all records, including record of driving licences, it is not considered necessary to have separate registers in manual form or maintain any hardcopies of such records. Such information may be updated on the respective website of the Transport Departments.</p>

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<p>be maintained in such manner as may be prescribed by the State Government.</p> <p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 10, for “printed copy” (w.e.f. 14-11-1994).</p> <p>-----</p>		
<p><b>27. Power of Central Government to make rules.</b>—The Central Government may make rules—</p> <p>(a) regarding conditions referred to in section 3;</p> <p>(b) providing for the form in which the application for learner’s licence may be made, the information it shall contain and the documents to be submitted with the application referred to in sub-section (2) of section 8;</p> <p>(c) providing for the form of medical certificate referred to in sub-section (3) of section 8;</p> <p>(d) providing for the particulars for the test referred to in sub-section (5) of section 8;</p> <p>(e) providing for the form in which the application for driving licence may be made, the information it shall contain and the documents to be submitted with the application referred to in sub-section (2) of section 9;</p> <p>(f) providing for the particulars regarding test of</p>	<p><b>25. Power of Central Government to make rules.</b>—The Central Government may make rules—</p> <p>(a) regarding conditions referred to in subsection (3) of section 3;</p> <p>(b) providing for the form in which the application for learner’s licence may be made, the information it shall contain and the documents to be submitted with the application referred to in section 6;</p> <p>(c) providing for the form of medical certificate referred to in section 6;</p> <p>(d) providing for the particulars for the test referred to in section 6;</p> <p>(e) providing for the form in which the application for driving licence may be made, the information it shall contain and the documents to be submitted with the application referred to in section 6;</p>	<p>Item (o) under 25: Deleted in view of deletion of existing section (24) and subsequent items have been renumbered as (o) and (p).</p>

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<p>competence to drive, referred to in sub-section (3) of section 9;</p> <p>(g) specifying the minimum educational qualifications of persons to whom licences to drive transport vehicles may be issued under this Act and the time within which such qualifications are to be acquired by such persons;</p> <p>(h) providing for the form and contents of the licences referred to in sub-section (1) of section 10;</p> <p>(i) providing for the form and contents of the application referred to in sub-section (1) of section 11 and documents to be submitted with the application and the fee to be charged;</p> <p>(j) providing for the conditions subject to which section 9 shall apply to an application made under section 11;</p> <p>(k) providing for the form and contents of the application referred to in sub-section (1) of section 15 and the documents to accompany such application under sub-section (2) of section 15;</p> <p>(l) providing for the authority to grant licences under sub-section (1) of section 18;</p> <p>(m) specifying the fees payable under sub-section (2) of section 8, sub-section (2) of section 9 and sub-</p>	<p>(f) providing for the particulars regarding test of competence to drive, referred to in section 6;</p> <p>(g) specifying the minimum educational qualifications of persons to whom licences to drive transport vehicles may be issued under this Act and the time within which such qualifications are to be acquired by such persons;</p> <p>(h) providing for the form and contents of the licences referred to in section 10</p> <p>(i) providing for the form and contents of the application referred to in section 7 and documents to be submitted with the application and the fee to be charged;</p> <p>(j) providing for the conditions subject to which section 6 shall apply to an application made under section 11;</p> <p>(k) providing for the form and contents of the application referred to in section 14 and the documents to accompany such application section 14;</p> <p>(l) providing for the authority to grant licences under 18;</p> <p>(m) specifying the fees payable under section 6 and section 14 for the grant of learner's licences,</p>	

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<p>sections (3) and (4) of section 15 for the grant of learner’s licences, and for the grant and renewal of driving licences and licences for the purpose of regulating the schools or establishments for imparting instructions in driving motor vehicles;</p> <p>(n) specifying the acts for the purposes of clause (f) of sub-section (1) of section 19;</p> <p>(o) specifying the offences under this Act for the purposes of sub-section (2) of section 24;</p> <p>(p) to provide for all or any of the matters referred to in sub-section (1) of section 26;</p> <p>(q) any other matter which is, or has to be, prescribed by the Central Government.</p>	<p>and for the grant and renewal of driving licences and licences for the purpose of regulating the schools or establishments for imparting instructions in driving motor vehicles;</p> <p>(n) specifying the acts for the purposes under section 19;</p> <p>(o) to provide for all or any of the matters referred to in section 24;</p> <p>(p) any other matter which is, or has to be, prescribed by the Central Government.</p>	
<p><b>28. Power of State Government to make rules.</b>—</p> <p>(1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 27.</p> <p>(2) Without prejudice to the generality of the foregoing power, such rules may provide for—</p> <p>(a) the appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities;</p> <p>(b) the conduct and hearing of appeals that may be</p>	<p><b>26. Power of State Government to make rules.</b>—A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 25.</p>	<p>In view of the powers conferred in, existing sub-section (1), sub-section (2) is redundant, therefore exiting 28(2) has been deleted.</p>

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<p>preferred under the 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 <i>twenty-five</i> rupees;</p> <p>(c) the issue of duplicate licences to replace licences lost, destroyed or mutilated, the replacement of photographs which has become obsolete and the fees to be charged therefore;</p> <p>(d) the badges and uniform to be worn by drivers of transport vehicles and the fees to be paid in respect of badges;</p> <p>(e) the fee payable for the issue of a medical certificate under sub-section (3) of section 8;</p> <p>(f) the exemption of prescribed persons, or prescribed classes of persons, from payment of all or any portion of the fees payable under this Chapter;</p> <p>(g) the communication of particulars of licences granted by one licensing authority to other licensing authorities;</p> <p>(h) the duties, functions and conduct of such persons to whom licences to drive transport vehicles are issued;</p> <p>(i) the exemption of drivers of road-rollers from all or any of the provisions of this Chapter or of the rules made thereunder;</p>		

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<p>(j) the manner in which the State Register of Driving Licences shall be maintained under section 26;</p> <p>(k) any other matter which is to be, or may be, prescribed.</p>		
<p><b>Chapter III: LICENSING OF CONDUCTORS OF STAGE CARRIAGES</b></p>	<p><b>Chapter: 3 (Section 29-38) is deleted.</b></p> <p>It is suggested that the State Government should lay down the roles and responsibility of Conductor under new Chapter IV: Permit</p> <p><b>Next Chapter IV (Registration of Motor Vehicle) has been renumbered as III.</b></p>	
<p><b>CHAPTER IV: REGISTRATION OF MOTOR VEHICLES</b></p> <p><b>39. Necessity for registration.</b>—No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner:</p>	<p><b>CHAPTER III: REGISTRATION OF MOTOR VEHICLES</b></p> <p><b>27. Necessity for registration.</b>—(1) No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any place unless the vehicle is registered in accordance with this Chapter.</p> <p>Provided that nothing in this section shall apply to a motor vehicle in possession of a</p>	<p>Serial number (39) changed to (27).</p> <p>Simplification in language.</p> <p>27(1): Word public is removed.</p> <p>Display of registration mark has been taken in a new section</p> <p>Exemption from registering along with “dealer” “manufacturer” and “importer” has been added to clarify the provision better.</p>

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<p>Provided that nothing in this section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government.</p>	<p>manufacturer, dealer or importer as otherwise prescribed by the Central Government.</p> <p>(2) A motor vehicle registered and a certificate of registration issued and in force under this Act in respect of such vehicle shall be effective throughout India.</p>	
<p><b>40. Registration, where to be made.</b>—Subject to the provisions of section 42, section 43 and section 60, every owner of a motor vehicle shall cause the vehicle to be registered by a registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept.</p>	<p><b>28. Registration, where to be made.</b>—Subject to the provisions of section 30, section 31 and section 44, every owner of a motor vehicle shall cause the vehicle to be registered by a registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept</p>	<p>Sr. No has been changed.</p>
<p><b>41. Registration, how to be made.</b>—(1) An application by or on behalf of the owner of a motor vehicle for registration shall be in such form and shall be accompanied by such documents, particulars and information and shall be made within such period as may be prescribed by the Central Government:</p> <p>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</p>	<p><b>29. Registration, how to be made.</b> – (1) An application by or on behalf of the owner of a motor vehicle for registration shall be in such form, accompanied by such documents, particulars and information, and fee and shall be made within such period as may be prescribed by the Central Government:</p>	<p>Serial number (41) changed to (29).</p> <p>29(1) &amp; (2) has been clubbed together.</p> <p>Proviso of existing 41(1): No change</p>

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<p>owner of the motor vehicle for the purposes of this Act.</p> <p>(2) An application referred to in sub-section (1) shall be accompanied by such fee as may be prescribed by the Central Government.</p> <p>(3) The registering authority shall issue to the owner of a motor vehicle registered by it a certificate of registration in such form and containing such particulars and information and in such manner as may be prescribed by the Central Government.</p> <p>(4) In addition to the other particulars required to be included in the certificate of registration, it shall also specify the type of the motor vehicle, being a type as the Central Government may, having regard to the design construction and use of the motor vehicle, by notification in the Official Gazette, specify.</p> <p>(5) The registering authority shall enter the particulars of the certificate referred to in sub-section (3) in a register to be maintained in such form and</p>	<p>(2) The application for registration shall be accompanied by such proof of parking space as may be prescribed by the State Government.</p> <p>Existing 41(3): No change</p> <p>(4) The registering authority shall enter the particulars of the certificate referred to in sub-</p>	<p><b>New Subsection:</b> 29(2): Proof of parking space has been added as a requirement and the request of Ministry of Urban Development in order to contain the growth in personal vehicles and congestion in cities.</p> <p>29(4): Deleted. Provision for specification of the vehicle already exists in sub section (3).</p> <p>29(4): In place of word “register” the word “database” has been suggested. Due to deletion of 41(4), S.N. of</p>



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<p>manner as may be prescribed by the Central Government.</p> <p>(6) The registering authority shall assign to the vehicle, for display thereon, a distinguishing mark (in this Act referred to as the registration mark) consisting of one of the groups of such of those letters and followed by such letters and figures as are allotted to the State by the Central Government from time to time by notification in the Official Gazette, and displayed and shown on the motor vehicle in such form and in such manner as may be prescribed by the Central Government.</p> <p>(7) A certificate of registration issued under sub-section (3), whether before or after the commencement of this Act, in respect of a motor vehicle, other than a transport vehicle, shall, subject to the provisions contained in this Act, be valid only for a period of fifteen years from the date of issue of such certificate and shall be renewable.</p>	<p>section (3) in a database to be maintained in such form and manner as may be prescribed by the Central Government.</p> <p>(5) The registering authority shall assign to the vehicle, for display thereon in a manner as may be prescribed by the Central Government, a distinguishing mark (in this Act referred to as the registration mark) consisting of alphabets and numbers as are allotted to the State by the Central Government from time to time by notification in the Official Gazette.</p> <p>(6) A certificate of registration issued under sub-section (3), whether before or after the commencement of this Act, in respect of a motor vehicle, other than a transport vehicle, shall, subject to the provisions contained in this Act, be valid only for a such period as may be prescribed by the Central Government from time to time and shall be renewable.</p>	<p>following subsection (5), (6), (7) and (8) have changed to (4), (5), (6) and (7).</p> <p>29(5): Simplified and streamlined.</p> <p>29(6): The current period of validity of 15 years for non-transport vehicle is too long and does not allow for updating of data on number motor vehicles operating in the country and does not facilitate Inspection and Certification of in use vehicles. The Committee is of the considered view that we should eventually move towards annual registration/ tax w.e.f 2015 as prevalent in other countries.</p> <p>Proviso is added under 29(6) and</p>

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<p>(8) An application by or on behalf of the owner of a motor vehicle, other than a transport vehicle, for the renewal of a certificate of registration shall be made within such period and in such form, containing such particulars and information as may be prescribed by the Central Government.</p> <p>(9) An application referred to in sub-section (8) shall be accompanied by such fee as may be prescribed by the Central Government.</p> <p>(10) Subject to the provisions of section 56, the registering authority may, on receipt of an application under sub-section (8), renew the certificate of registration for a period of five years and intimate the fact to the original registering authority, if it is not the original registering authority.</p> <p>(11) If the owner fails to make an application under sub-section (1), or, as the case may be, under</p>	<p>Provided that the Central Government may prescribe different validity periods for different types of vehicles.</p> <p>(7) An application by or on behalf of the owner of a motor vehicle, other than a transport vehicle, for the renewal of a certificate of registration shall be made within such period and in such form, containing such particulars and information and accompanied by such fee as may be prescribed by the Central Government.</p> <p>(8) Subject to the provisions of section 40, the registering authority may, on receipt of an application under sub-section (8), renew the certificate of registration for such period as may be prescribed but not exceeding five years.</p>	<p>different validity period may be prescribed for different kinds of vehicle.</p> <p>29(7): Provision for fee has also been incorporated. Earlier it was given in old sub-section 41(9).</p> <p>41(9): Deleted.</p> <p>29(8): Sr. No (10) changed to (8). The period of renewal has been changed from 5 years to “<i>not exceeding 5 years</i>” Redundant words are removed.</p> <p>Existing 41(11), (12), (13) are redundant, deleted.</p>

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<p>sub-section (8) within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (13):</p> <p>Provided that action under section 177 shall be taken against the owner where the owner fails to pay the said amount.</p> <p>(12) Where the owner has paid the amount under sub-section (11), no action shall be taken against him under section 177.</p> <p>(13) For the purposes of sub-section (11), the State Government may prescribe different amounts having regard to the period of delay on the part of the owner in making an application under sub-section (1) or sub-section (8).</p> <p>(14) An application for the issue of a duplicate certificate of registration shall be made to the [last registering authority] in such form, containing such particulars and information along with such fee as may be prescribed by the Central Government.</p>	<p>(9) An application for the issue of a duplicate certificate of registration shall be made to the</p>	<p>29(9): Sr. No (14) changed to (9). Word “last” is removed. With change of address provision being</p>

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	<p>registering authority] in such form, containing such particulars and information along with such fee as may be prescribed by the Central Government.</p> <p><b>29A. Provision for third party insurance</b></p> <p>Notwithstanding anything contained in this chapter, no motor vehicle shall be registered or certificate of registration renewed, unless there is in force, in relation to use of the vehicle a policy of insurance.</p>	<p>enforced more rigorously the duplicate can be obtained from the current registering authority</p> <p><b>New Section 29A is added</b></p>
<p><b>42. Special provision for registration of motor vehicles of diplomatic officers, etc.—(1)</b> Where an application for registration of a motor vehicle is made under sub-section (1) of section 41 by or on behalf of any diplomatic officer or consular officer, then, notwithstanding anything contained in sub-section (3) or sub-section (6) 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 (hereafter in this section referred to as the certificate of registration) that the vehicle has been registered</p>	<p><b>30. Special provision for registration of motor vehicles of diplomatic officers, etc.—(1)</b> Where an application for registration of a motor vehicle is made under sub-section (1) of section 29 by or on behalf of any diplomatic officer or consular officer, then, notwithstanding anything contained in sub-section (3) or sub-section (5) 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 (hereafter in this section referred to as the certificate of</p>	<p>Serial number (42) changed to (30).</p>

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<p>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.</p> <p>(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 sections 39 and 40 shall thereupon apply.</p> <p>(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 the certificates of registration are to be issued, the manner in which such certificates of registration are to be sent to the owners of the vehicles and the special registration marks to be assigned to such vehicles.</p> <p>(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</p>	<p>registration) 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.</p> <p>(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 sections 27 and 28 shall thereupon apply.</p> <p>(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 the certificates of registration of such vehicles are to be issued, the manner in which such certificates of registration are to be sent to the owners of the vehicles and the special registration marks to be assigned to such vehicles.</p> <p>(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</p>	<p>Sr. No. of cross referred section has been changed in 30(2).</p>

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<p>not such an officer, the decision of the Central Government thereon shall be final.</p> <p><b>43. Temporary registration.</b>—(1) Notwithstanding anything contained in section 40 the owner of a motor vehicle may apply to any registering authority or other prescribed authority to have the vehicle temporarily registered in the prescribed manner and for the issue in the prescribed manner of a temporary certificate of registration and a temporary registration mark.</p>	<p>decision of the Central Government thereon shall be final.</p> <p><b>31. Temporary registration. - (1)</b> Notwithstanding anything contained in section 28, the owner of a motor vehicle may apply to the registering authority or other prescribed agency where vehicle is purchased or brought into the territory of India in the prescribed manner to have the vehicle temporarily registered and for the issue of a temporary certificate of registration and a temporary registration mark.</p>	<p>Serial number of (43) has been changed to (31). The wide powers of temporary registration are sought to be restricted. 31(1): Words “any,” and “authority” are replaced with “the” and “agency.” The section is reworded. The temporary registration can now be made by “the registration authority” where the vehicle is bought and imported in the territory of India in place of “any authority”</p>
<p>(2) A registration made under this section shall be valid only for a period not exceeding one month, and shall not be renewable:</p> <p>Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted with a body or any unforeseen circumstances beyond the control of the owner], the period may, on payment of such fees, if any, as may be prescribed, be extended by such further period or periods as the registering authority or other prescribed authority, as</p>	<p>Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted with a body or for any unforeseen circumstances beyond the control of the owner, the period may, on payment of such fees, as may be prescribed, be extended by such further period as the registering authority or other prescribed authority, as the case</p>	<p>Existing 31(2): No change.</p> <p>Proviso 31(2): Words “if any” and “or periods” are removed.</p>

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<p>the case may be, may allow.</p> <p>2[(3) In a case where the motor vehicle is held under hire-purchase agreement, lease or hypothecation, the registering authority or other prescribed authority shall issue a temporary certificate of registration of such vehicle, which shall incorporate legibly and prominently the full name and address of the person with whom such agreement has been entered into by the owner.]</p> <p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 12, for “with a body” (w.e.f. 14-11-1994).</p> <p>2. Ins. by Act 54 of 1994, sec. 12 (w.e.f. 14-11-1994).</p> <p>-----</p>	<p>may be, may allow.</p>	<p>Existing 43(3): Deleted. (Redundant)</p>
<p><b>44. Production of vehicle at the time of registration.</b>—The registering authority shall before proceeding to register a motor vehicle or renew the certificate of registration in respect of a motor vehicle, other than a transport vehicle, require the person applying for registration of the vehicle or, as the case may be, for renewing the certificate of registration to produce the certificate of registration to produce the vehicle either before itself or such authority as the State Government may by</p>	<p><b>32. Production of vehicle at the time of registration.</b> - The registering authority shall before proceeding to register a motor vehicle or renew the certificate of registration in respect of a motor vehicle, other than a transport vehicle, require the person applying for registration of the vehicle or, as the case may be, for renewing the certificate of registration to produce the vehicle either before itself or such agency as the State Government may by order appoint in order that</p>	<p>Serial number (44) changed to (32).</p> <p>To reduce the burden of owners and transport authorities, the production of type approved and fully body built vehicle is stopped.</p> <p>The word “<i>authority</i>” is replaced with “<i>agency</i>”.</p>

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<p>order appoint in order that the registering authority may satisfy itself that the particulars contained in the application are true and that the vehicle complies with the requirements of this Act and of the rules made thereunder.</p>	<p>the registering authority may satisfy itself that the particulars contained in the application are true and that vehicle complies with the requirements of the Act and of the rules made thereunder.</p> <p>Provided that the dealer shall certify particulars of a new vehicle, which is type approved and fully body built as defined under section 75 and manufactured in India, as mentioned in the application for registration of the vehicle and owner shall not be required to produce such a vehicle before the registering authority.</p>	<p>A new proviso has been introduced whereby “ type approved and fully body built new vehicle is manufactured in India will not be required to be produced before the registering authority”</p>
<p><b>45. Refusal of registration or renewal of the certificate of registration.</b>—The registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle), if in either case, the registering authority has reason to believe that it is a stolen motor vehicle or the vehicle is mechanically defective or fails to comply with the requirements of this Act or of the rules made thereunder, or if the applicant fails to furnish particulars of any previous registration of the vehicle or furnishes inaccurate particulars in the application for registration of the vehicle or, as the case may be, for renewal of the certificate or registration thereof and the registering authority</p>	<p><b>33. Refusal of registration or renewal of the certificate of registration.</b> - The registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle ( other than a transport vehicle), if in either case, the registering authority has reason to believe;</p> <p>(i) that it is a stolen motor vehicle or</p> <p>(ii) the vehicle is mechanically defective or</p> <p>(iii) fails to comply with the requirements of this Act or of the rules made thereunder, or</p> <p>(iv) applicant fails to provide particulars as prescribed in section 29 or to furnish particulars of any previous registration of the vehicle or</p> <p>(v) furnishes inaccurate particulars in the application for registration of the vehicle or, as</p>	<p>Serial number (45) changed to (33).</p> <p>Words “<i>or fails to provide particulars of information as prescribed in section 41</i>”are added for better clarity.</p>



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<p>shall furnish the applicant whose vehicle is refused registration, or whose application for renewal of the certificate of registration is refused, a copy of such order, together with the reasons for such refusal.</p>	<p>the case may be, for renewal of the certificate of registration thereof.</p> <p>The registering authority shall furnish the applicant whose vehicle is refused registration, or whose application for renewal of the certificate of registration is refused, a copy of such order, together with the reasons for such refusal.</p>	
<p><b>46. Effectiveness in India of registration.</b>— Subject to the provisions of section 47, a motor vehicle registered in accordance with this Chapter in any State shall not require to be registered elsewhere in India and a certificate of registration issued or in force under this Act in respect of such vehicle shall be effective throughout India.</p>	<p>(46) is relocated at new 27(2).</p>	
<p><b>47. Assignment of new registration mark on removal to another State.</b>—(1) When a motor vehicle registered in one State has been kept in another State, for a period exceeding twelve months, the owner of the vehicle shall, within such period and in such form containing such particulars as may be prescribed by the Central Government, apply to the registering authority, within whose jurisdiction the vehicle then is, for the assignment of a new registration mark and shall present the certificate of registration to that registering authority:</p>		<p>Entire section (47) is deleted.</p> <p>With Notification of address change being made mandatory and with growing mobility within the country it is important to provide “number portability” for vehicles. This should be possible once electronic databases are created in each state and are interconnected.</p>

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<p>that an application under this sub-section shall be accompanied—</p> <p>(i) by the no objection certificate obtained under section 48, or</p> <p>(ii) in a case where no such certificate has been obtained, by—</p> <p>(a) the receipt obtained under sub-section (2) of section 48; or</p> <p>(b) the postal acknowledgment received by the owner of the vehicle if he has sent an application in this behalf by registered post acknowledgment due to the registering authority referred to in section 48, together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted:</p> <p>Provided further that, in a case where a motor vehicle is held under a hire-purchase, lease or hypothecation agreement, an application under this sub-section shall be accompanied by a no objection certificate from the person with whom such agreement has been entered into, and the provisions of section 51, so far as may be, regarding obtaining of such certificate from the person with whom such agreement has been entered into, shall apply.</p>		

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<p>(2) The registering authority, to which application is made under sub-section (1), shall after making such verification, as it thinks fit, of the returns, if any, received under section 62, assign the vehicle a registration mark as specified in sub-section (6) of section 41 to be displayed and shown thereafter on the vehicle and shall enter the mark upon the certificate of registration before returning it to the applicant and shall, in communication with the registering authority by whom the vehicle was previously registered, arrange for the transfer of the registration of the vehicle from the records of that registering authority to its own records.</p> <p>(3) Where a motor vehicle is held under a hire-purchase or lease or hypothecation agreement, the registering authority shall, after assigning the vehicle a registration mark under sub-section (2), inform the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the hire-purchase or lease or hypothecation agreement (by sending to such person a notice by registered post acknowledgment due at the address of such person entered in the certificate of registration the fact of assignment of the said registration mark).</p> <p>(4) A State Government may make rules under section 65 requiring the owner of a motor vehicle not</p>		

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<p>registered within the State, which is brought into or is for the time being in the State, to furnish to the prescribed authority in the State such information with respect to the motor vehicle and its registration as may be prescribed.</p> <p>(5) If the owner fails to make an application under sub-section (1) within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (7):</p> <p>Provided that action under section 177 shall be taken against the owner where the owner fails to pay the said amount.</p> <p>(6) Where the owner has paid the amount under sub-section (5), no action shall be taken against him under section 177.</p> <p>(7) For the purposes of sub-section (5), the State Government may prescribe different amounts having regard to the period of delay on the part of the owner in making an application under sub-section (1).</p>		

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<p><b>48. No objection certificate.</b>—(1) The owner of a motor vehicle when applying for the assignment of a new registration mark under sub-section (1) of section 47, or where the transfer of a motor vehicle is to be effected in a State other than the State of its registration, the transferor of such vehicle when reporting the transfer under sub-section (1) of section 50, shall make an application in such form and in such manner as may be prescribed by the Central Government to the registering authority by which the vehicle was registered for the issue of a certificate (hereafter in this section referred to as the no objection certificate), to the effect that the registering authority has no objection for assigning a new registration mark to the vehicle or, as the case may be, for entering the particulars of the transfer of ownership in the certificate of registration.</p> <p>(2) The registering authority shall, on receipt of an application under sub-section (1), issue a receipt in such form as may be prescribed by the Central Government.</p> <p>(3) On receipt of an application under sub-section (1), the registering authority may, after making such inquiry and requiring the applicant to comply with such directions as it deems fit and within thirty days of the receipt thereof, by order in</p>		<p>Entire section 48 is deleted. Kindly refer to section (47) as above.</p>

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<p>writing, communicate to the applicant that it has granted or refused to grant the no objection certificate:</p> <p>Provided that a registering authority shall not refuse to grant the no objection certificate unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.</p> <p>(4) Where within a period of thirty days referred to in sub-section (3), the registering authority does not refuse to grant the no objection certificate or does not communicate the refusal to the applicant, the registering authority shall be deemed to have granted the no objection certificate.</p> <p>(5) Before granting of refusing to grant the no objection certificate, the registering authority shall obtain a report in writing from the police that no case relating to the theft of the motor vehicle concerned has been reported or is pending, verify whether all the amounts due to Government including road tax in respect of that motor vehicle have been paid and take into account such other factors as may be prescribed by the Central Government.</p> <p>1[(6) The owner of the vehicle shall also inform at the earliest, in writing, the registering authority about the theft of his vehicle together with the name</p>		

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<p>of the police station where the theft report was lodged, and the registering authority shall take into account such report while disposing of any application for no objection certification, registration, transfer of ownership or issue of duplicate registration certificate].</p> <p>-----</p> <p>1. Ins. by Act 54 of 1994, sec. 13 (w.e.f. 14-11-1994).</p> <p>-----</p>		
<p><b>49. Change of residence or place of business.</b>—(1) If the owner of a motor vehicle ceases to reside or have his place of business at the address recorded in the certificate of registration of the vehicle, he shall, within thirty days of any such change of address, intimate in such form accompanied by such documents as may be prescribed by the Central Government, his new address, to the registering authority by which the certificate of registration was issued, or, if the new address is within the jurisdiction of another registering authority, to that other registering authority, and shall at the same time forward the certificate of registration to the registering authority or, as the case may be, to the other registering authority in order that the new address may be</p>	<p><b>34. Change of residence or place of business.</b> -- (1) If the registered owner of a motor vehicle ceases to reside at or changes his place of business from the address recorded in the certificate of registration of the vehicle, he shall, within ninety days of any such change of address, intimate in such form accompanied by such documents as may be prescribed by the Central Government, his new address, to the registering authority by which the certificate of registration was issued if the new address is within the jurisdiction of the registering authority or to the registering authority within whose jurisdiction he has the residence or place of business in order that the new address may be entered therein.</p>	<p>Serial number (49) changed to (34).</p> <p>34(1): Reworded. Words “<i>or, as the case may be, to the other registering authority</i>” are removed. Period changed from 30 days to 90 days</p>

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<p>entered therein.</p> <p>(2) If the owner of a motor vehicle fails to intimate his new address to the concerned registering authority within the period specified in sub-section (1), the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (4):</p> <p>Provided that action under section 177 shall be taken against the owner where he fails to pay the said amount.</p> <p>(3) Where a person has paid the amount under sub-section (2), no action shall be taken against him under section 177.</p> <p>(4) For the purposes of sub-section (2), a State Government may prescribe different amounts having regard to the period of delay in intimating his new address.</p> <p>(5) On receipt of intimation under sub-section (1), the registering authority may, after making such verification as it may think fit, cause the new address to be entered in the certificate of registration.</p> <p>(6) A registering authority other than the original registering authority making any such entry shall</p>	<p>(2) On receipt of intimation under sub-section (1), the registering authority may, after making such verification as it may think fit, cause the new address to be entered in the certificate of registration.</p>	<p>Existing 49(2) and proviso thereunder, 49(3), 49(4) and 49(6) are deleted as redundant.</p> <p>34(2): No change in 49(5), but Sr. No. has been renumbered as 2.</p> <p>49(6): In the modified scheme of the</p>



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<p>communicate the altered address to the original registering authority.</p> <p>(7) Nothing in sub-section (1) shall apply where the change of the address recorded in the certificate of registration is due to a temporary absence not intended to exceed six months in duration or where the motor vehicle is neither used nor removed from the address recorded in the certificate of registration.</p>	<p>(3) Nothing in sub-section (1) shall apply where the change of residence or place of business does not exceed three months in duration or where the motor vehicle is neither used nor removed from the address recorded in the certificate of registration.</p>	<p>chapter this function is entrusted to the current registering authority only therefore no need for communication, hence 49 (6) deleted.</p> <p>34(3): Sr. No. (7) is changed to (3). Simplified and streamlined and consistent with other provisions.</p>
<p><b>50. Transfer of ownership.</b>—(1) Where the ownership of any motor vehicle registered under this Chapter is transferred,—</p> <p>(a) the transferor shall,—</p> <p>(i) in the case of a vehicle registered within the same State, within fourteen days of the transfer, report the fact of transfer, in such form with such documents and in such manner, as may be prescribed by the Central Government to the registering authority within whose jurisdiction the transfer is to be effected and shall simultaneously send a copy of the said report to the transferee; and</p>	<p><b>35. Transfer of ownership.</b>—(1) Where the ownership of any motor vehicle registered under this Chapter is transferred, the transferee shall, within thirty days of the transfer, report the transfer along with proof of an agreement occasioning such transfer as prescribed, to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward the certificate of registration to that registering authority together with the prescribed fee in order that particulars of the transfer of ownership may be entered in the certificate of</p>	<p>Serial number (50) changed to (35).</p> <p>35(1): Items under (a) under 35(1) is Deleted. Clause (b) is simplified and connected with subsection (1).</p> <p>Present procedure results in duplication of procedure which has been more proposed to be streamlined. The transferor can now intimate even in an online manner. The time for reporting has been made thirty days irrespective of</p>

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<p>(ii) in the case of a vehicle registered outside the State, within forty-five days of the transfer, forward to the registering authority referred to in sub-clause (i)—</p> <p>(A) the no objection certificate obtained under section 48; or</p> <p>(B) in a case where no such certificate has been obtained,—</p> <p>(I) the receipt obtained under sub-section (2) of section 48; or</p> <p>(II) the postal acknowledgment received by the transferee if he has sent an application in this behalf by registered post acknowledgment due to the registering authority referred to in section 48, together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted;</p> <p>(b) the transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward</p>	<p>registration.</p> <p>Provided an acknowledgement receipt shall be given to applicant in such manner as may be prescribed.</p>	<p>whether transfer is within or outside the state. The requirement of no objection deleted consequent to deletion of section 48. The procedure of change in R.C book on account of transfer of ownership is changed. Therefore, significant changes have been made in the section.</p>

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<p>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.</p> <p>(2) Where—</p> <p>(a) the person in whose name a motor vehicle stands registered dies, or</p> <p>(b) a motor vehicle has been purchased or acquired at a public auction conducted by, or on behalf of, Government,</p> <p>the person succeeding to the possession of the vehicle or, as the case may be, who has purchased or acquired the motor vehicle, shall make an application for the purpose of transferring the ownership of the vehicle in his name, to the registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, in such manner, accompanied with such fee, and within such period as may be prescribed by the Central Government.</p> <p>(3) If the transferor or the transferee fails to report to the registering authority the fact of transfer within the period specified in clause (a) or clause (b) of</p>		<p>35(2): No change in subsection (2)</p> <p>Existing 50(3), 50(4) and 50(5) are redundant, deleted.</p>

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<p>sub-section (1), as the case may be, or if the person who is required to make an application under sub-section (2) (hereafter in this section referred to as the other person) fails to make such application within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the transferor or the transferee, or the other person, as the case may be, to pay, in lieu of any action that may be taken against him under section 177 such amount not exceeding one hundred rupees as may be prescribed under sub-section (5):</p> <p>Provided that action under section 177 shall be taken against the transferor or the transferee or the other person, as the case may be, where he fails to pay the said amount.</p>		
<p>(4) Where a person has paid the amount under sub-section (3), no action shall be taken against him under section 177.</p>		
<p>(5) For the purposes of sub-section (3), a State Government may prescribe different amounts having regard to the period of delay on the part of the transferor or the transferee in reporting the fact of transfer of ownership of the motor vehicle or of the other person in making the application under sub-section (2).</p>		

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<p>(6) On receipt of a report under sub-section (1), or an application under sub-section (2), the registering authority may cause the transfer of ownership to be entered in the certificate of registration.</p> <p>(7) A registering authority making any such entry shall communicate the transfer of ownership to the transferor and to the original registering authority, if it is not the original registering authority.</p>	<p>(3) On receipt of a report under sub-section (1), or an application under sub-section (2), the registering authority may cause the transfer of ownership to be entered in the certificate of registration.</p> <p>(4) A registering authority making any such entry shall communicate the transfer of ownership to the transferor</p>	<p>35(6): Sr. No is changed; however no change in text.</p> <p>35(4): Sr. No (7) has been changed to (4). Intimation to the original registering authority has been deleted. With the transfer being done by the current authority provision is not required</p>
<p><b>51. Special provisions regarding motor vehicle subject to hire-purchase agreement, etc.—</b></p>	<p><b>36. Special provisions regarding motor vehicle subject to hire-purchase agreement, etc.-</b></p> <p>Definitions for the purpose of this section:</p> <p>a. financier: a person registered under the Banking Regulation Act, 1911 or registered as the Non-Banking Finance Company (NBFC) with the RBI and also registered with the prescribed authority in a state as decided by the state government for this purpose and with whom an owner of motor vehicle has entered into an agreement</p> <p>b. agreement : an agreement for hypothecation, lease or hire-purchase under the appropriate law</p>	<p>Sr. No is changed.</p> <p>Significant changes have been made in the section. New provision regarding definition of financier, agreement, certificate, and appropriate authority has been introduced. The definition of financier is restricted to banks and NBFCs.</p>

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<p>(1) Where an application for registration of a motor vehicle which is held under a hire-purchase, lease or hypothecation agreement (hereafter in this section referred to as the said agreement) is made, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement.</p> <p>(2) Where the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into the said agreement with any person, the 1 [last registering authority] shall, on receipt of an application in such form as the Central Government may prescribe from the parties to the said agreement, make an entry as to the existence of the said agreement in the certificate of registration</p>	<p>c. certificate: a no objection certificate issued by a financier</p> <p>d. appropriate authority: for the purpose of subsection (6), (8) and (9); “appropriate authority” in relation to any permit, means the authority which is authorised under this Act to renew such permit and, in relation to registration means the authority which is authorised under this Act to issue a certificate of registration.</p> <p>(1) Where an application for registration of a motor vehicle which is held under an agreement is made in such form as the Central Government may prescribe from the parties to the said agreement, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement.</p> <p>(2) Where the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into the said agreement with a financier, the registering authority shall, on receipt of an application from the parties to the said agreement, make an entry as to the existence of the said agreement in the certificate of registration.</p>	<p>36(1): Redundant words “<i>hire-purchase, lease or hypothecation agreement (hereafter in this section referred to as the said</i>” is removed to simplify the language of section.</p> <p>36(2): Consequential changes due to the new definition of “financier.”                      No intimation to previous authority.                      This section provides for a work which is not a primary activity of the transport department mainly in order to encourage vehicle financing.                      However, it is suggested that a fee</p>

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<p>2[and an intimation in this regard shall be sent to the original registering authority if the last registering authority is not the original registering authority].</p> <p>(3) Any entry made under sub-section (1) or sub-section (2), may be cancelled by the 1[<del>last</del> registering authority] on proof of the termination of the said agreement by the parties concerned on an application being made in such form as the Central Government may prescribe 2[and an intimation in this behalf shall be sent to the original registering authority if the last registering authority is not the original registering authority].</p> <p>(4) No entry regarding the transfer of ownership of any motor vehicle which is held under the said agreement shall be made in the certificate of registration except with the written consent of the</p>	<p>(2a) An application under sub-section 1 or 2 shall be made in such form as the Central Government may prescribe from the parties to the said agreement and shall be accompanied by such fee as may be prescribed.</p> <p>Provided that different fee may be prescribed for different category of vehicles.</p> <p>(3) Any entry made under subsection (1) or subsection (2) may be cancelled by the registering authority on proof of the termination of the said agreement by the parties concerned on an application being made in such form as the Central Government may prescribe.</p> <p>(4) No entry regarding the transfer of ownership of any motor vehicle which is held under the said agreement shall be made in the certificate of registration except with the consent of the</p>	<p>should be levied for the service. It is recommended that the fee should not exceed Rs. fifteen thousand.</p> <p><b><i>New Proviso (2a) is inserted.</i></b></p> <p>36(3): No intimation to previous authority. Simplified and streamlined.</p> <p>36(4): Reworded and Consequential changes on account of definition.</p>

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<p>person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the said agreement.</p> <p>(5) Where the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the said agreement, satisfies the registering authority that he has taken possession of the vehicle 3[from the registered owner] owing to the default of the registered owner under the provisions of the said agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representation as he may wish to make (by sending to him a notice by registered post acknowledgment due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a fresh certificate of registration in the name of the person with whom the registered owner has entered into the said agreement:</p> <p>Provided that a fresh certificate of registration shall not be issued in respect of a motor vehicle,</p>	<p>financier in such manner as may be prescribed.</p> <p>(5) Where the financier, satisfies the registering authority that he has taken possession of the vehicle from the registered owner owing to the default of the registered owner under the provisions of the said agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity through a notice given in such manner as prescribed to make such representation as he may wish to make cancel the certificate and issue a fresh certificate of registration in the name of the financier.</p>	<p>36(5): Simplified and streamlined.  Manner of notice changed from act to rules and Consequential changes.</p> <p>No change in Proviso.</p>



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<p>unless such person pays the prescribed fee:</p> <p>Provided further that a fresh certificate of registration issued in respect of a motor vehicle, other than a transport vehicle, shall be valid only for the remaining period for which the certificate cancelled under this sub-section would have been in force.</p> <p>(6) The registered owner shall, before applying to the appropriate authority, for the renewal of a permit under section 81 or for the issue of duplicate certificate of registration under sub-section (14) of section 41, or for the assignment of a new registration mark 4[under section 47, or removal of the vehicle to another State, or at the time of conversion of the vehicle from one class to another, or for issue of no objection certificate under section 48, or for change of residence or place of business under section 49, or for the alteration of the vehicle under section 52, make an application] to the person with whom the registered owner has entered into the said agreement, (such person being hereafter in this section referred to as the financier) for the issue of a no objection certificate (hereafter in this section referred to as the certificate).</p> <p><i>Explanation.</i>—For the purposes of this sub-section and sub-sections (8) and (9), “appropriate</p>	<p>(6) The registered owner shall, while applying to the appropriate authority, for the renewal of a permit under section 61 or for the issue of duplicate certificate of registration under section 29, or at the time of conversion of the vehicle from one category to another, or for change of residence or place of business under section 34, or for the alteration of the vehicle under section 37, also make an application to the financier for the certificate in such manner as may be prescribed.</p>	<p>36(6): Consequential change on account of deletion of section 47 and 48.</p> <p>Explanation deleted and definition of “appropriate authority” introduced.</p>

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<p>authority” in relation to any permit, means the authority which is authorised by this Act to renew such permit and, in relation to registration means the authority which is authorised by this Act to issue duplicate certificate of registration or to assign a new registration mark.</p> <p>(7) Within seven days of the receipt of an application under sub-section (6) the financier may issue, or refuse, for reasons which shall be recorded in writing communicated to the applicant, to issue, the certificate applied for, and where the financier fails to issue the certificate and also fails to communicate the reasons for refusal to issue the certificate to the applicant within the said period of seven days, the certificate applied for shall be deemed to have been issued by the financier.</p> <p>(8) The registered owner shall, while applying to the appropriate authority for the renewal of any permit under section 81, or for the issue of a duplicate certificate of registration under sub-section (14) of section 41, or while applying for assignment of a new registration mark under section 47, submit with such application the certificate, if any, obtained</p>	<p>(7) Within seven days of the receipt of an application under sub-section (6), the financier may issue, or refuse, for reasons recorded in writing and communicated to the appropriate authority to issue the certificate applied for, and where the financier fails to issue the certificate and also fails to communicate the reasons for refusal to issue the certificate to the appropriate authority within the said period of seven days, the certificate applied for shall be deemed to have been issued by the financier.</p>	<p>36(7): Intimation sent to appropriate authority instead of applicant and streamlined the process.</p> <p>36(8): Deleted. Consequent change made in sub-section (7).</p>

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<p>under sub-section (7) or, where no such certificate has been obtained, the communication received from the financier under that sub-section, or, as the case may be, a declaration that he has not received any communication from the financier within the period of seven days specified in that sub-section.</p> <p>(9) On receipt of an application for the renewal of any permit or for the issue of duplicate certificate of registration or for assignment of a new registration mark in respect of a vehicle which is held under the said agreement, the appropriate authority may, subject to the other provisions of this Act,—</p> <p>(a) in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity of being heard, either—</p> <p>(i) renew or refuse to renew the permit, or</p> <p>(ii) issue or refuse to issue the duplicate certificate of registration, or</p> <p>(iii) assign or refuse to assign a new registration mark;</p> <p>(b) in any other case,—</p> <p>(i) renew the permit, or</p> <p>(ii) issue duplicate certificate of registration, or</p>	<p>(8) On receipt of an application for the renewal of any permit or for the issue of duplicate certificate of registration or for assignment of a new registration mark in respect of a vehicle which is held under the said agreement, the appropriate authority may, subject to the other provisions of this Act,—</p> <p>(a) in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity of being heard, either—</p> <p>(i) renew or refuse to renew the permit, or</p> <p>(ii) issue or refuse to issue the duplicate certificate of registration, or</p> <p>(iii) assign or refuse to assign a new registration mark;</p>	<p>Sr. No. of existing sub-section (9) is changed to (8) and the same change in also for subsequent subsection. No change in the text.</p>

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<p>(iii) assign a new registration mark.</p> <p>(10) A registering authority making an entry in the certificate of registration regarding—</p> <p>(a) hire-purchase, lease or hypothecation agreement of a motor vehicle, or</p> <p>(b) the cancellation under sub-section (3) of an entry, or</p> <p>(c) recording transfer of ownership of motor vehicle, or</p> <p>(d) any alteration in a motor vehicle, or</p> <p>(e) suspension or cancellation of registration of a motor vehicle, or</p> <p>(f) change of address, shall communicate 5 [by registered post acknowledgment due] to the financier that such entry has been made.</p> <p>6[(11) A registering authority registering the new vehicle, or issuing the duplicate certificate of registration or a no objection certificate or a</p>	<p>(b) in any other case,—</p> <p>(i) renew the permit, or</p> <p>(ii) issue duplicate certificate of registration, or</p> <p>(iii) assign a new registration mark.</p> <p>(9) A registering authority making an entry in the certificate of registration regarding—</p> <p>(a) hire-purchase, lease or hypothecation agreement of a motor vehicle, or</p> <p>(b) the cancellation under sub-section (3) of an entry, or</p> <p>(c) recording transfer of ownership of motor vehicle, or</p> <p>(d) any alteration in a motor vehicle, or</p> <p>(e) suspension or cancellation of registration of a motor vehicle, or</p> <p>(f) change of address, shall communicate to the financier that such entry has been made in such manner as may be prescribed.</p> <p>(10) A registering authority registering the new</p>	<p>36(9): The manner of communication shifted from act to rules. Words “<i>by registered post acknowledgement due</i>” are removed.</p> <p>36(10): Provision regarding no</p>

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<p>temporary certificate of registration, or issuing or renewing, a fitness certificate or substituting entries relating to another motor vehicle in the permit, shall intimate the financier of such transaction.</p> <p>(12) The registering authority where it is not the original registering authority, when making entry under sub-section (1) or sub-section (2), or cancelling the said entry under sub-section (3) or issuing the fresh certificate of registration under sub-section (5) shall communicate the same to the original registering authority.]</p> <p>-----</p> <ol style="list-style-type: none"> <li>1. Subs. by Act 54 of 1994, sec. 14, for “original registering authority” (w.e.f. 14-11-1994).</li> <li>2. Added by Act 54 of 1994, sec. 14 (w.e.f. 14-11-1994).</li> <li>3. Ins. by Act 54 of 1994, sec. 14 (w.e.f. 14-11-1994).</li> <li>4. Subs. by Act 54 of 1994, sec. 14, for “under section 47, make an application” (w.e.f. 14-11-1994).</li> <li>5. Ins. by Act 54 of 1994, sec. 14 (w.e.f. 14-11-1994).</li> <li>6. Subs. by Act 54 of 1994, sec 14, for sub-</li> </ol>	<p>vehicle, or issuing the duplicate certificate of registration or a temporary certificate of registration, or issuing or renewing, a fitness certificate or substituting entries relating to another motor vehicle in the permit, shall intimate the financier of such transaction.</p>	<p>objection certificate removed.  Consequential changes</p> <p>51(12): Deleted. The current authority is responsible to make all changes therefore, no need for intimation.</p>

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<p>section (11) (w.e.f. 14-11-1994).</p> <p>-----</p> <p><b>1]52. Alteration in motor vehicle.</b>—(1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are at variance with those originally specified by the manufacturer.</p> <p style="padding-left: 40px;">Provided that where the owner of a motor vehicle makes modification of the engine, or any part thereof, of a vehicle for facilitating its operation by different type of fuel or source of energy including battery, compressed natural gas, solar power, liquid petroleum gas or any other fuel or source of energy, by fitment of a conversion kit, such modification shall be carried out subject to such conditions as may be prescribed:</p>	<p><b>37. Alteration in motor vehicle.</b> - (1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration change.</p> <p>Provided that changing the colour of the vehicle shall not be considered as alteration to the motor vehicle.</p> <p>Provided that where the owner of a motor vehicle makes modification of the engine, or any part thereof of a vehicle for facilitating its operation by different type of fuel or source of energy including battery, compressed natural gas, solar power, hybrid, liquid petroleum gas or any other fuel or source of energy, by fitment of a conversion kit, or modification and such fitment or modification shall be carried out subject to such conditions as may be prescribed.</p> <p>Provided further that an owner may change engine or chassis of vehicle if procured from same manufacturer and is of same make subject</p>	<p>Sr. No is changed. 37(1): Language simplified. Colour of vehicle may be allowed to be changed.</p> <p>New proviso has been added to allow change of engine or chassis from the same manufacturer. Provision applied for all particulars except for “colour”.</p> <p>Proviso of 37(1): Provision for “hybrid” introduced.</p> <p>New proviso introduced to allow change in engine or chassis from the same manufacturer.</p>

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<p>Provided further that the Central Government may prescribe specifications, conditions for approval, retrofitment and other related matters for such conversion kits:</p> <p>Provided also that the Central Government may grant exemption for alteration of vehicles in a manner other than specified above, for any specific purpose.</p> <p>(2) 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, and permit any person owning not less than ten transport vehicles to alter any vehicle owned by him so as to replace the engine thereof with engine of the same make and type, without the approval of registering authority.</p>	<p>to such conditions as may be provided.</p> <p><b>(2A)</b> Notwithstanding anything contained in subsection (1), a motor vehicle may be altered so as to make it a vehicles for differently abled person after approval of the registering authority subject to such conditions as may be prescribed</p>	<p>The second proviso of 37(1) is deleted.</p> <p>Third proviso of 37(1): No change.</p> <p>37(2): No change.</p> <p><b>A new subsection 2A is introduced.</b></p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(3) Where any alteration has been made in motor vehicle without the approval of registering authority or by reason of replacement of its engine without such approval under sub-section (2), 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 registration may be entered therein.</p> <p>(4) 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.</p> <p>(5) Subject to the provisions made under sub-sections (1), (2), (3) and (4), no person holding a vehicle under a hire-purchase agreement shall make any alteration to the vehicle except with the written consent of the registered owner.</p> <p><i>Explanation.</i>—For the purposes of this section, “alteration” means a change in the structure of a</p>	<p>by the State Government.</p> <p>(3) Where the colour of the vehicle has been changed or any alteration has been made in a motor vehicle or by reason of replacement of its engine or chassis under sub-section (2), 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 registration may be entered therein.</p> <p>(4) Subject to the provisions made under subsection (1), (2) and (3) no person holding a vehicle under a hire-purchase agreement shall make any alteration to the vehicle except with the written consent of the financier.</p>	<p>37(3): The alteration can be reported post facto.</p> <p>Existing 52(4): Deleted.</p> <p>37(4): Sr. No (5) is changed to (4). Explanation deleted.</p>



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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>vehicle which results in a change in its basic feature.].</p> <p><b>53. Suspension of registration.</b>—(1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction—</p> <p>(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 this Act or of the rules made thereunder, or</p> <p>(b) has been, or is being, used for hire or reward without a valid permit for being used as such,</p> <p>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 acknowledgment 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—</p> <p>(i) in any case falling under clause (a), until the defects are rectified to its satisfaction; and</p> <p>(ii) in any case falling under clause (b),</p>	<p><b>38. Suspension of registration.</b>—</p>	<p>No change in 38(1), (2), (3) and (4).</p>

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<p>for a period not exceeding four months.</p> <p>(2) An authority other than a registering authority shall, when making a suspension order under sub-section (1), intimate in writing the fact of such suspension and the reasons therefor to the registering authority within whose jurisdiction the vehicle is at the time of the suspension.</p> <p>(3) Where the registration of a motor vehicle has been suspended under sub-section (1) for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension.</p> <p>(4) The owner of a motor vehicle shall, on the demand of a registering authority or other prescribed authority which has suspended the certificate of registration of the vehicle under this section, surrender the certificate of registration.</p> <p>(5) A certificate of registration surrendered under sub-section (4) shall be returned to the owner when the order suspending registration has been rescinded and not before.</p>	<p>(5) A certificate of registration surrendered under sub – section (4) shall be returned to the owner when the order suspending registration has been rescinded or after the suspension period is over.</p>	<p>38(5): change in language for better clarity.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p><b>54. Cancellation of registration suspended under section 53.</b>—Where the suspension of registration of a vehicle under section 53 has continued without interruption for a period of not less than six months, the registering authority within whose jurisdiction the vehicle was when the registration was suspended, may, if it is the original registering authority, cancel the registration, and if it is not the original registering authority, shall forward the certificate of registration to that authority which may cancel the registration.</p>	<p style="text-align: center;"><b>38A. Responsibility of an owner in case of vehicle rendered unfit for use</b></p> <p>(1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, within thirty days, report the fact to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward to the authority the certificate of registration of the vehicle.</p> <p>(2) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, it shall be disposed or recycled in such manner as may be prescribed by the Central Government.</p>	<p>54: Deleted and replaced with a new provision (38A) in order to facilitate the removal, disposal or recycling of abandoned vehicles or unfit for use in accordance with the Habitat Mission.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p><b>55. Cancellation of registration.</b>—(1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, within fourteen days or as soon as may be, report the fact to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward to the authority the certificate of registration of the vehicle.</p>	<p><b>39. Cancellation of registration.</b>—(1) Registration of a motor vehicle may be cancelled by the registered authority for the reasons to be recorded in writing if he is satisfied that:</p> <ul style="list-style-type: none"> <li>i) the vehicle is destroyed or has been rendered permanently incapable of use as per section 38A.</li> <li>ii) the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair on examination of a motor vehicle within its jurisdiction by such authority as the State Government may by order appoint</li> <li>(iii) motor vehicle has been permanently removed out of India</li> <li>iv) the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, or the engine number or the chassis number embossed thereon are different from such number entered in the certificate of registration.</li> </ul>	<p>The whole section has been redrafted listing reasons for cancellation. Subsection (1) provides for reasons for cancellation while subsection (2) provides for procedure of this act.</p> <p>On account of the changes, existing sub-section 1, 2, 3, 4 and 5 are deleted.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, or, if it is not, shall forward the report and the certificate of registration to the original registering authority and that authority shall cancel the registration.</p> <p>(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as the State Government may by order appoint and, if upon such examination and after giving the owner an opportunity to make any representation he may wish to make (by sending to the owner a notice by registered post acknowledgment due at his address entered in the certificate of registration), it is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place</p>	<p>v) the suspension of registration of a vehicle under section 38 has continued without interruption for a period of not less than six months.</p> <p>(2) No order under subsection (1) shall be made unless the owner of the motor vehicle is given an opportunity to make any representation he may wish to make and the owner shall be served notice in such manner as may be prescribed.</p>	

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<p>would constitute a danger to the public and that it is beyond reasonable repair, may cancel the registration.</p> <p>(4) If a registering authority is satisfied that a motor vehicle has been permanently removed out of India, the registering authority shall cancel the registration.</p> <p>(5) If a registering authority is satisfied that the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, or the engine number or the chassis number embossed thereon are different from such number entered in the certificate of registration, the registering authority shall after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post acknowledgment due at his address entered in the certificate of registration), and for reasons to be recorded in writing, cancel the registration.</p> <p>(6) A registering authority cancelling the registration of a motor vehicle under section 54 or under this section shall communicate such fact in writing to the owner of the vehicle, and the owner of the vehicle shall forthwith surrender to that authority</p>	<p>(3) A registering authority cancelling the registration of a motor vehicle under this section shall communicate such fact in writing to the owner of the vehicle, and the owner of the vehicle shall forthwith surrender to that authority the</p>	<p>39 (3): Renumbered and similar changes to other subsections also due to deletion. Simplified.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>the certificate of registration of the vehicle.</p> <p>(7) A registering authority making an order of cancellation under section 54 or under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry relating to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.</p> <p>(8) The expression “original registering authority” in this section and in sections 41, 49, 50, 52, 53 and 54 means the registering authority in whose records the registration of the vehicle is recorded.</p> <p>(9) In this section “certificate of registration” includes a certificate of registration renewed under the provisions of this Act.</p>	<p>certificate of registration of the vehicle.</p> <p>(4) A registering authority making an order of cancellation under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry relating to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.</p> <p>(5) The expression “original registering authority” in this section and in sections 41, 49, 50, 52, 53 and 54 means the registering authority in whose records the registration of the vehicle is recorded.</p> <p>(6) In this section “certificate of registration” includes a certificate of registration renewed under the provisions of this Act.</p>	<p>39(5) and 39(6): Renumbered.</p>

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<p><b>56. Certificate of fitness of transport vehicles.—</b></p> <p>(1) Subject to the provisions of sections 59 and 60, a transport vehicle shall not be deemed to be validly registered for the purposes of section 39, unless it carries a certificate of fitness in such form containing such particulars and information as may be prescribed by the Central Government, issued by the prescribed authority, or by an authorized testing station mentioned in sub-section (2), to the effect that the vehicle complies for the time being with all the requirements of this Act and the rules made thereunder:</p>	<p><b>40. Certificate of fitness of vehicles. –</b></p> <p>Definitions for the purpose of this section-</p> <p>i) “certificate of fitness”: a certificate issued by a prescribed authority or an authorized testing station certifying fitness of a motor vehicle.</p> <p>ii) “authorized testing station” means a vehicle service station or repair and maintenance facility authorised by the Government.</p> <p>(1) Subject to the provisions of section 43 and 44, a vehicle shall not be deemed to be validly registered for the purposes of section 27, unless it carries a certificate of fitness in such form containing such particulars and information as may be prescribed by the Central Government.</p> <p>Provided a type of vehicles may be exempt from the provisions of this section by the Central Government for such period as it may notify.</p>	<p>Sr. No. is changed.</p> <p>Definition of “certificate of fitness” and “authorized testing station” has been introduced”. Fitness test made mandatory for all types of vehicle but Central Government gets power to exempt certain vehicle. The period of fitness certificate may be prescribed with Central Government which could be different for different vehicle.</p> <p>40(1): Fitness certificate made mandatory for all types of vehicle from present requirement of only for transport vehicle. The section has been redrafted and divided into 40(1) and 40(1A). A new proviso is added after that after 40(1).</p>



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<p>Provided that where the prescribed authority or the “authorized testing station” refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal.</p> <p>(2) The “authorized testing station” referred to in sub-section (1) means a vehicle service station or public or private garage which the State Government, having regard to the experience, training and ability of the operator of such station or garage and the testing equipment and the testing personnel therein, may specify in accordance with the rules made by the Central Government for regulation and control of such stations or garages.</p> <p>(3) Subject to the provisions of sub-section (4), certificate of fitness shall remain effective for such period as may be prescribed by the Central Government having regard to the objects of this Act.</p>	<p>(1A) The fitness certificate shall be issued by the prescribed authority or by an authorized testing station to the effect that the vehicle complies for the time being with all the requirements of this Act and the rules made thereunder.</p> <p>(2) The State Government, having regard to the experience, training and ability of the operator of such station or facility, the testing equipment and the testing personnel therein, may accredit a testing station, in accordance with the rules made by the Central Government for their regulation and control.</p> <p>(3) Subject to the provisions of sub-section (4), a certificate of fitness shall remain effective for such period as may be prescribed by the Central Government having regard to the object of this Act and different such periods may be prescribed for different category of vehicles.</p>	<p>Existing Proviso of 56(1): No change.</p> <p>40(2): Reworded.</p> <p>40(3): Retained but different period provided for different types of vehicles.</p>



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<p><b>57. Appeals.</b>—1[(1) Any person aggrieved by an order of the registering authority under section 41, 42, 43, 45, 47, 48, 49, 50, 52, 53, 55 or 56 may, within thirty days of the date on which he has received notice of such order, appeal against the order to the prescribed authority.]</p> <p>(2) The appellate authority shall give notice of the appeal to the original authority and after giving an opportunity to the original authority and the appellant to be heard in the appeal pass such order as it thinks fit.</p>	<p><b>41. Appeals.</b>— 1[(1) Any person aggrieved by an order of the registering authority under section 29, 30, 31, 33, 34, 35, 37, 38, 39 or 40 may, within thirty days of the date on which he has received notice of such order, appeal against the order to the prescribed authority.]</p> <p>(2) The appellate authority shall give notice of the appeal to the original authority and after giving an opportunity to the original authority and the appellant to be heard in the appeal pass such order as it thinks fit.</p>	<p>Str. No. has been changed</p>
<p><b>58. Special provisions in regard to transport vehicles.</b>—(1) The Central Government may, 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, by notification in the Official Gazette, specify, in relation to each make and model of a transport vehicle, the 1[maximum gross vehicle weight] of such vehicle and the maximum safe axle weight of each axle of such vehicle.</p> <p>(2) A registering authority, when registering a transport vehicle, other than a motor cab, shall enter</p>	<p><b>42. Special provisions in regard to transport vehicles.</b> – (1) The Central Government may, having regard to the number, nature and size of the tyres attached to the wheels of a transport vehicle, and its make and model and other relevant considerations, by notification in the Official Gazette, specify, in relation to each make and model of a transport vehicle, the maximum gross vehicle weight of such vehicle and the maximum safe axle weight of each axle of such vehicle.</p> <p>(2) A registering authority, when registering a transport vehicle, other than a motor cab, shall enter in the record of registration and shall also</p>	<p>Words “<i>other than motor cab</i>” are removed from 42(1) and 42(2).</p> <p>42(2): Deletion of provision regarding display of particulars.</p>

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<p>in the record of registration and shall also enter in the certificate of registration of the vehicle the following particulars, namely:—</p> <p>(a) the unladen weight of the vehicle;</p> <p>(b) the number, nature and size of the tyres attached to each wheel;</p> <p>(c) the gross vehicle weight of the vehicle and the registered axle weights pertaining to the several axles thereof; and</p> <p>(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.</p> <p>(2) There shall not be entered in the certificate of registration of any such vehicle any gross vehicle weight or a registered axle weight of any of the axles different from that specified in the notification under sub-section (1) in relation to the make and model of such vehicle and to the number, nature and size of the tyres attached to its wheels:</p>	<p>enter in the certificate of registration of the vehicle the following particulars, namely:—</p> <p>(a) the unladen weight of the vehicle;</p> <p>(b) the number, nature and size of the tyres attached to each wheel;</p> <p>(c) the gross vehicle weight of the vehicle and the registered axle weights pertaining to the several axles thereof; and</p> <p>(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.</p>	<p>42(3) &amp; (5): No change. However sub-section (5) becomes (4).</p>

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<p>Provided that where it appears to the Central 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 Central 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.</p> <p style="text-align: center;">2[***]</p> <p>(5) In order that the gross vehicle 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 owner of transport vehicle in accordance with such procedure as may be prescribed to produce the certificate of registration within such time as may be specified by the registering authority.</p> <p>-----</p> <ol style="list-style-type: none"> <li>1. Subs. by Act 54 of 1994, sec. 18, for “maximum safe laden weight” (w.e.f. 14-11-1994).</li> <li>2. Sub-section (4) omitted by Act 27 of 2000, sec. 3 (w.e.f. 11-8-2000).</li> </ol> <p>-----</p>		

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<p><b>59. Power to fix the age limit of motor vehicle.</b>—(1) The Central Government may, having regard to the public safety, convenience and objects of this Act, by notification in the Official Gazette, specify the life of a motor vehicle reckoned from the date of its manufacture, after the expiry of which the motor vehicle shall not be deemed to comply with the requirements of this Act and the rules made thereunder:</p> <p style="padding-left: 40px;">Provided that the Central Government may specify different ages for different classes or different types of motor vehicles.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the Central Government may, having regard to the purpose of a motor vehicle, such as, display or use for the purposes of a demonstration in any exhibition, use for the purposes of technical research or taking part in a vintage car rally, by notification in the Official Gazette, exempt, by a general or special order, subject to such conditions as may be specified in such notification, any class or type of motor vehicle from the operation of sub-section (1) for the purpose to be stated in the notification.</p> <p>(3) Notwithstanding anything contained in section 56, no prescribed authority or authorized testing station shall grant a certificate of fitness to a</p>	<p><b>43. Power to fix the age limit of motor vehicle.</b>—</p>	<p>Sr. No. is changed.</p> <p>43(1) and proviso thereunder and 43(2): No change</p> <p>43(3): Sr. No. of cross referred section is changed.</p>

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<p>motor vehicle in contravention of the provisions of any notification issued under sub-section (1).</p>	<p>a motor vehicle in contravention of the provisions of any notification issued under sub-section (1).</p> <p>(4) The Central Government may, have regard to the public safety, convenience and objects of this Act, may frame rules for recycling of such vehicles and parts thereof.</p>	<p>A new provision 43(4) for Recycling of vehicle is included.</p>
<p><b>60. Registration of vehicles belonging to the Central Government.</b>—(1) Such authority as the Central Government may, by notification in the Official Gazette, specify, may register any motor vehicle which is the property or for the time being under the exclusive control of the Central Government and is used for Government purposes relating to the defence of the country and unconnected with any commercial enterprise and any vehicle so registered shall not, so long as it remains the property or under the exclusive control of the Central Government, require to be registered otherwise under this Act.</p> <p>(2) The authority registering a vehicle under sub-section (1) shall assign a registration mark in accordance with the provisions contained in the rules made in this behalf by the Central Government and shall issue a certificate in respect of that vehicle to the effect that such vehicle complies for the time</p>	<p><b>44. Registration of vehicles belonging to the Central Government.</b>—</p>	<p>Serial No (60) has been changed to 44. No change in 44 (1), (2), (3) and (5)</p>

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<p>being with all the requirements of this Act and the rules made thereunder and that the vehicle has been registered under this section.</p> <p>(3) A vehicle registered under this section shall carry the certificate issued under sub-section (2).</p> <p>(4) If a vehicle registered under this section ceases to be the property or under the exclusive control of the Central Government, the provisions of sections 39 and 40 shall thereupon apply.</p> <p>(5) The authority registering a vehicle under sub-section (1) shall furnish to any State Government all such information regarding the general nature, overall dimensions and axle weights of the vehicle as the State Government may at any time require.</p> <p><b>61. Application of Chapter to trailers.—</b>(1) The provisions of this Chapter shall apply to the registration of trailers as they apply to the registration of any other motor vehicle.</p> <p>(2) The registration mark assigned to a trailer shall be displayed in such manner on the side of the drawing vehicle as may be prescribed by the Central Government.</p> <p>(3) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed on the trailer or on the last trailer in the</p>	<p>(4) If a vehicle registered under this section ceases to be the property or under the exclusive control of the Central Government, the provisions of sections 27 and 28 shall thereupon apply.</p>	<p>Entire section (61) has been deleted and the same can be provided for in the rules.  The new title is</p>



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<p>train, as the case may be, in such manner as may be prescribed by the Central Government.</p> <p><b>62. Information regarding stolen and recovered motor vehicles to be furnished by the police to the State Transport Authority.—</b></p> <p>The State Government may, if it thinks necessary or expedient so to do in the public interest, direct the submission by the Inspector General of Police (by whatever designation called) and such other police officers as the State Government may specify in this behalf, of such returns containing the information regarding vehicles which have been stolen and stolen vehicles which have been recovered of which the police are aware, to the State Transport Authority, and may prescribe the form in which and the period within which such returns shall be made.</p>	<p><b>45. Information regarding stolen and recovered motor vehicle.</b> – (1) An owner of a vehicle registered under the provisions of this Act shall inform the registering authority in such manner alongwith a copy of police report as may be prescribed by the State Government regarding theft of the motor vehicle, if any.</p> <p>(2) The State Government may, if it thinks necessary or expedient so to do in the public interest, direct the submission by such police officers as the State Government may specify in this behalf, of such returns containing the information regarding vehicles which have been stolen and stolen vehicles which have been recovered of which the police are aware, to the concerned registration authority.</p>	<p>45(1): S. No. is changed. Provision earlier existed under 48(6) and placed here as 45(1) by which an owner is required to inform registering authority in case of theft of vehicle.</p> <p>45(2): Words in existing provision “the Inspector General of Police (by whatever designation called)” are replaced with “such police officers.”</p> <p>Words “to the State Transport Authority, and may prescribe the form in which and the period within which such returns shall be made” are removed.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p><b>63. Maintenance of State Registers of Motor Vehicles.</b>—(1) Each State Government shall maintain in such form as may be prescribed by the Central Government a register to be known as the State Register of Motor Vehicles, in respect of the motor vehicles in that State, containing the following particulars, namely:—</p> <ul style="list-style-type: none"> <li>(a) registration numbers;</li> <li>(b) years of manufacture;</li> <li>(c) classes and types;</li> <li>(d) names and addresses of registered owners; and</li> <li>(e) such other particulars as may be prescribed by the Central Government.</li> </ul> <p>(2) Each State Government shall supply to the Central Government 1[[if so desired by it] a printed copy of the State Register of Motor Vehicles and shall also inform the Central Government without delay of all additions to and other amendments in such register made from time to time.</p> <p>(3) The State Register of Motor Vehicles shall be maintained in such manner as may be prescribed by the State Government.</p> <p>-----</p> <p>1. Ins. by Act 54 of 1994, sec. 19 (w.e.f. 14-11-</p>	<p><b>46. Maintenance of database of Motor Vehicles.</b> – Each State Government shall maintain in such form and in such manner as may be prescribed by the Central Government a database to be known as the database of Motor Vehicles, in respect of the motor vehicles in that State.</p>	<p>S. No. has been changed. Simplified and redrafted.</p> <p>Database to be maintained instead of Registers in view of computerisation of the data.</p> <p>Items under 46(1), 46(2) and 46(3) are deleted.</p>

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Existing Text of MVA	Expert Committee Suggestion	Remark/Justification
<p>1994). -----</p>		
<p><b>64. Power of Central Government to make rules.</b>—The Central Government may make rules to provide for all or any of the following matters, namely:—</p> <p>(a) the period within which and the form in which an application shall be made and the documents, particulars and information it shall accompany under sub-section (1) of section 41;</p> <p>(b) the form in which the certificate of registration shall be made and the particulars and information it shall contain and the manner in which it shall be issued under sub-section (3) of section 41;</p> <p>(c) the form and manner in which the particulars of the certificate of registration shall be entered in the records of the registering authority under sub-section (5) of section 41;</p> <p>(d) the manner in which and the form in which the registration mark, the letters and figures and other particulars referred to in sub-section (6) of section 41 shall be displayed and shown;</p> <p>(e) the period within which and the form in which the application shall be made and the</p>	<p><b>47. Power of Central Government to make rules.</b>—The Central Government may make rules to provide for all or any of the following matters, namely:—</p> <p>(a) the period within which and the form in which an application shall be made and the documents, particulars and information it shall accompany under sub-section (1) of section 29;</p> <p>(b) the form in which the certificate of registration shall be made and the particulars and information it shall contain and the manner in which it shall be issued under sub-section (4) of section 29;</p> <p>(c) the form and manner in which the particulars of the certificate of registration shall be entered in the records of the registering authority under sub-section (4) of section 29;</p> <p>(d) the manner in which and the form in which the registration mark, the letters and figures and other particulars referred to in sub-section (5) of section 29 shall be</p>	<p>Sr. No has been changed; however no change is content of section (47) (g), (h) and (i) are removed due to deletion of existing (47) and (48) and following items are renumbered.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>particulars and information it shall contain under sub-section (8) of section 41;</p> <p>(f) the form in which the application referred to in sub-section (14) of section 41 shall be made, the particulars and information it shall contain and the fee to be charged;</p> <p>(g) the form in which and the period within which the application referred to in sub-section (1) of section 47 shall be made and the particulars it shall contain;</p> <p>(h) the form in which and the manner in which the application for “No Objection Certificate” shall be made under sub-section (1) of section 48 and the form of receipt to be issued under sub-section (2) of section 48;</p> <p>(i) the matters that are to be complied with by an applicant before no objection certificate may be issued under section 48;</p> <p>(j) the form in which the intimation of change of address shall be made under sub-section (1) of section 49 and the documents to be submitted along with the application;</p>	<p>displayed and shown;</p> <p>(e) the period within which and the form in which the application shall be made and the particulars and information it shall contain under sub-section (6) of section 29;</p> <p>(f) the form in which the application referred to in sub-section (14) of section 41 shall be made, the particulars and information it shall contain and the fee to be charged;</p> <p>(g) the form in which the intimation of change of address shall be made under sub-section (1) of section 34 and the documents to be submitted along with the application;</p> <p>(h) the form in which and the manner in which the intimation of transfer of ownership shall be made under sub-section (1) of section 35 or under sub-section (2) of section 35 and the document to be submitted along with the application;</p> <p>(i) the form in which the application under sub-section (2) or sub-section (3) of section 36 shall be made;</p> <p>(j) the form in which the certificate of</p>	

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(k) the form in which and the manner in which the intimation of transfer of ownership shall be made under sub-section (1) of section 50 or under sub-section (2) of section 50 and the document to be submitted along with the application;</p> <p>(l) the form in which the application under sub-section (2) or sub-section (3) of section 51 shall be made;</p> <p>(m) the form in which the certificate of fitness shall be issued under sub-section (1) of section 56 and the particulars and information it shall contain;</p> <p>(n) the period for which the certificate of fitness granted or renewed under section 56 shall be effective;</p> <p>(o) the fees to be charged for the issue or renewal or alteration of certificates of registration, for making an entry regarding transfer of ownership on a certificate of registration, for making or cancelling an endorsement in respect of agreement of hire-purchase or lease or hypothecation on a certificate of registration, for certificates of</p>	<p>fitness shall be issued under sub-section (1) of section 40 and the particulars and information it shall contain;</p> <p>(k) the period for which the certificate of fitness granted or renewed under section 40 shall be effective;</p> <p>(l) the fees to be charged for the issue or renewal or alteration of certificates of registration, for making an entry regarding transfer of ownership on a certificate of registration, for making or cancelling an endorsement in respect of agreement of hire-purchase or lease or hypothecation on a certificate of registration, for certificates of fitness for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees.</p> <p>(m) any other matter which is to be, or may be, prescribed by the Central Government.</p>	

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**SECTION WISE CHANGES**

*Annexure V*

**Existing Text of MVA**

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<p>fitness for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees.</p> <p>(p) any other matter which is to be, or may be, prescribed by the Central Government.</p>	<p>fitness for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees.</p> <p>(p) any other matter which is to be, or may be, prescribed by the Central Government.</p>	<p>Sr. No is changed.</p>
<p><b>65. Power of State Government to make rules.—</b>  (1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 64.  (2) Without prejudice to the generality of the foregoing power, such rules may provide for—  (a) the conduct and hearing of appeals that may be preferred under this Chapter (the fees to be paid in respect of such appeals and the refund of such fees);  (b) the appointment, functions and jurisdiction of registering and other prescribed authorities;  (c) the exemption of road-rollers, graders and other vehicles designed and used solely for the construction, repair and cleaning of roads from all or any of the provisions of this Chapter and the rules made thereunder and the conditions governing such exemption;  (d) the issue or renewal of certificates of</p>	<p><b>48. Power of State Government to make rules.—</b>(1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 47.  (2) Without prejudice to the generality of the foregoing power, such rules may provide for—  (a) the conduct and hearing of appeals that may be preferred under this Chapter (the fees to be paid in respect of such appeals and the refund of such fees);  (b) the appointment, functions and jurisdiction of registering and other prescribed authorities;  (c) the exemption of road-rollers, graders and other vehicles designed and used solely for the construction, repair and cleaning of roads from all or any of the provisions of this Chapter and the rules made thereunder and the conditions governing such exemption;</p>	<p>Sr. No is changed.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>registration and fitness and duplicates of such certificates to replace the certificates lost, destroyed or mutilated;</p> <p>(e) the production of certificates of registration before the registering authority for the revision of entries therein of particulars relating to the gross vehicle weight;</p> <p>(f) the temporary registration of motor vehicles and the issue of temporary certificate of registration and marks;</p> <p>(g) the manner in which the particulars referred to in sub-section (2) of section 58 and other prescribed particulars shall be exhibited;</p> <p>(h) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;</p> <p>(i) the forms, other than those prescribed by the Central Government, to be used for the purpose of this Chapter;</p> <p>(j) the communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the State of particulars of such vehicles and of their registration;</p> <p>(k) the amount or amounts under sub-section (13) of section 41 or sub-section (7) of section 47 or sub-</p>	<p>(d) the issue or renewal of certificates of registration and fitness and duplicates of such certificates to replace the certificates lost, destroyed or mutilated;</p> <p>(e) the production of certificates of registration before the registering authority for the revision of entries therein of particulars relating to the gross vehicle weight;</p> <p>(f) the temporary registration of motor vehicles and the issue of temporary certificate of registration and marks;</p> <p>(g) the manner in which the particulars referred to in sub-section (2) of section 42 and other prescribed particulars shall be exhibited;</p> <p>(h) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;</p> <p>(i) the forms, other than those prescribed by the Central Government, to be used for the purpose of this Chapter;</p> <p>(j) the communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the State of particulars of such vehicles and of their registration;</p>	

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<p>section (4) of section 49 or sub-section (5) of section 50;</p> <p>(l) the extension of the validity of certificates of fitness pending consideration of applications for their renewal;</p> <p>(m) the exemption from the provisions of this Chapter and the conditions and fees for exemption of motor vehicles in the possession of dealers;</p> <p>(n) the form in which and the period within which the return under section 62 shall be sent;</p> <p>(o) the manner in which the State Register of Motor Vehicles shall be maintained under section 63;</p> <p>(p) any other matter which is to be or may be prescribed.</p>	<p>(k) the extension of the validity of certificates of fitness pending consideration of applications for their renewal;</p> <p>(l) the exemption from the provisions of this Chapter and the conditions and fees for exemption, of motor vehicles in the possession of dealers;</p> <p>(m) the form in which and the period within which the return under section 45 shall be sent;</p> <p>(n) the manner in which the database of Motor Vehicles shall be maintained under section 46;</p> <p>(o) any other matter which is to be or may be prescribed.</p>	<p>Existing 2(k) has been deleted in view of redrafting/removal on section (41), (47), (49) and (50). Subsequent items are renumbered.</p>
<p><b>CHAPTER V: CONTROL OF TRANSPORT VEHICLES</b></p> <p><b>66. Necessity for permits.</b>—(1) No owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place whether or not such vehicle is actually carrying any passengers or goods save in accordance with the conditions of a permit granted or countersigned by a</p>	<p><b>CHAPTER IV: CONTROL OF TRANSPORT VEHICLES</b></p> <p><b>49. Necessity for permits.</b> – (1) No owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place whether or not such vehicle is actually carrying any passengers or goods save in accordance with</p>	<p>Chapter V has been changed to Chapter IV due to deletion of Chapter III. The serial no has been changed to 49.</p> <p>Section 49 (1): the word “being” is deleted and replaced with “to be”. Word “public” has been retained in</p>



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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>Regional or State Transport Authority or any prescribed authority authorising him the use of the vehicle in that place in the manner in which the vehicle is being used:</p> <p style="padding-left: 40px;">Provided that a stage carriage permit shall, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a contract carriage:</p> <p style="padding-left: 40px;">Provided further that a stage carriage permit may, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a goods carriage either when carrying passengers or not:</p> <p style="padding-left: 40px;">Provided also that goods carriage permit shall, subject to any conditions that may be specified in the permit, authorise the holder to use the vehicle for the carriage of goods for or in connection with a trade or business carried on by him.</p> <p style="padding-left: 40px;">(2) The holder of a goods carriage permit may use the vehicle, for the drawing of any trailer or semi-trailer not owned by him, subject to such conditions as may be prescribed:</p> <p style="padding-left: 40px;">1[Provided that the holder of a permit of any articulated vehicle may use the prime-mover of that articulated vehicle for any other semi-trailor.]</p>	<p>the conditions of a permit granted or countersigned by a Regional or State Transport Authority or any prescribed authority authorizing him the use of the vehicle in that place in the manner in which the vehicle is to be used:</p> <p>(2) The holder of a goods carriage permit may use the vehicle, for drawing of any trailer not owned by him, subject to such conditions as may be prescribed:</p>	<p>this chapter.</p> <p>No change in Proviso 1, 2, &amp; 3 of Section 49 (1).</p> <p>49 (2): the words “or semi-trailer” deleted.</p> <p>No Change in Proviso of Section 49(2).</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(3) The provisions of sub-section (1) shall not apply—</p> <p>(a) to any transport vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise;</p> <p>(b) to any transport vehicle owned by a local authority or by a person acting under contract with a local authority and used solely for road cleansing, road watering or conservancy purposes;</p> <p>(c) to any transport vehicle used solely for police, fire brigade or ambulance purposes;</p> <p>(d) to any transport vehicle used solely for the conveyance of corpses and the mourners accompanying the corpses;</p> <p>(e) to any transport vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety;</p> <p>(f) to any transport vehicle used for any other public purpose as may be prescribed by the State Government in this behalf;</p> <p>(g) to any transport vehicle used by a person who manufactures or deals in motor vehicles or</p>	<p>(3) The provisions of sub-section (1) shall not apply-</p> <p>(a) to any transport vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise; to any transport vehicle owned by a local authority; or by a person acting under contract under local authority.</p>	<p>49(3a) and (3b) have been clubbed.</p> <p>Therefore 49 (3c) (3d) (3e) (3f) (3g) have been renumbered. No change in content.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>builds bodies for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf;</p> <p>2[***]</p> <p>(i) to any goods vehicle, the gross vehicle weight of which does not exceed 3,000 kilograms;</p> <p>(j) subject to such conditions as the Central Government may, by notification in the Official Gazette, specify, to any transport vehicle purchased in one State and proceeding to a place, situated in that State or in any other State, without carrying any passenger or goods;</p> <p>(k) to any transport vehicle which has been temporarily registered under section 43 while proceeding empty to any place for the purpose of registration of the vehicle;</p> <p>3[***]</p> <p>(m) to any transport vehicle which, owing to flood, earthquake or any other natural calamity, obstruction on road, or unforeseen circumstances, is required to be diverted through any other route, whether within or</p>	<p>(h) to any goods vehicle, the gross vehicle weight of which does not exceed 7500 kilograms;</p> <p>(j) to any transport vehicle which has been temporarily registered under section 31 while proceeding empty to any place for the purpose of registration of the vehicle;</p>	<p>49 (3.i): The figures “3000” has been replaced with “7500” and the same has been renumbered as (h)</p> <p>No change in Section 49(3j), (3m), (3n), (30) and (3p). However, sr. no has been changed.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>outside the State, with a view to enabling it to reach its destination;</p> <p>(n) to any transport vehicle used for such purposes as the Central or State Government may, by order, specify;</p> <p>(o) to any transport vehicle which is subject to a hire-purchase, lease or hypothecation agreement and which owing to the default of the owner has been taken possession of by or on behalf of the person with whom the owner has entered into such agreement, to enable such motor vehicle to reach its destination; or</p> <p>(p) to any transport vehicle while proceeding empty to any place for purpose of repair.</p> <p>(4) Subject to the provisions of sub-section (3), sub-section (1) shall, if the State Government by rule made under section 96 so prescribes, apply to any motor vehicle adapted to carry more than nine persons excluding the driver.</p> <p>-----</p> <p>1. Added by Act 54 of 1994, sec. 20 (w.e.f. 14-11-1994).</p> <p>2. Clause (h) omitted by Act 27 of 2000, sec. 4 (w.e.f. 11-8-2000).</p>	<p>(4) Subject to the provisions of sub-section (3), sub-section (1) shall, if the State Government by rule made under section 73 so prescribes, apply to any motor vehicle adapted to carry more than nine persons excluding the driver.</p>	

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<p>3. Clause (l) subs. by Act 54 of 1994, sec. 20 (w.e.f. 14-11-1994) and omitted by Act 39 of 2001, sec. 2 (w.e.f. 27-9-2001).</p> <p>-----</p>		
<p><b>67. Power to State Government to control road transport.</b>—(1) A State Government, having regard to—</p> <p>(a) the advantages offered to the public, trade and industry by the development of motor transport,</p> <p>(b) the desirability of co-ordinating road and rail transport,</p> <p>(c) the desirability of preventing the deterioration of the road system, and</p> <p>(d) the desirability of preventing uneconomic competition among holders of permits.</p> <p>may, from time to time, by notification in the Official Gazette, issue directions both to the State Transport Authority and Regional Transport Authority—</p> <p>(i) regarding the fixing of fares and freights (including the maximum and minimum in respect thereof) for stage carriages, contract carriages and goods carriages:</p> <p>1 [***]</p>	<p><b>50. Powers to State Government to control road transport.</b> – (1) A State Government, having regard to—</p> <p>(a) the advantages offered to the public, trade and industry by the development of motor transport,</p> <p>(b) the desirability of establishing the low carbon, energy efficient and environment friendly transport system.</p> <p>(c) the desirability of preventing the deterioration of the road system, and</p> <p>(d) the desirability of preventing uneconomic competition among holders of permits.</p> <p>may, from time to time, by notification in the Official Gazette, issue directions both to the State Transport Authority and Regional Transport Authority—</p> <p>(i) regarding the fixing of fares and freights (including the maximum and minimum in</p>	<p>Simplified and streamlined.</p>

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<p>(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 goods carriages;</p> <p>(iii) 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 coordination with other means of transport and the conveying of long distance goods traffic:</p> <p>Provided that no such notification in respect of the matters referred to in clause (ii) or clause (iii) 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 which the draft will be taken into consideration and any objection or suggestion which may be received has, in</p>	<p>respect thereof) for stage carriages, contract carriages and goods carriages:</p> <p>(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 goods carriages;</p> <p>(iii) 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 coordination with other means of transport and the conveying of long distance goods traffic:</p> <p>Provided that no such notification in respect of the matters referred to in clause (ii) or clause (iii) 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</p>	

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Authority, been considered after giving the representatives of the interests affected an opportunity of being heard.

(2) Any direction under sub-section (1) regarding the fixing of fares and freights for stage carriages, contract carriages and goods carriages may provide that such fares or freights shall be inclusive of the tax payable by the passengers or the consignors of the goods, as the case may be, to the operators of the stage carriages, contract carriages or goods carriages under any law for the time being in force relating to tax on passengers and goods.

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1. Proviso ins. by Act 54 of 1994, sec. 21 (w.e.f. 14-11-1994) and omitted by Act 39 of 2001, sec. 3 (w.e.f. 27-9-2001).

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consultation with the State Transport Authority, been considered after giving the representatives of the interests affected an opportunity of being heard.

(2) Any direction under sub-section (1) regarding the fixing of fares and freights for stage carriages, contract carriages and goods carriages may provide that such fares or freights shall be inclusive of the tax payable by the passengers or the consignors of the goods, as the case may be, to the operators of the stage carriages, contract carriages or goods carriages under any law for the time being in force relating to tax on passengers and goods.

Provided that no such notification shall be issued unless a draft of the proposed direction is published in the official gazette specifying there in 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.

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<p><b>68. Transport Authorities.</b>—(1) The State Government shall by notification in the Official Gazette, constitute for the State a State Transport Authority to exercise and discharge the powers and functions specified in sub-section (3), and shall in like manner constitute Regional Transport Authorities to exercise and discharge throughout such areas (in this Chapter referred to as regions) as may be specified in the notification in respect of each Regional Transport Authority; the powers and functions conferred by or under this Chapter on such Authorities:</p> <p>Provided that in the Union Territories, the Administrator may abstain from constituting any Regional Transport Authority.</p> <p>(2) A State Transport Authority or a Regional Transport Authority shall consist of a Chairman who has had judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to pass any order or take any decision under any law and in the case of a State Transport Authority, such other persons (whether officials or not), not being more than four and, in the case of a Regional Transport Authority,</p>	<p>Provided such previous publication can be waived by the State Government in public interest in case of matters requiring urgent action.</p> <p><b>51. Transport Authorities.</b>—(1) The State Government shall by notification in the Official Gazette, constitute for the State a State Transport Authority to exercise and discharge the powers and functions specified in sub-section (3), and shall in like manner constitute Regional Transport Authorities to exercise and discharge throughout such areas (in this Chapter referred to as regions) as may be specified in the notification in respect of each Regional Transport Authority; the powers and functions conferred by or under this Chapter on such Authorities:</p> <p>Provided that in the Union Territories, the Administrator may abstain from constituting any Regional Transport Authority.</p> <p>(2) A State Transport Authority or a Regional Transport Authority shall consist of a Chairman who has had judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to pass any order or take any decision under any law and in the case of a State Transport Authority, such other persons (whether officials or not), not being more than four and, in the case of a Regional</p>	<p>Sr. No. has been changed.</p> <p>Section 51 (1) &amp; Proviso thereunder and Section 51 (2): No Change. However. The first and the third proviso of subsection 2 have been deleted.</p>



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such other persons (whether officials or not), not being more than two, as the State Government may think fit to appoint; but no person who has any financial interest whether as proprietor, employee or otherwise in any transport undertaking shall be appointed, or continue to be, a member of a State or Regional Transport Authority, and, if any person being a member of a such Authority acquires a financial interest in any transport undertaking, he shall within four weeks of so doing, give notice in writing to the State Government of the acquisition of such interest and shall vacate office:

Provided that nothing in this sub-section shall prevent any of the members of the State Transport Authority or a Regional Transport Authority, as the case may be, to preside over a meeting of such Authority during the absence of the Chairman, notwithstanding that such member does not possess judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to pass any order or take any decision under any law:

Provided further that the State Government may,—

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

Transport Authority, such other persons (whether officials or not), not being more than two, as the State Government may think fit to appoint; but no person who has any financial interest whether as proprietor, employee or otherwise in any transport undertaking shall be appointed, or continue to be, a member of a State or Regional Transport Authority, and, if any person being a member of any such Authority acquires a financial interest in any transport undertaking, he shall within four weeks of so doing, give notice in writing to the State Government of the acquisition of such interest and shall vacate office.

Provided further that the State Government may by rules made in this behalf, provide for the transaction of business of such authority.

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<p>so as to consist of only one member who shall be an official with judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to pass any order or take any decision under any law;</p> <p>(ii) by rules made in this behalf, provide for the transaction of business of such authorities in the absence of the Chairman of any other member and specify the circumstances under which, and the manner in which, such business could be so transacted:</p> <p>Provided also that nothing in this sub-section shall be construed as debarring an official (other than an official connected directly with the management or operation of a transport undertaking) from being appointed 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.</p> <p>(3) The State Transport Authority and every Regional Transport Authority shall give effect to any directions issued under section 67 and the State Transport Authority shall, subject to such directions and save as otherwise provided by or under this Act,</p>	<p>(3) The State Transport Authority and every Regional Transport Authority shall give effect to any directions issued under section 50 and the State Transport Authority shall, subject to such directions and save as otherwise provided by or</p>	<p>51(3) and 51(5): Only Sr. No. of cross referred sections has been changed. No change in other details.</p>

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<p>exercise and discharge throughout the State the following powers and functions, namely:—</p> <p>(a) to coordinate and regulate the activities and policies of the Regional Transport Authorities, if any, of the State;</p> <p>(b) to perform the duties of a Regional Transport Authority where there is no such Authority and, if it thinks fit or if so required by a Regional Transport Authority, to perform those duties in respect of any route common to two or more regions;</p> <p>(c) to settle all disputes and decide all matters on which differences of opinion arise between Regional Transport Authorities; and</p> <p>1[(ca) Government to formulate routes for plying stage carriages; and]</p> <p>(d) to discharge such other functions as may be prescribed.</p> <p>(4) For the purpose of exercising and discharging the powers and functions specified in sub-section (3), a State Transport Authority may, subject to such conditions as may be prescribed, issue directions to any Regional Transport Authority, and the Regional Transport Authority shall, in the discharge of its functions under this Act,</p>	<p>under this Act, exercise and discharge throughout the State the following powers and functions, namely:—</p> <p>(a) to coordinate and regulate the activities and policies of the Regional Transport Authorities, if any, of the State;</p> <p>(b) to perform the duties of a Regional Transport Authority where there is no such Authority and, if it thinks fit or if so required by a Regional Transport Authority, to perform those duties in respect of any route common to two or more regions;</p> <p>(c) to settle all disputes and decide all matters on which differences of opinion arise between Regional Transport Authorities; and</p> <p>1[(ca) Government to formulate routes for plying stage carriages; and]</p> <p>(d) to discharge such other functions as may be prescribed.</p>	<p>51 (4): No change</p>
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<p>give effect to and be guided by such directions.</p> <p>(5) The State Transport Authority and any Regional Transport Authority, if authorised in this behalf by rules made under section 96, may delegate such of its powers and functions to such authority or person subject to such restrictions, limitations and conditions as may be prescribed by the said rules.</p> <p>-----</p> <p>1. Ins. by Act 54 of 1994, sec. 22 (w.e.f. 14-11-1994).</p> <p>-----</p>	<p>(5) The State Transport Authority and any Regional Transport Authority, if authorised in this behalf by rules made under section 73, may delegate such of its powers and functions to such authority or person subject to such restrictions, limitations and conditions as may be prescribed by the said rules.</p>	
<p><b>69. General provision as to applications for permits.</b>—(1) Every application for a permit shall be made to the Regional Transport Authority of the region in which it is proposed to use the vehicle or vehicles:</p> <p>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</p>	<p><b>52. Jurisdiction as to applications for permits</b></p>	<p>Sr. No. (69) has been changed to (52).</p> <p>Title is modified. No Change in rest of the sub-sections.</p>

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<p>it is proposed to keep the vehicle or vehicles:</p> <p>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.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the Official Gazette, direct that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in different States, the application under that sub-section shall be made to the State Transport Authority of the region in which the applicant resides or has his principal place of business</p>		
<p><b>70. Application for stage carriage permit.—</b></p> <p>(1) An application for a permit in respect of a stage carriage (in this Chapter referred to as a stage carriage permit) or as a reserve stage carriage shall, as far as may be, contain the following particulars, namely:—</p> <p>(a) the route or routes or the area or areas to which the application relates;</p> <p>(b) the type and seating capacity of each such vehicle;</p>	<p><b>53. Application for stage and/or contract carriage permit.—</b>An application for a permit shall carry such particulars and shall be accompanied by such documents as may be prescribed.</p>	<p>Sr. No. has been changed and the section has been simplified.</p>

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<p>(c) the minimum and maximum number of daily trips proposed to be provided and the timetable of the normal trips.</p> <p><i>Explanation.</i>—For the purposes of this section, section 72, section 80 and section 102, “trip” means a single journey from one point to another, and every return journey shall be deemed to be a separate trip;</p> <p>(d) the number of vehicles intended to be kept in reserve to maintain the service and to provide for special occasions;</p> <p>(e) the arrangements intended to be made for the housing, maintenance and repair of the vehicles, for the comfort and convenience of passengers and for the storage and safe custody of luggage;</p> <p>(f) such other matters as may be prescribed.</p> <p>(2) An application referred to in sub-section (1) shall be accompanied by such documents as may be prescribed.</p>		

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<p><b>71. Procedure of Regional Transport Authority in considering application for stage carriage permit.</b>—(1) A Regional Transport Authority shall, while considering an application for a stage carriage permit, have regard to the objects of this Act.</p> <p style="padding-left: 40px;">1[***]</p> <p style="padding-left: 40px;">(2) A Regional Transport Authority shall refuse to grant a stage carriage permit if it appears from any time-table furnished that the provisions of this Act relating to the speed at which vehicles may be driven are likely to be contravened:</p> <p style="padding-left: 80px;">Provided that before such refusal an opportunity shall be given to the applicant to amend the time-table so as to conform to the said provisions.</p> <p style="padding-left: 40px;">(3) (a) The State Government shall, if so directed by the Central Government having regard to the number of vehicles, road conditions and other relevant matters, by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport Authority to limit the number of stage carriages generally or of any specified type, as may be fixed and specified in the notification, operating on city routes in towns with a population</p>	<p><b>54. Procedure of Regional Transport Authority in considering application for stage or contract carriage permit.</b>—(1) A Regional Transport Authority shall, while considering an application for a stage and/or contract permit, have regard to the object of this Act.</p> <p style="padding-left: 40px;">(2) A Regional Transport Authority shall refuse to grant a stage and / or contract carriage permit if it appears from any time-table furnished that the provisions of this Act relating to the speed at which vehicles may be driven are likely to be contravened:</p> <p style="padding-left: 80px;">Provided that before such refusal an opportunity shall be given to the applicant to amend the time-table so as to conform to the said provisions.</p>	<p>Sr. No. has been changed and the section has been simplified.</p> <p style="text-align: right;">54(3) and details therein: Deleted.</p>

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<p>of not less than five lakhs.</p> <p>(b) Where the number of stage carriages are fixed under clause (a), the Government of the State shall reserve in the State certain percentage of stage carriage permits for the scheduled castes and the scheduled tribes in the same ratio as in the case of appointments made by direct recruitment to public services in the State.</p> <p>(c) Where the number of stage carriages are fixed under clause (a), the Regional Transport Authority shall reserve such number of permits for the scheduled castes and the scheduled tribes as may be fixed by the State Government under sub-clause (b).</p> <p>(d) After reserving such number of permits as is referred to in clause (c), the Regional Transport Authority shall in considering an application have regard to the following matters, namely:—</p> <p>(i) financial stability of the applicant;</p> <p>(ii) satisfactory performance as a stage carriage operator including payment of tax if the applicant is or has been an operator of stage carriage service; and</p> <p>(iii) such other matters as may be prescribed by the State Government.</p>		



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<p>Provided that, other conditions being equal, preference shall be given to applications for permits from—</p> <ul style="list-style-type: none"> <li>(i) State transport undertakings;</li> <li>(ii) co-operative societies registered or deemed to have been registered under any enactment for the time being in force; 2[***]</li> <li>(iii) ex-servicemen; 3[or]</li> </ul> <p>3[(iv) any other class or category of persons, as the State Government may, for reasons to be recorded in writing, consider necessary.]</p> <p>4[***]</p> <p><i>Explanation.</i>—For the purposes of this section “company” means any body corporate, and includes a firm or other association of individuals; and “director”, in relation to a firm, means a partner in the firm.</p>		

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<p><b>72. Grant of stage carriage permit.—</b>(1) Subject to the provisions of section 71, a Regional Transport Authority may, on an application made to it under section 70, 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:</p> <p>Provided that no such permit shall be granted in respect of any route or area not specified in the application.</p> <p>(2) The Regional Transport Authority, if it decides to grant a stage carriage permit, may grant the permit for a stage carriage of a specified description and may, subject to any rule that may be made under this Act, attach to the permit any one or more of the following conditions, namely:—</p> <p>(i) that the vehicles shall be used only in a specified area, or on a specified route or routes;</p> <p>(ii) that the operation of the stage carriage shall be commenced with effect from a specified date;</p> <p>(iii) the minimum and maximum number of daily trips to be provided in relation to any route or area generally or on specified days and occasions;</p> <p>(iv) that copies of the time-table of the stage</p>	<p><b>55. Grant of stage carriage or contract carriage permit.—</b>Subject to the provisions of section 54, a Regional Transport Authority may, on an application made to it under section 53, grant a permit in accordance with the application or with such modifications and attach such conditions as it deems fit or refuse to grant such a permit.</p>	<p>Sr. No. has been changed and the section has been simplified and streamlined.</p>

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<p>carriage 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;</p> <p>(v) that the stage carriage shall be operated within such margins of deviation from the approved time-table as the Regional Transport Authority may from time to time specify;</p> <p>(vi) 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;</p> <p>(vii) the maximum number of passengers and the maximum weight of luggage that may be carried on the stage carriage, either generally or on specified occasions or at specified times and seasons;</p> <p>(viii) 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;</p> <p>(ix) the rate of charge that may be levied for passengers' luggage in excess of the free allowance;</p>		

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<p>(x) that vehicles of a specified type fitted with body conforming to approved specifications shall be used;</p> <p>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;</p> <p>(xi) that specified standards of comfort and cleanliness shall be maintained in the vehicles;</p> <p>(xii) the conditions subject to which goods may be carried in the stage carriage in addition to or to the exclusion of passengers;</p> <p>(xiii) that fares shall be charged in accordance with the approved fare table;</p> <p>(xiv) 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 the stage carriage and at specified stands and halts;</p> <p>(xv) 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;</p> <p>(xvi) that mails shall be carried on the vehicle</p>		

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<p>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;</p> <p>(xvii) the vehicles to be kept as reserve by the holder of the permit to maintain the operation and to provide for special occasions;</p> <p>(xviii) the conditions subject to which vehicle may be used as a contract carriage;</p> <p>(xix) that specified arrangements shall be made for the housing, maintenance and repair of vehicle;</p> <p>(xx) 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;</p> <p>(xxi) that the conditions of the permit shall not be departed from, save with the approval of the Regional Transport Authority;</p> <p>(xxii) that the Regional Transport Authority may, after giving notice of not less than one month,—</p> <p>(a) vary the conditions of the permit;</p> <p>(b) attach to the permit further conditions:</p> <p>Provided that the conditions specified in</p>		

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<p>pursuance of clause (i) shall not be varied so as to alter the distance covered by the original route by more than 24 kilometres, and any variation within such limits shall be made only after the Regional Transport Authority is satisfied that such variation will serve the convenience of the public and that it is not expedient to grant a separate permit in respect of the original route as so varied or any part thereof;</p> <p>(xxiii) 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;</p> <p>(xxiv) any other conditions which may be prescribed.</p>		
<p><b>73. Application for contract carriage permit.</b>—An application for a permit in respect of a contract carriage (in this Chapter referred to as a contract carriage permit) shall contain the following particulars, namely:—</p> <p>(a) the type and seating capacity of the vehicle;</p> <p>(b) the area for which the permit is required;</p> <p>(c) any other particulars which may be prescribed.</p>	<p>73. Has been Deleted.</p>	

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<p><b>74. Grant of contract carriage permit.</b>—(1) Subject to the provisions of sub-section (3), a Regional Transport Authority may, on an application made to it under section 73, 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:</p> <p style="padding-left: 40px;">Provided that no such permit shall be granted in respect of any area not specified in the application.</p> <p style="padding-left: 40px;">(2) The Regional Transport Authority, if it decides to grant a contract carriage permit, may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely:—</p> <ul style="list-style-type: none"> <li>(i) that the vehicles shall be used only in a specified area or on a specified route or routes;</li> <li>(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;</li> <li>(iii) the maximum number of passengers and the maximum weight of luggage that may be carried on the vehicles, either generally or on specified occasions or at specified times and</li> </ul>	<p>74. Has been deleted</p>	

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<p>seasons;</p> <p>(iv) the conditions subject to which goods may be carried in any contract carriage in addition to, or to the exclusion of, passengers;</p> <p>(v) that, in the case of motorcabs, specified fares or rates of fares shall be charged and a copy of the fare table shall be exhibited on the vehicle;</p> <p>(vi) that, in the case of vehicles other than motorcabs, specified rates of hiring not exceeding specified maximum shall be charged;</p> <p>(vii) that in the case of motorcabs, 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;</p> <p>(viii) that, in the case of motorcabs, a taximeter shall be fitted and maintained in proper working order, if prescribed;</p> <p>(ix) that the Regional Transport Authority may, after giving notice of not less than one month,—</p> <p>(a) vary the conditions of the permit;</p> <p>(b) attach to the permit further conditions;</p> <p>(x) that the conditions of permit shall not be</p>		



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<p>departed from save with the approval of the Regional Transport Authority;</p> <p>(xi) that specified standards of comfort and cleanliness shall be maintained in the vehicles;</p> <p>(xii) that, except in the circumstances of exceptional nature, the plying of the vehicle or carrying of the passengers shall not be refused;</p> <p>(xiii) any other conditions which may be prescribed.</p> <p>(3) (a) The State Government shall, if so directed by the Central Government, having regard to the number of vehicles, road conditions and other relevant matters, by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport Authority to limit the number of contract carriages generally or of any specified type, as may be fixed and specified in the notification, operating on city routes in towns with a population of not less than five lakhs.</p> <p>(b) Where the number of contract carriages are fixed under clause (a), the Regional Transport Authority shall, in considering an application for the grant of permit in respect of any such contract carriage, have regard to the following matters, namely:—</p> <p>(i) financial stability of the applicant;</p>		

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<p>(ii) satisfactory performance as a contract carriage operator including payment of tax if the applicant is or has been an operator of contract carriages; and</p> <p>(iii) such other matters as may be prescribed by the State Government:</p> <p>Provided that, other conditions being equal, preference shall be given to applications for permits from—</p> <p>(i) the India Tourism Development Corporation;</p> <p>(ii) State Tourism Development Corporations;</p> <p>(iii) State Tourism Departments;</p> <p>(iv) State Transport Undertakings;</p> <p>(v) co-operative societies registered or deemed to have been registered under any enactment for the time being in force;</p> <p>(vi) ex-servicemen.</p> <p><b>75. Scheme for renting of motor cabs.—(1)</b> The Central Government may, by notification in the Official Gazette, make a scheme for the purpose of regulating the business of renting of 1[motor cabs or motor cycles to persons desiring to drive either by themselves or through drivers, motor cabs or motor cycles] for their own use and for matters connected</p>	<p><b>56. Scheme for renting of passenger vehicle.</b> – The Central Government may by notification in the official gazette, make a scheme for the purpose of regulating the business of renting of passenger vehicle to persons desiring to drive either by themselves or through drivers, for their own use and for matters connected therewith.</p>	<p>Renumbered and simplified.</p>

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<p>therewith.</p> <p>(2) A scheme made under sub-section (1) may provide for all or any of the following matters, namely:—</p> <p>(a) licensing of operators under the scheme including grant, renewal and revocation of such licences;</p> <p>(b) form of application and form of licences and the particulars to be contained therein;</p> <p>(c) fee to be paid with the application for such licences;</p> <p>(d) the authorities to which the application shall be made;</p> <p>(e) condition subject to which such licences may be granted, renewed or revoked;</p> <p>(f) appeals against orders of refusal to grant or renew such licences and appeals against orders revoking such licences;</p> <p>(g) conditions subject to which motor cabs may be rented;</p> <p>(h) maintenance of records and inspection of such records;</p> <p>(i) such other matters as may be necessary to carry out the purposes of this section.</p>		

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<p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 24, for “motor cabs to persons desiring to drive the cabs” (w.e.f. 14-11-1994).</p> <p><b>76. Application for private service vehicle permit.</b>—(1) A Regional Transport Authority may, on an application made to it, grant a private service vehicle permit in accordance with the application or with such modification as it deems fit or refuse to grant such permit:</p> <p style="padding-left: 40px;">Provided that no such permit shall be granted in respect of any area or route not specified in the application.</p> <p>(2) An application for a permit to use a motor vehicle as a private service vehicle shall contain the following particulars, namely:—</p> <p>(a) type and seating capacity of the vehicle;</p> <p>(b) the area or the route or routes to which the application relates;</p> <p>(c) the manner in which it is claimed that the purpose of carrying persons otherwise than for hire or reward or in connection with the trade or business carried on by the applicant will be served by the vehicle; and</p> <p>(d) any other particulars which may be</p>	<p>Section (76) has been deleted.</p>	

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<p>prescribed.</p> <p>(3) The Regional Transport Authority if it decides to grant the permit may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely:—</p> <p>(i) that the vehicle be used only in a specified area or on a specified route or routes;</p> <p>(ii) the maximum number of persons and the maximum weight of luggage that may be carried;</p> <p>(iii) that the Regional Transport Authority may, after giving notice of not less than one month—</p> <p>(a) vary the conditions of the permit;</p> <p>(b) attach to the permit further conditions;</p> <p>(iv) that the conditions of permit shall not be departed from, save with the approval of the Regional Transport Authority;</p> <p>(v) that specified standards of comforts and cleanliness shall be maintained in the vehicle;</p> <p>(vi) that the holder of the permit shall furnish to the Regional Transport Authority such periodical returns, statistics and other</p>		

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<p>information as the State Government may, from time to time, specify; and</p> <p>(vii) such other conditions as may be prescribed.</p> <p><b>77. Application for goods carriage permit.</b>—            An application for a permit to use a motor vehicle for the carriage of goods for hire or reward or for the carriage of goods for or in connection with a trade or business carried on by the applicant (in this Chapter referred to as a goods carriage permit) shall, as far as may be, contain the following particulars, namely:—</p> <p>(a) the area or the route or routes to which the application relates;</p> <p>(b) the type and capacity of the vehicle;</p> <p>(c) the nature of the goods it is proposed to carry;</p> <p>(d) the arrangements intended to be made for the housing, maintenance and repair of the vehicle and for the storage and safe custody of the goods;</p> <p>(e) 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</p>	<p><b>57. Application for goods carriage permit:-</b> An application for a permit to use a motor vehicle for the carriage of goods for hire or reward or for the carriage of goods for or in connection with a trade or business carried on by the applicant (in this Chapter referred to as a goods carriage permit) shall, contain such particulars as may be prescribed.</p>	<p>Renumbered and simplified.</p>

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<p>charged by the applicant;</p> <p>(f) 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;</p> <p>(g) any other particulars which may be prescribed.</p>		
<p><b>78. Consideration of application for goods carriage permit.</b>—A Regional Transport Authority shall, in considering an application for a goods carriage permit, have regard to the following matters, namely:—</p> <p>(a) the nature of the goods to be carried with special reference to their dangerous or hazardous nature to human life;</p> <p>(b) the nature of the chemicals or explosives to be carried with special reference to the safety to human life.</p>	<p><b>58. Consideration of application for goods carriage permit</b></p>	<p>Only Sr. No. is changed.</p>

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<p><b>79. Grant of goods carriage permit.</b>—(1) A Regional Transport Authority may, on an application made to it under section 77, grant a goods carriage permit to be valid throughout the State or in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit:</p> <p>Provided that no such permit shall be granted in respect of any area or route not specified in the application.</p> <p>(2) The Regional Transport Authority, if it decides to grant a goods carriage permit, may grant the permit 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:—</p> <ul style="list-style-type: none"> <li>(i) that the vehicle shall be used only in a specified area, or on a specified route or routes;</li> <li>(ii) that the gross vehicle weight of any vehicle used shall not exceed a specified maximum;</li> <li>(iii) that goods of a specified nature shall not be carried;</li> <li>(iv) that goods shall be carried at specified rates;</li> <li>(v) that specified arrangement shall be made</li> </ul>	<p><b>59. Grant of goods carriage permit.</b> – A Regional Transport Authority may, on an application made to it under section 57, grant a goods carriage permit to be valid throughout the State or in accordance with the application or with such modifications and attach such conditions as it deems fit or refuse to grant such a permit.</p>	<p>Renumbered and simplified.</p>



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<p>for the housing, maintenance and repair of the vehicle and the storage and safe custody of the goods carried;</p> <p>(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;</p> <p>(vii) that the Regional Transport Authority may, after giving notice of not less than one month,—</p> <p>(a) vary the conditions of the permit;</p> <p>(b) attach to the permit further conditions;</p> <p>(viii) that the conditions of the permit shall not be departed from, save with the approval of the Regional Transport Authority;</p> <p>(ix) any other conditions which may be prescribed.</p> <p>(3) The conditions referred to in sub-section (2) may include conditions relating to the packaging and carriage of goods of dangerous or hazardous nature to human life.</p>		

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<p><b>80. Procedure in applying for and granting permits.</b>—(1) An application for a permit of any kind may be made at any time.</p> <p>(2) A <sup>1</sup>[Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] shall not ordinarily refuse to grant an application for permit of any kind made at any time under this Act:</p> <p>Provided that the <sup>1</sup>[Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] may summarily refuse the application if the grant of any permit in accordance with the application would have the effect of increasing the number of stage carriages as fixed and specified in a notification in the Official Gazette under clause (a) of sub-section (3) of section 71 or of contract carriages as fixed and specified in a notification in the Official Gazette under clause (a) of sub-section (3) of section 74:</p>	<p><b>60. Procedure in applying for and granting permits.</b>—(1) An application for a permit of any kind may be made in such manner as may be prescribed.</p> <p>(2) A Regional Transport Authority, State Transport Authority or any prescribed authority referred to in section 49 shall not ordinarily refuse to grant an application for permit of any kind other than a permit for a stage carriage made at any time under this Act;</p> <p>Provided that a permit to a stage carriage shall be subject to the scheme made for this purpose under the provisions of section.</p>	<p>Renumbered and Simplified.</p> <p>1<sup>st</sup> proviso of 60(2): Deleted</p>

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<p>Provided further that where a [Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] refuses an application for the grant of a permit of any kind under this Act, it shall give to the applicant in writing its reasons for the refusal of the same and an opportunity of being heard in the matter.</p> <p>(3) 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 by altering the route or routes or area covered by it, or in the case of a stage carriage permit by increasing the number of trips above the specified maximum or by the variation, extension or curtailment of the route or routes or the area specified in the permit shall be treated as an application for the grant of a new permit:</p> <p>Provided that it shall not be necessary so to treat an application made by the holder of stage carriage permit who provides the only service on any route to increase the frequency of the service so provided without any increase in the number of vehicles:</p>	<p>Provided further that where a Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 49 refuses an application for the grant of a permit of any kind under this Act, it shall give to the applicant in writing its reasons for the refusal of the same and an opportunity of being heard in the matter.</p>	<p>Renumbered of cross referred section.</p> <p>60(3): No change in subsection; however the proviso and list of items thereunder have been deleted.</p>

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<p>Provided further that, —</p> <p>(i) in the case of variation, the termini shall not be altered and the distance covered by the variation shall not exceed twenty-four kilometres;</p> <p>(ii) in the case of extension, the distance covered by extension shall not exceed twenty-four kilometres from the termini,</p> <p>and any such variation or extension within such limits shall be made only after the transport authority is satisfied that such variation will serve the convenience of the public and that it is not expedient to grant a separate permit in respect of the original route as so varied or extended or any part thereof.</p> <p>(4) A <sup>1</sup>[Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] may, before such date as may be specified by it in this behalf, replace any permit granted by it before the said date by a fresh permit conforming to the provisions of section 72 or section 74 or section 76 or section 79, 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</p>	<p>(3) A Regional Transport Authority, State Transport Authority or any prescribed authority referred to in section 49 may, before such date as may be specified by it in this behalf, replace any permit granted by it before the said date by a fresh permit conforming to the provisions of section 55 or section 59, 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:</p>	<p>60(4): Cross referred section have been renumbered and consequential changes in view of deletion of (74) and (76) in Section 60 (4) and 60 (5).</p>

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<p>valid:</p> <p>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.</p> <p>(5) Notwithstanding anything contained in section 81, a permit issued under the provisions of sub-section (4) shall be effective without renewal for the remainder of the period during which the replaced permit would have been so effective.</p>	<p>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.</p> <p>(5) Notwithstanding anything contained in section 61, a permit issued under the provisions of sub-section (4) shall be effective without renewal for the remainder of the period during which the replaced permit would have been so effective.</p>	
<p><b>81. Duration and renewal of permits.</b> —(1) A permit other than a temporary permit issued under section 87 or a special permit issued under sub-section (8) of section 88 shall be effective [from the date of issuance or renewal thereof] for a period of five years:</p> <p>Provided that where the permit is countersigned under sub-section (1) of section 88, such counter-signature shall remain effective without renewal for such period so as to synchronise with the validity of the primary permit.</p>	<p><b>61. Duration and renewal of permits.</b> – (1) A permit other than a temporary permit issued under section 65 or a special permit issued under subsection (8) of section 66 shall be effective from the date of issuance or renewal thereof for such period as may be prescribed. .</p> <p>Provided that where the permit is countersigned under sub-section (1) of section 66, such counter-signature shall remain effective without renewal for such period so as to synchronise with the validity of the primary permit.</p>	<p>Sr. No. has been changed to 61. Simplified and Streamlined.</p> <p>No Change in Proviso of Section 61(1). Cross referred section has been changed</p>

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<p>(2) A permit may be renewed on an application made not less than fifteen days before the date of its expiry.</p> <p>(3) Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority as the case may be, entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.</p>	<p>(2) A permit may be renewed on an application being made in such format and such manner as may be prescribed.</p>	<p>61(2): Simplified and Streamlined.</p> <p>Section 61(3) is deleted.</p>
<p>(4) The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the renewal of a permit on one or more of the following grounds, namely:—</p> <p>(a) the financial condition of the applicant as evidenced by insolvency, or decrees for payment of debts remaining unsatisfied for a period of thirty days, prior to the date of consideration of the application;</p> <p>(b) the applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date</p>	<p>(3) The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the renewal of a permit if the permit holder has failed to meet such conditions as may be prescribed.</p> <p>Provided that no application under this sub-section shall be rejected unless an opportunity of being heard is given to the applicant.</p>	<p>61(3): Subsection (4) has been simplified and renumbered at (3) in view of deletion of subsection (3).</p>

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<p>of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely:—</p> <p>(i) plying any vehicle—</p> <p>(1) without payment of tax due on such vehicle;</p> <p>(2) without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle;</p> <p>(3) on any unauthorised route;</p> <p>(ii) making unauthorised trips:</p> <p>Provided that in computing the number of punishments for the purpose of clause (b), any punishment stayed by the order of an appellate authority shall not be taken into account:</p>	<p>(4) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 65, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded.</p>	<p>81(4): 1<sup>st</sup> proviso has been deleted; while second proviso has been retained with deletion of word “further.”</p> <p>61(4): Subsection (5) is changed to (4).</p>
<p>Provided further that no application under this sub-section shall be rejected unless an opportunity of being heard is given to the applicant.</p> <p>(5) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded.</p>		

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<p><b>82. Transfer of permit.</b>—(1) Save as provided in sub-section (2), a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not, without such permission, operate to confer on any person to whom a vehicle covered by the permit is transferred any right to use that vehicle in the manner authorised by the permit.</p> <p>(2) Where the holder of a permit dies, the person succeeding to the possession of the vehicle covered by the permit may, for a period of three months, use the permit as if it had been granted to himself.</p> <p>Provided that such person has, within thirty days of the death of the holder, informed the transport authority which granted the permit of the death of the holder and of his own intention to use the permit:</p> <p>Provided further that no permit shall be so used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder.</p> <p>(3) The transport authority may, on application made to it within three months of the death of the holder of a permit, transfer the permit to the person succeeding to the possession of the vehicles covered by the permit:</p> <p>Provided that the transport authority may entertain</p>	<p><b>62. Transfer of permit.</b>— No Change</p>	



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<p>an application made after the expiry of the said period of three months if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.</p> <p><b>83. Replacement of vehicles.</b>—The holder of a permit may, with the permission of the authority by which the permit was granted, replace any vehicle covered by the permit by any other vehicle of the same nature.</p>	<p>83: Deleted</p>	
<p><b>84. General conditions attaching to all permits.</b>—The following shall be conditions of every permit—</p> <p>(a) that the vehicle to which the permit relates carries valid certificate of fitness issued under section 56 and is at all times so maintained as to comply with the requirements of this Act and the rules made thereunder;</p> <p>(b) that the vehicle to which the permit relates is not driven at a speed exceeding the speed permitted under this Act;</p> <p>© that any prohibition or restriction imposed any fares or freight fixed by notification made under section 67 are observed in connection with the vehicle to which the permit relates;</p>	<p>84. Deleted.</p>	

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<p>(d) that the vehicle to which the permit relates is not driven in contravention of the provisions of section 5 or section 113;</p> <p>(e) that the provisions of this Act limiting the hours of work of drivers are observed in connection with any vehicle or vehicles to which the permit relates;</p> <p>(f) that the provisions of Chapters X, XI and XII so far as they apply to the holder of the permit are observed; and</p> <p>(g) that the name and address of the operator shall be painted or otherwise firmly affixed to every vehicle to which the permit relates on the exterior of the body of that vehicle on both sides thereof in a colour or colours vividly contrasting to the colour of the vehicle centred as high as practicable below the window line in bold letters.</p>		
<p><b>85. General form of permits.</b>—Every permit issued under this Act shall be complete in itself and shall contain all the necessary particulars of the permit and the conditions attached thereto.</p>	<p><b>63. General form of permits.</b> - Every permit issued under this Act shall be in such form as may be prescribed and shall contain all the conditions attached thereto.</p>	<p>Sr. No. (85) has been changed to (63) and Simplified.</p>

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<p><b>86. Cancellation and suspension of permits.—</b> (1) The transport authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit—</p> <p>(a) on the breach of any condition specified in section 84 or of any condition contained in the permit, or</p> <p>(b) if the holder of the permit uses or causes or allows a vehicle to be used in any manner not authorised by the permit, or</p> <p>(c) if the holder of the permit ceases to own the vehicle covered by the permit, or</p> <p>(d) if the holder of the permit has obtained the permit by fraud or misrepresentation, or</p> <p>(e) if the holder of the goods carriage permit, fails without reasonable cause, to use the vehicle for the purposes for which the permit was granted, or</p> <p>(f) if the holder of the permit acquires the citizenship of any foreign country:</p> <p>Provided that no permit shall be suspended or cancelled unless an opportunity has been given to the holder of the permit to furnish his explanation.</p> <p>(2) The transport authority may exercise the powers conferred on it under sub-section (1) in</p>	<p><b>64. Cancellation and suspension of permits.-</b> (1) The transport authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit—</p> <p>(a) on the breach of any condition contained in the permit, or</p> <p>(b) if the holder of the permit uses or causes or allows a vehicle to be used in any manner not authorised by the permit, or</p> <p>(c) if the holder of the permit ceases to own the vehicle covered by the permit, or</p> <p>(d) if the holder of the permit has obtained the permit by fraud or misrepresentation, or</p> <p>(e) if the holder of the goods carriage permit, fails without reasonable cause, to use the vehicle for the purposes for which the permit was granted, or</p> <p>(f) if the holder of the permit acquires the citizenship of any foreign country:</p> <p>Provided that no permit shall be suspended or cancelled unless an opportunity has been given to the holder of the permit to furnish his explanation.</p> <p>(2) The transport authority may exercise the powers conferred on it under sub-section (1) in relation to a permit granted by any authority or</p>	<p>Sr. No. has been changed.</p> <p>64(1.a) – Simplified. No change (1b) to (1f) and proviso.</p> <p>64(2), (4), (6) and (7): Cross referred section has been renumbered.</p>

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relation to a permit granted by any authority or person to whom power in this behalf has been delegated under sub-section (5) of section 68 as if the said permit was a permit granted by the transport authority.

(3) Where a transport authority cancels or suspends a permit, it shall give to the holder in writing its reasons for the action taken.

(4) The powers exercisable under sub-section (1) (other than the power to cancel a permit) by the transport authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under sub-section (5) of section 68.

(5) 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.

(6) The powers exercisable by the transport

person to whom power in this behalf has been delegated under section 51 as if the said permit was a permit granted by the transport authority.

(3) Where a transport authority cancels or suspends a permit, it shall give to the holder in writing its reasons for the action taken.

(4) The powers exercisable under sub-section (1) (other than the power to cancel a permit) by the transport authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under section 51.

(5) 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.

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<p>authority under sub-section (5) may, where an appeal has been preferred under section 89, be exercised also by the appellate authority.</p> <p>(7) In relation to a permit referred to in sub-section (9) of section 88, the powers exercisable under sub-section (1) (other than the power to cancel a permit) by the transport authority which granted the permit, may be exercised by any authority or persons to whom power in this behalf has been delegated under sub-section (5) of section 68, as if the said permit was a permit granted by any such authority or persons.</p>	<p>(6) The powers exercisable by the transport authority under sub-section (5) may, where an appeal has been preferred under section 67, be exercised also by the appellate authority.</p> <p>(7) In relation to a permit referred to in sub-section (9) of section 66, the powers exercisable under sub-section (1) (other than the power to cancel a permit) by the transport authority which granted the permit, may be exercised by any transport authority and any authority or persons to whom power in this behalf has been delegated under section 51, as if the said permit was a permit granted by any such authority or persons.</p>	
<p><b>87. Temporary permits.</b>—(1) A Regional Transport Authority and the State Transport Authority may without following the procedure laid down in section 80, grant permits to be effective for a limited period which shall, not in any case exceed four months, to authorise the use of a transport vehicle temporarily—</p> <p>(a) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or</p> <p>(b) for the purposes of a seasonal business, or</p> <p>(c) to meet a particular temporary need, or</p>	<p><b>65. Temporary permits.</b>—(1) A Regional Transport Authority and the State Transport Authority may without following the procedure laid down in section 60, grant permits to be effective for a limited period which shall, not in any case exceed four months, to authorise the use of a transport vehicle temporarily—</p> <p>(a) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or</p> <p>(b) for the purposes of a seasonal business, or</p> <p>or</p>	<p>Sr. No. of section and cross referred sections has been changed and consequential changes in view of deletion of section (74) and (76). No change in content.</p>

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<p>(d) pending decision on an application for the renewal of a permit, and may attach to any such permit such condition as it may think fit:</p> <p>Provided that a Regional Transport Authority or, as the case may be, State Transport Authority may, in the case of goods carriages, under the circumstances of an exceptional nature, and for reasons to be recorded in writing, grant a permit for a period exceeding four months, but not exceeding one year.</p> <p>(2) Notwithstanding anything contained in sub-section (1), a temporary permit may be granted thereunder in respect of any route or area where—</p> <p>(i) no permit could be issued under section 72 or section 74 or section 76 or section 79 in respect of that route or area by reason of an order of a Court or other competent authority restraining the issue of the permit has been so restrained;</p> <p>(ii) as a result of the suspension by a Court or other competent authority of the permit of any vehicle in respect of that route or area, there is no transport vehicle of the same class with a valid permit in</p>	<p>(c) to meet a particular temporary need, or</p> <p>(d) pending decision on an application for the renewal of a permit, and may attach to any such permit such condition as it may think fit:</p> <p>Provided that a Regional Transport Authority or, as the case may be, State Transport Authority may, in the case of goods carriages, under the circumstances of an exceptional nature, and for reasons to be recorded in writing, grant a permit for a period exceeding four months, but not exceeding one year.</p> <p>(2) Notwithstanding anything contained in sub-section (1), a temporary permit may be granted thereunder in respect of any route or area where—</p> <p>(i) no permit could be issued under section 55 or section 59 in respect of that route or area by reason of an order of a Court or other competent authority restraining the issue of the permit for which the issue of the permit has been so restrained;</p> <p>(ii) as a result of the suspension by a Court or other competent authority of the permit of any</p>	

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<p>respect of that route or area, or there is no adequate number of such vehicles in respect of that route or area, for a period not exceeding the period of such suspension:</p> <p>Provided that the number of transport vehicles in respect of which temporary permits are so granted shall not exceed the number of vehicles in respect of which the issue of the permits have been restrained or, as the case may be, the permit has been suspended.</p>	<p>vehicle in respect of that route or area, there is no transport vehicle of the same category with a valid permit in respect of that route or area, or there is no adequate number of such vehicles in respect of that route or area, for a period not exceeding the period of such suspension:</p> <p>Provided that the number of transport vehicles in respect of which temporary permits are so granted shall not exceed the number of vehicles in respect of which the issue of the permits have been restrained or, as the case may be, the permit has been suspended.</p>	
<p><b>88. Validation of permits for use outside region in which granted.</b>—(1) Except as may be otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region, and a permit granted in any one State shall not be valid in any other State unless countersigned by the State Transport Authority of that other State or by the Regional Transport Authority concerned:</p> <p>Provided that a goods carriage permit, granted by the Regional Transport Authority of any one region,</p>	<p><b>66. Validation of permits for use outside region in which granted.</b>—(1)</p>	<p>Sr. No. of section and cross referred sections has been changed and consequential changes in view of deletion of section (74) and (76).</p> <p>Sub-Section (1) 1<sup>st</sup> proviso: No Change</p>

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<p>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:</p> <p>Provided further that where both the starting point and the terminal point of a route are situated within the same State, but part of such route lies in any other State and the length of such part does not exceed sixteen kilometres, the permit shall be valid in the other State in respect of that part of the route which is in that other State notwithstanding that such permit has not been countersigned by the State Transport authority or the Regional Transport Authority of that other State:</p> <p>Provided also that—</p> <p>(a) where a motor vehicle covered by a permit granted in one State is to be used for the purposes of defence in any other State, such vehicle shall display a certificate, in such form, and issued by such Authority, as the Central Government may, by notification in the Official Gazette, specify, to the effect that the vehicle shall be used for the period specified therein exclusively for the purposes</p>	<p>Provided further that where both the starting point and the terminal point of a route are situated within the same State, but part of such route lies in any other State and the length of such part does not exceed twenty kilometres, the permit shall be valid in the other State in respect of that part of the route which is in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State:</p>	<p>66(1), second proviso: word “sixteen” has been replaced with “twenty”.</p> <p>Sub-Section (1) 3<sup>rd</sup> proviso: No Change</p>



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<p>of defence; and</p> <p>(b) any such permit shall be valid in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State.</p> <p>(2) Notwithstanding anything contained in sub-section (1), a permit granted or countersigned by a State Transport Authority shall be valid in the whole State or in such regions within the State as may be specified in the permit.</p> <p>(3) A Regional Transport Authority when countersigning the permit may attach to the permit any condition which it might have imposed if it had granted the permit and may likewise vary any condition attached to the permit by the authority by which the permit was granted.</p> <p>(4) The provisions of this Chapter relating to the grant, revocation and suspension of permits shall apply to the grant, revocation and suspension of countersignatures of permits:</p> <p>Provided that it shall not be necessary to follow the procedure laid down in section 80 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</p>	<p>Provided that it shall not be necessary to follow the procedure laid down in section 60 for the grant of countersignatures of permits, where the permits granted in any one State are required to be countersigned by the State Transport</p>	<p>66 (2), (3), (4), (5), (6) are retained.</p>

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<p>another State or by the Regional Transport Authority concerned as a result of any agreement arrived at between the States after complying with the requirements of sub-section (5).</p> <p>(5) Every proposal to enter into an agreement between the States to fix the number of permits which is proposed to be granted or countersigned in respect of each route or area, shall be published by each of the State Governments concerned in the Official Gazette and in any one or more of the newspapers in regional language circulating in the area or route proposed to be covered by the agreement together with a notice of the date before which representations in connection therewith may be submitted, and the date not being less than thirty days from the date of publication in the Official Gazette, on which, and the authority by which, and the time and place at which, the proposal and any representation received in connection therewith will be considered.</p> <p>(6) Every agreement arrived at between the States shall, in so far as it relates to the grant of countersignature of permits, be published by each of the State Governments concerned in the Official Gazette and in any one or more of the newspapers in the regional language circulating in the area or route</p>	<p>Authority of another State or by the Regional Transport Authority concerned as a result of any agreement arrived at between the States after complying with the requirements of sub-section (5).</p>	

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<p>covered by the agreement and the State Transport Authority of the State and the Regional Transport Authority concerned shall give effect to it.</p> <p>(7) Notwithstanding anything contained in sub-section (1), a Regional Transport Authority of one region may issue a temporary permit under section 87 to be valid in another region or State with the concurrence, given generally or for the particular occasion, of the Regional Transport Authority of that other region or of the State Transport Authority of that other State, as the case may be.</p> <p>(8) Notwithstanding anything contained in sub-section (1), but subject to any rules that may be made under this Act by the Central Government, the Regional Transport Authority of any one region or, as the case may be, the State Transport Authority may, for the convenience of the public, I[grant a special permit to any public service vehicle including any vehicle covered] by a permit issued under section 72 (including a reserve stage carriage) or under section 74 or under sub-section (9) of this section 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</p>	<p>(7) Notwithstanding anything contained in sub-section (1), a Regional Transport Authority of one region may issue a temporary permit under section 65 to be valid in another region or State with the concurrence, given generally or for the particular occasion, of the Regional Transport Authority of that other region or of the State Transport Authority of that other State, as the case may be.</p> <p>(8) Notwithstanding anything contained in sub-section (1), but subject to any rules that may be made under this Act by the Central Government, the Regional Transport Authority of any one region or, as the case may be, the State Transport Authority may, for the convenience of the public, I[grant a special permit to any public service vehicle including any vehicle covered] by a permit issued under section 55 (including a reserve stage carriage) or under sub-section (9) of this section 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</p>	<p>66(7), (8), (9): Cross referred sections have been renumbered and consequential changes due to deletion of (73) and (74).</p>

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<p>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.</p> <p>(9) Notwithstanding anything contained in sub-section (1) but subject to any rules that may be made by the Central Government under sub-section (14), any State Transport Authority may, for the purpose of promoting tourism, grant tourist vehicles valid for the whole of India, or in such contiguous States not being less than three in number including the State in which the permit is issued as may be specified in such permit in accordance with the choice indicated in the application and the provisions of sections 73, 74, 80, 81, 82, 83, 84, 85, 86 2[clause (d) of sub-section (1) of section 87 and section 89] shall, as far as may be, apply in relation to such permits.</p> <p style="text-align: right;">3[***]</p>	<p>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.</p> <p>(9) Notwithstanding anything contained in sub-section (1) but subject to any rules that may be made by the Central Government under sub-section (14), any State Transport Authority may, for the purpose of promoting tourism, grant permits in respect of tourist vehicles valid for the whole of India, or in such contiguous States not being less than three in number including the State in which the permit is issued as may be specified in such permit in accordance with the choice indicated in the application and the provisions of sections 60, 61, 62, 63, 64 2[clause (d) of sub-section (1) of section 65 and section 67] shall, as far as may be, apply in relation to such permits.</p>	<p>Serial no of sub-section (11) , (12) and (14) have been changed to (10) , (11), and (12) respectively.</p>

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<p>(11) The following shall be conditions of every permit granted under sub-section (9), namely:—</p> <p>(i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in this behalf;</p> <p>(ii) every such motor vehicle shall be driven by a person having such qualifications and satisfying such conditions as may be specified by the Central Government; and</p> <p>(iii) such other conditions as may be prescribed by the Central Government.</p> <p>(12) Notwithstanding anything contained in sub-section (1), but, subject to the rule that may be made by the Central Government under sub-section (14), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant in a State, national permits in respect of goods carriages and the provisions of sections 69, 77, 79, 80, 81, 82, 83, 84, 85, 86, 4[clause (d) of sub-section (1) of section 87 and section 89] shall, as far as may be, apply to or in relation to the grant of national</p>	<p>(10) The following shall be conditions of every permit granted under sub-section (9), namely:—</p> <p>(i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in this behalf;</p> <p>(ii) every such motor vehicle shall be driven by a person having such qualifications and satisfying such conditions as may be specified by the Central Government; and</p> <p>(iii) such other conditions as may be prescribed by the Central Government.</p> <p>(11) Notwithstanding anything contained in sub-section (1), but, subject to the rule that may be made by the Central Government under sub-section (14), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant in a State, national permits in respect of goods carriages and the provisions of sections 52, 57, 59, 60, 61, 62, 63, 64, 4[clause (d) of sub-section (1) of section 65</p>	<p>Sub-section (11): Cross referred sections have been renumbered.</p>

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<p>permits. 5[***] (14) (a) The Central Government may make rules for carrying out the provisions of this section. (b) 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:— (i) the authorisation fee payable of the issue of a permit referred to in sub-sections (9) and (12); (ii) the fixation of the laden weight of the motor vehicle; (iii) the distinguishing particulars or marks to be carried or exhibited in or on the motor vehicle; (iv) the colour or colours in which the motor vehicle is to be painted; (v) such other matters as the appropriate authority shall consider in granting a national permit. <i>Explanation.</i>—In this section,— (a) “appropriate authority”, in relation to a national permit, means the authority which is authorised under this Act to grant a goods carriage permit;</p>	<p>and section 67] shall, as far as may be, apply to or in relation to the grant of national permits.  (12) (a) The Central Government may make rules for carrying out the provisions of this section. (b) 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:— (i) the authorisation fee payable of the issue of a permit referred to in sub-sections (9) and (12); (ii) the fixation of the laden weight of the motor vehicle; (iii) the distinguishing particulars or marks to be carried or exhibited in or on the motor vehicle; (iv) the colour or colours in which the motor vehicle is to be painted; (v) such other matters as the appropriate authority shall consider in granting a national permit. <i>Explanation.</i>—In this section,— (a) “appropriate authority”, in relation to</p>	

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<p>(b) “authorisation fee” means the annual fee, not exceeding one thousand rupees, which may be charged by the appropriate authority of a State to enable a motor vehicle, covered by the permit referred to in sub-sections (9) and (12) to be used in other States subject to the payment of taxes or fees, if any, levied by the States concerned;</p> <p>(c) “national permit” means a permit granted by the appropriate authority to goods carriages to operate throughout the territory of India or in such contiguous States, not being less than four in number, including the State in which the permit is issued as may be specified in accordance with the choice indicated in the application.</p>	<p>a national permit, means the authority which is authorised under this Act to grant a goods carriage permit;</p> <p>(b) “authorisation fee” means the annual fee, not exceeding one thousand rupees, which may be charged by the appropriate authority of a State to enable a motor vehicle, covered by the permit referred to in sub-sections (9) and (12) to be used in other States subject to the payment of taxes or fees, if any, levied by the States concerned;</p> <p>(c) “national permit” means a permit granted by the appropriate authority to goods carriages to operate throughout the territory of India or in such contiguous States, not being less than four in number, including the State in which the permit is issued as may be specified in such permit in accordance with the choice indicated in the application.</p>	
<p><b>89. Appeals.</b>—(1) Any person—</p> <p>(a) aggrieved by the refusal of the State or a Regional Transport Authority to grant a permit, or by any condition attached to a permit granted to him, or</p> <p>(b) aggrieved by the revocation or suspension</p>	<p><b>67. Appeals</b> —(1) Any person—</p>	<p>Sr. no has been changed for section and cross referred sections in 67(1)(c)</p> <p>67(1) (f): Deleted in view of deletion of section (83), hence (g) has been renumbered as (f). No change in</p>





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<p>or who is qualified to be a Judge of the High Court and it shall exercise jurisdiction within such area as may be notified by that Government.]</p> <p>(3) Notwithstanding anything contained in sub-section (1) or sub-section (2),</p> <p style="padding-left: 40px;">every appeal pending at the commencement of this Act, shall continue to be proceeded with and disposed of as if this Act had not been passed.</p> <p><i>Explanation.</i>—For the removal of doubts, it is hereby declared that when any order is made by the State Transport Authority or the Regional Transport Authority in pursuance of a direction issued by the Inter-State Transport Commission under clause (c) of sub-section (2) of section 63A of the Motor Vehicles Act, 1939 (4 of 1939), as it stood immediately before the commencement of this Act, and any person feels aggrieved by such order on the ground that it is not in consonance with such direction, he may appeal under sub-section (1) to the State Transport Appellate Tribunal against such order but not against the direction so issued.</p> <p>----- 1. Subs. by Act 54 of 1994, sec. 28, for sub-section (2) (w.e.f. 14-11-1994). -----</p>		

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<p><b>90. Revision.</b>—The State Transport Appellate Tribunal may, on an application made to it, call for the record of any case in which an order has been made by a State Transport Authority or Regional Transport Authority against which no appeal lies, and if it appears to the State Transport Appellate Tribunal that the order made by the State Transport Authority or Regional Transport Authority is improper or illegal, the State Transport Appellate Tribunal may pass such order in relation to the case as it deems fit and every such order shall be final:</p> <p style="padding-left: 40px;">Provided that the State Transport Appellate Tribunal shall not entertain any application from a person aggrieved by an order of a State Transport Authority or Regional Transport Authority, unless the application is made within thirty days from the date of the order:</p> <p style="padding-left: 40px;">Provided further that the State Transport Appellate Tribunal may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by good and sufficient cause from making the application in time:</p> <p style="padding-left: 40px;">Provided also that the State Transport Appellate Tribunal shall not pass an order under this section prejudicial to any person without giving him a</p>	<p><b>68. Revision.</b> No Change in content except for Sr. No.</p>	

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<p>reasonable opportunity of being heard.</p> <p><b>91. Restriction of hours of work of drivers.</b>—                      1[(1) The hours of work of any person engaged for operating a transport vehicle shall be such as provided in the Motor Transport Workers Act, 1961 (7 of 1961)].</p> <p>(2) A State Government may, by notification in the Official Gazette, grant such exemptions from the provisions of sub-section (1) as it thinks fit, to meet cases of emergency or of delays by reason of circumstances which could not be foreseen.</p> <p>(3) A State Government or, if authorised in this behalf by the State Government by rules made under section 96, the State or a Regional Transport Authority may require persons employing any person whose work is subject to any of the provisions of sub-section (1) to fix beforehand the hours of work of such persons so as to conform to those provisions, and may provide for the recording of the hours so fixed.</p> <p>(4) No person shall work or shall cause or allow any other person to work outside the hours fixed or recorded for the work of such persons under sub-section (3).</p> <p>(5) A State Government may prescribe the circumstances under which and the period during</p>	<p><b>69. Restriction of hours of work of drivers.</b></p> <p>(3) A State Government or, if authorised in this behalf by the State Government by rules made under section 73, the State or a Regional Transport Authority may require persons employing any person whose work is subject to any of the provisions of sub-section (1) to fix beforehand the hours of work of such persons so as to conform to those provisions, and may provide for the recording of the hours so fixed.</p>	<p>Sr. No. has been changed for section and cross referred section also in subsection (3)</p> <p>69 (1), (2), (4) and (5): retained.</p>

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<p>which the driver of a vehicle although not engaged in work is required to remain on or near the vehicle may be deemed to be an interval for rest within the meaning of sub-section (1).</p> <p><b>92. Voidance of contracts restrictive of liability.—</b> Any contract for the conveyance of a passenger in a stage carriage or contract carriage, in respect of which a permit has been issued under this Chapter, shall, so far as it purports to negative or restrict the liability of any person in respect of any claim made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.</p>		
<p><b>93. Agent or canvasser to obtain licence.—(1)</b> No person shall engage himself—</p> <p>(i) as an agent or a canvasser, in the sale of tickets for travel by public service vehicles or in otherwise soliciting customers for such vehicles, or</p> <p>(ii) as an agent in the business of collecting, forwarding or distributing goods carried by goods carriages, unless he has obtained a licence from such</p>	<p><b>70. Voidance of contracts restrictive of liability.</b> No Change</p>	<p>93. Deleted.</p>

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<p>authority and subject to such conditions as may be prescribed by the State Government.</p> <p>(2) The conditions referred to in sub-section (1) may include all or any of the following matters, namely:—</p> <p>(a) the period for which a licence may be granted or renewed;</p> <p>(b) the fee payable for the issue or renewal of the licence;</p> <p>(c) the deposit of security—</p> <p>(i) of a sum not exceeding rupees fifty thousand in the case of an agent in the business of collecting, forwarding or distributing goods carried by goods carriages,</p> <p>(ii) of a sum not exceeding rupees five thousand in the case of any other agent or canvasser,</p> <p>and the circumstances under which the security may be forfeited;</p> <p>(d) the provision by the agent of insurance of goods in transit;</p> <p>(e) the authority by which and the circumstances under which the licence may be suspended or revoked;</p> <p>(f) such other conditions as may be</p>		

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<p>prescribed by the State Government.</p> <p>(3) It shall be a condition of every licence that no agent or canvasser to whom the licence is granted shall advertise in any newspaper, book, list, classified directory or other publication unless there is contained in such advertisement appearing in such newspaper, book, list, classified directory or other publication the licence number, the date of expiry of licence and the particulars of the authority which granted the licence.</p>		
<p><b>94. Bar on jurisdiction of Civil Courts.</b>—No Civil Court shall have jurisdiction to entertain any question relating to the grant of a permit under this Act, and no injunction in respect of any action taken or to be taken by the duly constituted authorities under this Act with regard to the grant of a permit, shall be entertained by any Civil Court.</p>	<p><b>71. Bar on jurisdiction of Civil Courts</b></p> <p>No change except for Sr. No.</p>	
<p><b>95. Power of State Government to make rules as to stage carriages and contract carriages.</b>—(1) A State Government may make rules to regulate, in respect of stage carriages and contract carriages and the conduct of passengers in such vehicles.</p> <p>(2) Without prejudice to the generality of the foregoing provision, such rules may—</p> <p>(a) authorise the removal from such vehicle of any person contravening the rules by the driver or conductor of the vehicle, or, on the</p>	<p><b>72. Power of State Government to make rules as to passenger vehicle to ensure safety and security of passengers and the security of the State.</b></p>	<p>Sr. No. has been changed and Simplified.</p> <p>Subsection (1) and (2) have been deleted.</p>

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<p>request of the driver or conductor, or any passenger, by any police officer;</p> <p>(b) require a passenger who is reasonably suspected by the driver or conductor of contravening the rules to give his name and address to a police officer or to the driver or conductor on demand;</p> <p>(c) require a passenger to declare, if so demanded by the driver or conductor, the journey he intends to take or has taken in the vehicle and to pay the fare for the whole of such journey and to accept any ticket issued therefor;</p> <p>(d) require, on demand being made for the purpose by the driver or conductor or other person authorised by the owners of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;</p> <p>(e) require a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;</p> <p>(f) require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him;</p>		

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<p>(g) 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;</p> <p>(h) require a passenger not to smoke in any vehicle on which a notice prohibiting smoking is exhibited;</p> <p>(i) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same.</p>		
<p><b>96. Power of State Government to make rules for the purposes of this Chapter.</b>—(1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.</p> <p>(2) Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely:—</p> <p>(i) the period of appointment and the terms of appointment of and the conduct of business by Regional and State Transport Authorities and the reports to be furnished by them;</p> <p>(ii) the conduct of business by any such</p>	<p><b>73. Power of State Government to make rules for the purposes of this Chapter.</b></p>	<p>Only change in Sr. No. of subsection 2(xii) cross referred section and section (73)</p>



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<p>authority in the absence of any member (including the Chairman) thereof and the nature of business which, the circumstances under which and the manner in which, business could be so conducted;</p> <p>(iii) 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;</p> <p>(iv) the forms to be used for the purposes of this Chapter, including the forms or permits;</p> <p>(v) the issue of copies of permits in place of permits lost, destroyed or mutilated;</p> <p>(vi) the documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed;</p> <p>(vii) the fees to be paid in respect of applications for permits, duplicate permits and plates;</p> <p>(viii) the exemption of prescribed person or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter;</p> <p>(ix) the custody, production and cancellation on revocation or expiration of permits, and the</p>		

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<p>return of permits which have been cancelled;</p> <p>(x) 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;</p> <p>(xi) 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;</p> <p>(xii) the conditions to be attached to permits for the purpose of giving effect to any agreement such as is referred to in clause (iii) of sub-section (1) of section 67;</p> <p>(xiii) the authorities to whom, the time within which and the manner in which appeals may be made;</p> <p>(xiv) the construction and fittings of, and the equipment to be carried by, stage and contract carriages, whether generally or in specified areas;</p> <p>(xv) the determination of the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried;</p> <p>(xvi) the conditions subject to which goods may be carried on stage and contract carriages</p>	<p>(xii) the conditions to be attached to permits for the purpose of giving effect to any agreement such as is referred to in section 50;</p>	

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partly or wholly in lieu of passengers;  
 (xvii) the safe custody and disposal of property left in a stage or contract carriage;  
 (xviii) regulating the painting or marking of transport vehicles and the display of advertising matter thereon, and in particular prohibiting the painting or marking of transport vehicles in such colour or manner as to induce any person to believe that the vehicle is used for the transport of mails;  
 (xix) the conveyance in stage or contract carriages of corpses or persons suffering from any infectious or contagious disease or goods likely to cause discomfort or injury to passengers and the inspection and disinfection of such carriages if used for such purposes;  
 (xx) the provision of taxi meters on motor cabs requiring approval or standard types of taxi meters to be used and examining testing and sealing taxi meters;  
 (xxi) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in specified areas or at places other than duly notified stands or halting places and requiring the driver of a stage carriage to stop and remain stationary for a

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<p>reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place;</p> <p>(xxii) 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;</p> <p>(xxiii) the regulation of motor-cab ranks;</p> <p>(xxiv) requiring the owners of transport vehicles to notify any change of address or to report the failure of or damage to any vehicle used for the conveyance of passengers for hire or reward;</p> <p>(xxv) authorising specified persons to enter at all reasonable times and inspect all premises used by permit holders for the purposes of their business;</p> <p>(xxvi) requiring the person in charge of a stage carriage to carry any person tendering the legal</p>		

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<p>or customary fare;</p> <p>(xxvii) the conditions under which and the types of containers or vehicles in which animals or birds may be carried and the seasons during which animals or birds may or may not be carried;</p> <p>(xxviii) the licensing of and the regulation of the conduct of agents or canvassers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit customers for such vehicles;</p> <p>(xxix) the licensing of agents engaged in the business of collecting for forwarding and distributing goods carried by goods carriages;</p> <p>(xxx) the inspection of transport vehicles and their contents and of the permits relating to them;</p> <p>(xxxi) the carriage of persons other than the driver in goods carriages;</p> <p>(xxxii) the records to be maintained and the returns to be furnished by the owners of transport vehicles; and</p> <p>(xxxiii) any other matter which is to be or may be prescribed.</p>		

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<p><b>CHAPTER VI: SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS</b></p>	<p>The whole chapter (Section 97 to 108) should be deleted.</p>	<p><b>The whole chapter (Section 97 to 108) should be deleted.</b></p> <p>The chapter VI as it now reads provides a preference for and gives an advantage to the State Transport Undertaking over other form of Management of public transport system. In the interest of promoting public transport and for meeting present and future mobility needs; it is imperative for Governments to maximise the supply of buses and other public service vehicles through appropriate regulation and the involvement of public and private sector. The Committee recommends that this chapter be deleted and replaced with enabling provisions in the ACT which would enable the State Government to draw schemes to maximise public transport. The provisions to be introduced should also empower the State Government to introduce a scheme that overrides the right contained in the existing chapter V for a permit.</p>

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<p style="text-align: center;"><b>CHAPTER VII: CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES</b></p> <p><b>109. General provision regarding construction and maintenance of vehicles.—(1)</b> Every motor vehicle shall be so constructed and so maintained as to be at all times under the effective control of the person driving the vehicle.</p> <p>(2) Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature.</p> <p>1[(3) If the Central Government is of the opinion that it is necessary or expedient so to do in public interest, it may by order published in the Official Gazette, notify that any article or process used by a manufacturer shall conform to such standard as may be specified in that order.]</p> <p>----- 1. Ins. by Act 54 of 1994, sec. 31 (w.e.f. 14-11-1994). -----</p>	<p style="text-align: center;"><b>CHAPTER V: CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES</b></p> <p><b>74. General provision regarding construction and maintenance of vehicles.</b></p> <p>(2) Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a signaling system and adapted to drive on the left side of the road in accordance with the rules to be prescribed by the Central Government.</p> <p>(3) If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest including safety, protection of environment and energy conservation, it may by order published in the Official Gazette, notify that any article or process used by a manufacturer or by owners during the use of the vehicle, or during repair or maintenance of the vehicle in a workshop shall conform to such standard as may</p>	<p>Sr. No. of Chapter VII and Section have been renumbered as V and (71) respectively.</p> <p>74(1): No change</p> <p>74(2): Simplified and streamlined.</p> <p>74(3): Provisions for standards formulation related to safety, environment protection and energy conservation are included and it is also proposed for repair or maintenance of the vehicle in a workshop in line with such standard and to avoid spurious parts and enhance quality of product specification.</p> <p>There is no power under the Act to</p>

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<p><b>110. Power of Central Government to make rules.</b></p> <p>(1) The Central Government may make rules regulating the construction, equipment, and maintenance of motor vehicles and trailers with respect to all or any of the following matters, namely:</p> <p>(a) the width, height, length and overhand of vehicles and of the loads carried;</p> <p>1[(b) the size, nature, maximum retail price and date and year of manufacture, and the maximum load carrying capacity;]</p> <p>(c) brakes and steering gear;</p> <p>(d) the use of safety glasses including prohibition</p>	<p>be specified in that order.</p> <p><b>75. Power of Central Government to make rules.</b> (1). The Central Government may make rules including standards and rules prescribing standards regulating the construction, equipment, maintenance and inspection of all categories of motor vehicles including semi-trailers and trailers with respect to safety, protection of environment, air pollution, conservation of energy including fuel efficiency, specific performance requirement, intelligent transport systems, vehicle security and any other matter as deemed fit.</p> <p>(2) Notwithstanding anything contained in this section; the Central Government may exempt any category of motor vehicles from the provisions of this Chapter;</p>	<p>prescribe standards on energy conservation and OEMs are in a fix. Therefore these additional powers are essential under the MVA so that the parent Ministry for Motor Vehicle is able to specify standards on Energy Conservation from time to time. Specific powers to notify measures of energy conservation of motor vehicles needs to be given to Central Government.</p> <p>Sr. No. has been changed and simplified. Items listed under 75 (1) and subsection 75(2) are redundant, hence deleted.</p> <p>75(2): current subsection 75(3)(b) has been deleted, therefore subsection (3a) has been renumbered as subsection (2).</p>



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<p>of the use of tinted safety glasses;</p> <p>(e) signalling appliances, lamps and reflectors;</p> <p>(f) speed governors;</p> <p>(g) the emission of smoke, visible vapour, sparks, ashes, grit or oil;</p> <p>(h) the reduction of noise emitted by or caused by vehicles;</p> <p>(i) the embossment of chassis number and engine number and the date of manufacture;</p> <p>(j) safety belts, handle bars of motor cycles, auto-dippers and other equipments essential for safety of drivers, passengers and other road user;</p> <p>(k) standards of the components used in the vehicle as inbuilt safety devices;</p> <p>(l) provision for transportation of goods of dangerous or hazardous nature to human life;</p> <p>(m) standards for emission of air pollutants;</p> <p>2[(n) installation of catalytic converters in the class of vehicles to be prescribed;</p> <p>(o) the placement of audio-visual or radio or tape recorder type of devices in public vehicles;</p> <p>(p) warranty after sale of vehicle and norms therefore.]</p> <p>Provided that any rules relating to the matters</p>		

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<p>dealing with the protection of environment, so far as may be, shall be made after consultation with the Ministry of the Government of India dealing with environment.</p> <p>(2) Rules may be made under sub-section (1) governing the matters mentioned therein, including the manner of ensuring the compliance with such matters and the maintenance of motor vehicles in respect of such matters, either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances.</p> <p>(3) Notwithstanding anything contained in this section-</p> <p>(a) the Central Government may exempt any class of motor vehicles from the provisions of this Chapter;</p> <p>(b) a State Government may exempt any motor vehicle or any class or description of motor vehicles from the rules made under sub-section (1) subject to such conditions as may be prescribed by the Central Government.</p>		
<p><b>Sec 111: Power of State Government to make rules.-</b> (1) A State Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with</p>	<p><b>76: Power of State Government to make rules.-</b> Without prejudice to the generality of the foregoing power, rules may be made under this section governing the following matters either</p>	<p>Subsection 76 (1), 76 (2a), (2e) and (2f) have been removed and subsequent subsections are renumbered.</p>

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<p>respect to all matters other than the matters specified in sub-section (1) of section 110.</p> <p>(2) Without prejudice to the generality of the foregoing power, rules may be made under this section governing all or any of the following matters either generally in respect of motor vehicles or semi trailers or trailers or in respect of motor vehicles or trailers of a particular class or description or in particular circumstances, namely:—</p> <p>(a) seating arrangements in public service vehicles and the protection of passengers against the weather;</p> <p>(b) prohibiting or restricting the use of audible signals at certain times or in certain places;</p> <p>(c) prohibiting the carrying of appliances likely to cause annoyance or danger;</p> <p>(d) the periodical testing and inspection of vehicles by prescribed authorities I[and fees to be charged for such test];</p> <p>(e) the particulars other than registration marks to be exhibited by vehicles and the manner in which they shall be exhibited;</p> <p>(f) the use of trailers with motor vehicles; and</p> <p>2[***]</p>	<p>generally in respect of motor vehicles or in respect of motor vehicles of a particular category or in particular circumstances, namely:—</p> <p>(a) prohibiting or restricting the use of audible signals at certain times or in certain places;</p> <p>(b) prohibiting the carrying of appliances likely to cause annoyance or danger;</p> <p>(c) the periodical testing and inspection of vehicles by prescribed authorities I[and fees to be charged for such test as prescribed by the Central Government];</p> <p>(d) the particulars of exhibiting vehicles related information such as weights, tyre sizes etc on the vehicles.</p> <p>e) the Subjects as may be delegated to the State Government by the Central Government from time to time.</p>	<p>New items (d) and (e) are added.</p>

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<p><b>CHAPTER VIII: CONTROL OF TRAFFIC</b></p> <p><b>112. Limits of speed.</b>—(1) No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed or below the minimum speed fixed for the vehicle under this Act or by or under any other law for the time being in force:</p> <p>Provided that such maximum speed shall in no case exceed the maximum fixed for any motor vehicle or class or description of motor vehicles by the Central Government by notification in the Official Gazette.</p> <p>(2) The State Government or any authority authorised in this behalf by the State Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the Official Gazette, and by causing appropriate traffic signs to be placed or erected under section 116 at suitable places, fix such maximum speed limits or minimum speed limits as it thinks fit for motor vehicles or any specified class or description of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or on a</p>	<p><b>CHAPTER VI: CONTROL OF TRAFFIC</b></p> <p><b>77. Limits of speed -</b> (1) No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any place at a speed exceeding the maximum speed or below the minimum speed fixed for the vehicle under this Act or by or under any other law for the time being in force:</p> <p>Provided that such maximum speed shall in no case exceed the maximum fixed for any motor vehicle or category of motor vehicles by the Central Government by notification in the Official Gazette.</p> <p>(2) The State Government or any authority authorised in this behalf by the State Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the Official Gazette, and by causing appropriate traffic signs to be placed or erected under section 81 at suitable places, fix such maximum speed limits or minimum speed limits as it thinks fit for motor vehicles or any specified category of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or</p>	<p><b>Chapter VIII has been changed to Chapter VI.</b></p> <p>77 (1): Words “public” and “or description” are deleted from subsection (1) and proviso.</p> <p>77(2): Cross referred section has been renumbered.</p>

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<p>particular road or roads: Provided that no such notification is necessary if any restriction under this section is to remain in force for not more than one month.</p> <p>(3) Nothing in this section shall apply to any vehicle registered under section 60 while it is being used in the execution of military manoeuvres within the area and during the period specified in the notification under sub-section (1) of section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (5 of 1938).</p>	<p>on a particular road or roads:  (3) Nothing in this section shall apply to any vehicle registered under section 44 while it is being used in the execution of military manoeuvres within the area and during the period specified in the notification under sub-section (1) of section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (5 of 1938)</p>	<p>Proviso under sub-section (2) has been retained.</p>
<p><b>113. Limits of weight and limitations on use.</b>—(1) The State Government may prescribe the conditions for the issue of permits for 1[transport vehicles] by the State or Regional Transport Authorities and may prohibit or restrict the use of such vehicles in any area or route. (2) Except as may be otherwise prescribed, no person shall drive or cause or allow to be driven in any public place any motor vehicle which is not fitted with pneumatic tyres. (3) No person shall drive or cause or allow to be driven in any public place any motor vehicle or trailer—</p>	<p><b>78. Limits of weight and limitations on use.</b>—  (2) No person shall drive or cause or allow to be driven in any place any motor vehicle (a) The unladen weight of which exceeds the</p>	<p>78(1): No change.  78(2): Deleted (Redundant)  78(2): Words “or trailer” are deleted as Motor vehicle includes trailers also and subsection (3) has been</p>

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<p>(a) the unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle, or</p> <p>(b) the laden weight of which exceeds the gross vehicle weight specified in the certificate of registration.</p> <p>(4) Where the driver or person in charge of a motor vehicle or trailer driven in contravention of sub-section (2) or clause (a) of sub-section (3) is not the owner, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or trailer.</p>	<p>unladen weight specified in the certificate of registration of the vehicle or</p> <p>(b) the laden weight of which exceeds the gross vehicle weight specified in the certificate of registration.</p> <p>(c) the number of persons carried in the vehicle exceeds the number of passengers the vehicle is authorized to carry in such vehicles as may be prescribed by the Central Government.</p> <p>(3) Where the driver or person in charge of a motor vehicle driven in contravention of sub-section (2) or clause (a) of sub-section (3) is not the owner or consignor, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or consignor of the goods.</p> <p>Provided that a consignor shall be held responsible for the offence only if he is the sole consignor for the goods carried in the motor vehicles.</p>	<p>renumbered as (2). Also deleted from 78(4).</p> <p>78(2)(c):New provision introduced for restricting over capacity passengers transport vehicle.</p> <p>78(3): “or consignor” is added and Consignor is made responsible for overloading in addition to owner. Proviso is added.</p>
<p><b>114. Power to have vehicle weighed.—(1)</b> 1[Any officer of the Motor Vehicles Department authorised in this behalf by the State Government shall, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section</p>	<p><b>79. Power to have vehicle weighed.—(1)</b> Any person authorised in this behalf by the State Government shall, if he has reason to believe that a motor vehicle is being used in contravention of section 78 require the driver to convey the motor</p>	<p>Sr. No. has been changed.</p> <p>79(1): Responsibility of consignor in added and simplified.</p>

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<p>113,] require the driver to convey the vehicle to a weighing device, if any, within a distance of ten kilometres from any point on the forward route or within a distance of twenty kilometres from the destination of the vehicle for weighing; and if on such weighing the vehicle is found to contravene in any respect the provisions of section 113 regarding weight, he may, by order in writing, direct the driver to off-load the excess weight at his own risk and not to remove the vehicle or trailer from that place until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section 113 and on receipt of such notice, the driver shall comply with such directions.</p>	<p>vehicle to a weighing device in such manner as may be prescribed by the State Government and if on such weighing the motor vehicle is found to contravene in any respect the provisions of section 78 regarding weight, he may, by order in writing, direct the driver to off-load the excess weight at his own risk and not to remove the vehicle or trailer from that place until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section 78 and on receipt of such notice, the driver shall comply with such directions.</p> <p>Incase the vehicle owner or driver, as the case may be, fails to do so, such person may cause the extra weight to be unloaded at the risk and cost of owner or consignor and such cost shall be recoverable from the owner of motor vehicle or consignor of goods.</p>	
<p>(2) Where the person authorised under sub-section (1) makes the said order in writing, he shall endorse the relevant details of the overloading on the goods carriage permit and also such endorsement to the authority which issued that permit.</p> <p>-----</p>	<p>(2) Where the person authorised under sub-section (1) makes the said order in writing, he shall furnish the relevant details of the overloading on the goods carriage permit and also intimate the fact of such details to the authority which issued that permit.</p>	<p>79(2): endorsement is replaced with details.</p>

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<p>1. Subs. by Act 54 of 1994, sec. 35, for certain words (w.e.f. 14-11-1994).</p> <p>-----</p>	<p><b>(79A). Power to inspect a passenger vehicle and authority to levy huge penalty and suspension of license under repeated offence for overloading.</b></p> <p>Any officer authorized in this behalf may enter into with passenger's vehicle and check whether the vehicle is carrying more passengers than it is authorized to carry. In the event of vehicle carrying more passengers than it is authorized to carry he may direct the driver or the owner of the vehicle to offload passengers beyond the authorized capacity.</p>	<p>A new section 79(A) is introduced to empower to inspect a passenger vehicle and authority to levy huge penalty and suspension of license under repeated offence for overloading.</p>
<p><b>115. Power to restrict the use of vehicles.</b>— The State Government or any authority authorised in this behalf by the State Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by notification in the Official Gazette, prohibit or restrict, subject to such exceptions as may be specified in the notification, the driving of motor vehicles or of any specified class or description of motor vehicles or the use of trailers either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed, shall cause appropriate traffic</p>	<p><b>80. Power to restrict the use of vehicles.</b>—The State Government or any authority authorised in this behalf by the State Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by notification in the Official Gazette, prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified category of motor vehicles or the use of trailers either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed, shall cause</p>	<p>Sr. No. changed; no change in proviso.</p>



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<p>signs to be placed or erected under section 116 at suitable places:</p> <p>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.</p>	<p>appropriate traffic signs to be placed or erected under section 81 at suitable places:</p>	
<p><b>116. Power to erect traffic signs.</b> – (1) (a) The State Government or any authority authorised in this behalf by the State Government may cause or permit traffic signs to be placed or erected in any place for the purpose of bringing to public notice any speed limits fixed under sub-section (2) of section 112 or any prohibitions or restrictions imposed under section 115 or generally for the purpose of regulating motor vehicle traffic.</p>	<p><b>81. Power to erect traffic signs.</b> – (1) (a) The State Government or any authority authorised in this behalf by the State Government may cause or permit traffic signs to be placed or erected in any place for the purpose of bringing to public notice any speed limits fixed under sub-section (2) of section 77 or any prohibitions or restrictions imposed under section 80 or generally and may designate certain roads as main roads by notification in the Official Gazette or by the erection at suitable places of the appropriate traffic sign referred to in Part A of the Schedule for the purposes of the driving regulations made by the Central Government.</p>	<p>81(1a): Simplified and renumbered.</p>
<p>(b) A State Government or any authority authorised in this behalf by the State Government may, by notification in the Official Gazette or by the erection at suitable places of the appropriate traffic sign</p>		<p>81(b): Deleted.</p>

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<p>referred to in Part A of the Schedule, designate certain roads as main roads for the purposes of the driving regulations made by the Central Government.</p> <p>(2) Traffic signs placed or erected under sub-section (1) for any purpose for which provision is made in the Schedule shall be of the size, colour and type and shall have the meanings set forth in the Schedule, but the State Government or any authority empowered in this behalf by the State Government may make or authorise the addition to any sign set forth in the said Schedule, of transcriptions of the words, letters or figures thereon in such script as the State Government may think fit provided that the transcriptions shall be similar size and colour to the words, letters or figures set forth in the Schedule.</p> <p>(3) Except as provided by sub-section (1), no traffic sign shall, after the commencement of this Act, be placed or erected on or near any road; but all traffic signs placed or erected prior to the commencement of this Act by any competent authority shall for the purpose of this Act be deemed to be traffic signs placed or erected under the provisions of sub-section (1).</p>	<p>(2) Traffic signs placed or erected under sub-section (1) for any purpose for which provision is made in the Schedule shall be of the size, colour and type and shall have the meanings set forth in the Schedule, but the State Government or any authority empowered in this behalf by the State Government may make or authorise the addition to any sign set forth in the said Schedule, of transcriptions of the words, letters or figures thereon in such script as the State Government may think fit provided that the transcriptions shall be similar size and colour to the words, letters or figures set forth in the Schedule.</p>	<p>81 (2).No Change.</p> <p>81 (3) is deleted</p>

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<p>(4) A State Government may, by notification in the Official Gazette, empower any police officer below the rank of Superintendent of Police to remove or cause to be removed any sign or advertisement which is so placed in his opinion as to obscure any traffic sign from view or any sign or advertisement which in his opinion is so similar in appearance to a traffic sign as to be misleading or which in his opinion is likely to distract the attention or concentration of the driver.</p>	<p>(3) A State Government may, by notification in the Official Gazette, empower any police officer to remove or cause to be removed any sign or advertisement which is so placed in his opinion as to obscure any traffic sign from view or any sign or advertisement which in his opinion is so similar in appearance to a traffic sign as to be misleading or which in his opinion is likely to distract the attention or concentration of the driver.</p>	<p>81(3): words “not below the rank of Superintendent of Police” are deleted from subsection (4) and renumbered.</p>
<p>(5) No person shall wilfully remove, alter, deface, or in any way tamper with, any traffic signs placed or erected under this section.</p>	<p>(4) No person shall wilfully remove, alter, deface, or in any way tamper with, any traffic signs placed or erected under this section.</p>	<p>81(4) &amp; (5): Consequential change in Sr. No.</p>
<p>(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.</p>	<p>(5) 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.</p>	<p>81 (7): deleted.</p>
<p>(7) For the purpose of bringing the sign set forth in the First Schedule in conformity with any International Convention relating to motor traffic to which the Central Government is for the time being a party, the Central Government may, by notification</p>		

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<p>in the Official Gazette, make any addition or alteration to any such sign and on the issue of any such notification, the First Schedule shall be deemed to be amended accordingly.</p>		
<p><b>117. Parking places and halting stations.</b>—The State Government or any authority authorised in this behalf by the State Government may, in consultation with the local authority having jurisdiction in the area concerned, determine places at which motor vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers.</p>	<p><b>82. Parking places and halting stations.</b>—No change except for Sr. No.</p>	
<p><b>118. Driving regulations.</b>—The Central Government may, by notification in the Official Gazette, make regulations for the driving of motor vehicles.</p>	<p><b>83. Driving regulations - Duty of the driver to take certain precautions at unguarded railway level crossings.</b>  Every driver of a motor vehicle at the approach of any unguarded railway level crossing shall cause the vehicle to stop and the driver of the vehicle shall cause the conductor or cleaner or attendant or any other person in the vehicle to walk up to the level crossing and ensure that no train or trolley is approaching from either side and then pilot the motor vehicle across such level crossing, and where no conductor or cleaner or attendant or</p>	<p>Sr. No. has been changed. Old Section (131) is added to this section.</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

*Annexure V*

Existing Text of MVA	Expert Committee Suggestion	Remark/Justification
<p><b>119. Duty to obey traffic signs.</b>—(1) Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by mandatory traffic sign and in conformity with the driving regulations made by the Central Government, and shall comply with all directions given to him by any police officer for the time being engaged in the regulation of traffic in any public place.</p>	<p>any other person is available in the vehicle, the driver of the vehicle shall get down from the vehicle himself to ensure that no train or trolley is approaching from either side before the railway track is crossed.</p> <p><b>84. Restriction on carrying of objects which are over-dimensional, flying etc.</b></p> <p>(1) No driver of a motor vehicle shall carry any object which protrudes outside the body of vehicle.</p> <p>(2) No driver of a motor vehicle shall carry any object which may cause injury or inconvenience to a person or any other living beings or cause damage to property. It is clarified that all flora and fauna shall be part of living beings.</p> <p>(3) an owner and/or consigner shall also be responsible for an offence under this section.</p> <p><b>85. Duty to obey traffic signs.</b>—</p>	<p>A new section 84 is added to restrict carrying of objects which are over-dimensional, flying etc.</p>
		<p>No change in 85(1)</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(2) In this section “mandatory traffic sign” means a traffic sign included in Part A of † [the First Schedule], or any traffic sign of similar form (that is to say, consisting of or including a circular disc displaying a device, word or figure and having a red ground or border) placed or erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 116.</p> <p>-----</p> <p>† Ed.—For the words “the Schedule” the words “the First Schedule” have been substituted as the Schedule has been renumbered as the First Schedule by Act 54 of 1994, sec. 63 (w.e.f. 14-11-1994).</p> <p>-----</p>	<p>(2) In this section “mandatory traffic sign” means a traffic sign included in Part A of † [the First Schedule], or any traffic sign of similar form (that is to say, consisting of or including a circular disc displaying a device, word or figure and having a red ground or border) placed or erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 81.</p>	
<p><b>120. Vehicles with left hand control.</b>—No person shall drive or cause or allow to be driven in any public place any motor vehicle with a left-hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature and in working order.</p>	<p><b>86. Vehicles with left hand control.</b> – No person shall drive or cause or allow to be driven in any place any motor vehicle with a left – hand steering control unless it is equipped with features/devices as may be prescribed.</p>	<p>Provision is simplified and generalised. Words “signalling device of a prescribed nature and in working order” are removed.</p>
<p><b>121. Signals and signalling devices.</b>—The driver of a motor vehicle shall make such signals and on such occasions as may be prescribed by the Central Government:</p>	<p>121. Deleted</p>	

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Existing Text of MVA	Expert Committee Suggestion	Remark/Justification
<p>Provided that the signal of an intention to turn to the right or left or to stop—</p> <p>(a) in the case of a motor vehicle with a right-hand steering control, may be given by a mechanical or electrical device of a prescribed nature affixed to the vehicle; and</p> <p>(b) in the case of a motor vehicle with a left hand steering control, shall be given by a mechanical or electrical device of a prescribed nature affixed to the vehicle:</p> <p>Provided further that the State Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt subject to such conditions as may be specified therein any motor vehicle or class or description of motor vehicles from the operation of this section for the purpose of plying in that area or route.</p>		
<p><b>122. Leaving vehicle in dangerous position.</b>—No person in charge of a motor vehicle shall cause or allow the vehicle or any trailer to be abandoned or to remain at rest on any public place in such a position or in such a condition or in such circumstances as to cause or likely to cause danger, obstruction or undue inconvenience to other users of the public place or to the passengers.</p>	<p><b>87. Leaving vehicle in dangerous position and Allowing Vehicle to remain Stationary.</b>—No person in charge of a motor vehicle shall cause or allow the motor vehicle to be abandoned or to remain at rest on any place in such a position or in such a condition or in such circumstances as to cause or likely to cause danger, obstruction or undue inconvenience to other users of the place or to the passengers.</p>	<p>Sr. No. has been changed. Old section (122) and (126) are clubbed together under new section (87).</p>

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Existing Text of MVA	Expert Committee Suggestion	Remark/Justification
	<p>No person driving or in charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any place, unless there is in the driver's seat a person duly licensed to drive the vehicle or unless the mechanism has been stopped and a brake or brakes applied or such other measures taken as to ensure that the vehicle cannot accidentally be put in motion in the absence of the driver.</p>	
<p><b>123. Riding on running board, etc.</b>—(1) No person driving or in charge of a motor vehicle shall carry any person or permit any person to be carried on the running board or otherwise than within the body of the vehicle.</p> <p>(2) No person shall travel on the running board or on the top or on the bonnet of a motor vehicle.</p>	<p><b>88. Riding on running board, etc.</b></p> <p>No change except for Sr. No.</p>	
<p><b>124. Prohibition against travelling without pass or ticket.</b>—No person shall enter or remain in any stage carriage for the purposes of travelling therein unless he has with him a proper pass or ticket:</p> <p>Provided that where arrangements for the supply of tickets are made in the stage carriage by which a person has to travel, a person may enter such stage</p>	<p>(124): Deleted</p>	<p>Redundant</p>



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<p>carriage but as soon as may be after his entry therein, he shall make the payment of his fare to the conductor or the driver who performs the functions of a conductor and obtain from such conductor or driver, as the case may be, a ticket for his journey.</p> <p>Explanation.—In this section,—</p> <p>(a) “pass” means a duty, privilege or courtesy pass entitling the person to whom it is given to travel in a stage carriage gratuitously and includes a pass issued on payment for travel in a stage carriage for the period specified therein;</p> <p>(b) “ticket” includes a single ticket, a return ticket or a season ticket.</p>		
<p><b>125. Obstruction of driver.</b>—No person driving a motor vehicle shall allow any person to stand or sit or to place anything in such a manner or position as to hamper the driver in his control of the vehicle.</p>	<p><b>89. Obstruction of driver.</b>—No person driving a motor vehicle shall allow any person to stand or sit or to place anything in such a manner or position as to hamper his control of the vehicle.</p>	<p>Simplified.</p>
<p><b>126. Stationary vehicles.</b>—No person driving or in charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any public place, unless there is in the driver’s seat a person duly licensed to drive the vehicle or unless the mechanism has been stopped and a brake or brakes applied or such other measures taken as to ensure that the vehicle cannot accidentally be put in motion in the absence of the driver.</p>		<p>Clubbed with Section (122) as new section (87) above.</p>

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Existing Text of MVA	Expert Committee Suggestion	Remark/Justification
<p><b>127. Removal of motor vehicles abandoned or left unattended on a public place.</b>—1[(1) Where any motor vehicle is abandoned or left unattended on a public place for ten hours or more or is parked in a place where parking is legally prohibited, its removal by a towing service or its immobilisation by any means including wheel clamping may be authorised by a police officer in uniform having jurisdiction.]</p> <p>(2) Where an abandoned, unattended, wrecked, burnt or partially dismantled vehicle is creating a traffic hazard, because of its position in relation to the 2[public place], or its physical appearance is causing the impediment to the traffic, its immediate removal from the 2[public place] by a towing service may be authorised by a police officer having jurisdiction.</p> <p>(3) Where a vehicle is authorised to be removed under sub-section (1) or sub-section (2) by a police officer, the owner of the vehicle shall be responsible for all towing costs, besides any other penalty.</p> <p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 37, for sub-section (1) (w.e.f. 14-11-1994).</p> <p>2. Subs. by Act 54 of 1994, sec. 37, for</p>	<p><b>90. Removal of motor vehicles abandoned or left unattended in any place.</b>—1[(1) Where any motor vehicle is abandoned or left unattended on any place in excess of the period prescribed or is parked in a place where parking is legally prohibited, its removal by a towing service or its immobilisation by any means including wheel clamping may be by an authorised person including a police officer in uniform having jurisdiction.]</p> <p>(2) Where an abandoned, unattended, wrecked, burnt or partially dismantled vehicle or creating a traffic hazard, because of its position in relation to any place, or its physical appearance is causing the impediment to the traffic, its immediate removal from any place by a towing service may be authorised by a police officer having jurisdiction.</p>	<p>90(1): Simplified to indicate some time period beyond which vehicle parked unattended/prohibited can be towed away.</p> <p>90(2): Simplified.</p> <p>90(3): No change</p>

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<p>“highway” (w.e.f. 14-11-1994).</p> <p>-----</p> <p><b>128. Safety measures for drivers and pillion riders.</b>—(1) No driver of a two-wheeled motor cycle shall carry more than one person in addition to himself on the motor cycle and no such person shall be carried otherwise than sitting on a proper seat securely fixed to the motor cycle behind the driver’s seat with appropriate safety measures.</p> <p>(2) In addition to the safety measures mentioned in sub-section (1), the Central Government may, prescribe other safety measures for the drivers of two-wheeled motor cycles and pillion riders thereon.</p>	<p><b>91. Safety measures for drivers and pillion riders.</b>—</p> <p>(2) In addition to the safety measures mentioned in sub-section (1), the Central Government may, prescribe other safety measures for the drivers of two-wheeled motor cycles and pillion riders thereon. It also empowers the Central Government to prescribe other safety measures in this regard.</p>	<p>91(1): No change</p> <p>91(2): Streamlined.</p>
<p><b>129. Wearing of protective headgear.</b>—Every person driving or riding (otherwise than in a side car, on a motor cycle of any class or description) shall, while in a public place, wear 1[protective headgear conforming to the standards of Bureau of Indian Standards]:</p> <p>Provided that the provision of this sections shall not apply to a person who is a Sikh, if he is, while driving or riding on the motor cycle, in a public</p>	<p><b>92. Wearing of protective headgear.</b>—Every person driving or riding (otherwise than in a side car, on a motor cycle of any category) shall, while in a place, wear protective headgear conforming to the standards prescribed:</p> <p>Provided that the provision of this sections shall not apply to a person who is a Sikh, if he is, while driving or riding on the motor cycle, in any place, wearing a turban:</p>	<p>Sr. No. is changed. Explanation: Deleted. Simplified and generalised.</p>

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<p>place, wearing a turban: Provided further that the State Government may, by such rules, provide for such exceptions as it may think fit.</p> <p><i>Explanation.</i>—”Protective headgear” means a helmet which,—</p> <p>(a) by virtue of its shape, material and construction, could reasonably be expected to afford to the person driving or riding on a motor cycle a degree of protection from injury in the event of an accident; and</p> <p>(b) is securely fastened to the head of the wearer by means of straps or other fastenings provided on the headgear.</p> <p><b>130. Duty to produce licence and certificate of registration.</b>—(1) The driver of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination:</p>	<p><b>93. Prohibition on use of mobiles while driving.</b>—No person shall use any mobile phone or any other communication device while driving a motor vehicle.</p> <p><b>94. Use of seat belts</b>—(1). Every person shall wear seat belt while driving a motor vehicle or sitting on a seat where a seatbelt is provided.</p> <p>(2) No person shall cause a child below the age of 8 years to be seated any other place than the designated child seat.</p> <p><b>95. Duty to produce licence and certificate of registration.</b> – (1) A driver of a motor vehicle in any place shall, carry following documents with him</p> <ul style="list-style-type: none"> <li>i) Driving licence</li> <li>ii) Certificate of registration</li> <li>iii) Certificate of insurance</li> <li>iv) PUC certificate</li> <li>v) Fitness certificate</li> <li>vi) Permit, if any, authorizing vehicle to drive the vehicle.</li> </ul>	<p>New section 93 and 94 are introduced.</p> <p>Provision (1) and (2) are made to carry photo copy of relevant documents (new items such fitness certificate, pollution control check certificate etc are included) except DL in original. Section is simplified.</p>

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<p>Provided that the driver may, if his licence has been submitted to, or has been seized by, any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgment issued by such officer or authority in respect thereof and thereafter produce the licence within such period, in such manner as the Central Government may prescribe to the police officer making the demand.</p>	<p>Provided that the driving license shall always be carried in original.</p>	<p>95(2): Existing proviso has been simplified.</p>
<p>1[(2) The conductor, if any, of a motor vehicle on any public place shall on demand by any officer of the Motor Vehicles Department authorised in this behalf, produce the licence for examination.]</p>	<p>(2) A driver shall on demand by any police officer or an officer of the Motor Vehicle department in uniform, produce for examination documents as mentioned in sub-section (1).</p>	<p>95(2) and (3): Deleted in view deletion of chapter 3.</p>
<p>2[(3) The owner of a motor vehicle (other than a vehicle registered under section 60), or in his absence the driver or other person in charge of the vehicle, shall, on demand by a registering authority</p>	<p>Provided that if any of the documents mentioned in sub-section (1) is submitted or seized by a police officer, he shall give a receipt and driver may, if any document has been submitted to, or has been seized by, any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgement issued by such officer or authority in respect thereof an thereafter produce such document within such period, in such manner as may be prescribed.</p>	

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>or any other officer of the Motor Vehicles Department duly authorised in this behalf, produce the certificate of insurance of the vehicle and, where the vehicle is a transport vehicle, also the certificate of fitness referred to in section 56 and the permit; and if any or all of the certificates or the permit are not in his possession, he shall, within fifteen days from the date of demand, submit photo copies of the same, duly attested in person or send the same by registered post to the officer who demanded it.</p> <p style="text-align: center;">Explanation.—For the purposes of this sub-section, “certificate” of insurance” means the certificate issued under sub-section (3) of section 147.]</p> <p>(4) If the licence referred to in sub-section (2) or the certificates or permit referred to in sub-section (3), as the case may be, are not at the time in the possession of the person to whom demand is made, it shall be a sufficient compliance with this section if such person produces the licence or certificates or permit within such period in such manner as the Central Government may prescribe, to the police officer or authority making the demand:</p> <p style="text-align: center;">Provided that, except to such extent and with</p>	<p>(3) If the certificates or permit referred to in sub-section (1), are not at the time in the possession in original of the person to whom demand is made, it shall be a sufficient compliance with this section if such person produces the certificates or permit in original within such period in such manner as the Central Government may prescribe, to the police officer or authority making the demand.</p>	<p>Explanation has been deleted. An appropriate reference should be made once the decision has been taken on the chapter relating to Insurance.</p> <p>95(3): Subsection (4) has been renumbered.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>such modifications as may be prescribed, the provisions of this sub-section shall not apply to any person required to produce the certificate of registration or the certificate of fitness of a transport vehicle.</p> <p style="text-align: center;">-----</p> <p>1. Subs. by Act 54 of 1994, sec. 39, for sub-section (2) (w.e.f. 14-11-1994).</p> <p>2. Subs. by Act 54 of 1994, sec. 39, for sub-section (3) (w.e.f. 14-11-1994).</p> <p style="text-align: center;">-----</p> <p><b>131. Duty of the driver to take certain precautions at unguarded railway level crossings.</b>—Every driver of a motor vehicle at the approach of any unguarded railway level crossing shall cause the vehicle to stop and the driver of the vehicle shall cause the conductor or cleaner or attendant or any other person in the vehicle to walk up to the level crossing and ensure that no train or trolley is approaching from either side and then pilot the motor vehicle across such level crossing, and where no conductor or cleaner or attendant or any other person is available in the vehicle, the driver of the vehicle shall get down from the vehicle himself to ensure that no train or trolley is approaching from either side before the railway track is crossed.</p>	<p>Section (131) has been clubbed with Section (118) under new Section (83).</p>	

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p><b>132. Duty of driver to stop in certain cases.</b> —(1) The driver of a motor vehicle shall cause the vehicle to stop and remain stationary so long as <sup>1</sup>[may for such reasonable time as may be necessary, but not exceeding twenty-four hours],—</p> <p><sup>2</sup>[(a) when required to do so by any police officer not below the rank of a Sub-Inspector in uniform, in the event of the vehicle being involved in the occurrence of an accident to a person, animal or vehicle or of damage to property, or]</p> <p>(b) when required to do so by any person in charge of an animal if such person apprehends that the animal is, or being alarmed by the vehicle will become, unmanageable, or;</p> <p><sup>3</sup>[***]</p> <p>and he shall give his name and address and the name and address of the owner of the vehicle to any person affected by any such accident or damage who demands it provided such person also furnishes his name and address.</p> <p>(2) The driver of a motor vehicle shall, on demand by a person giving his own name and address and alleging that the driver has committed an offence</p>	<p><b>96. Duty of driver to stop in certain cases and Duty of owner.</b> – (1) The driver of motor vehicle shall cause the vehicle to stop &amp; remain stationary so long as may for such reasonable time as may be necessary, but not exceeding twenty four hours; when required to do so by any police officer not below the rank of a Sub-Inspector in uniform, in the event of the vehicle being involved in the occurrence of an accident to a person, animal or vehicle or of damage to property, or</p> <p>and he shall give his name and address and the name and address of the owner of the vehicle to any person affected by any such accident or damage who demands it provided such person also furnishes his name and address</p> <p>(2)The driver of a motor vehicle shall, on demand by a person giving his own name and address and alleging that the driver has committed an offence</p>	<p>Sr. No. has been changed. Old section (132) and (133) are combined together.</p> <p>96(1)(b) and 96 (3): Deleted</p>



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<p>punishable under section 184 give his name and address to that person.</p> <p>(3) In this section the expression “animal” means any horse, cattle, elephant, camel, ass, mule, sheep or goat.</p> <p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 40, for “may reasonably be necessary” (w.e.f. 14-11-1994).</p> <p>2. Subs. by Act 54 of 1994, sec. 40, for clause (a) (w.e.f. 14-11-1994).</p> <p>3. Clause (c) omitted by Act 54 of 1994, sec. 40 (w.e.f. 14-11-1994).</p>	<p>punishable under section 118, give his name and address to that person.</p>	
<p><b>133. Duty of owner of motor vehicle to give information.</b>—The owner of a motor vehicle, the driver or conductor of which is accused of any offence under this Act shall, on the demand of any police officer authorised in this behalf by the State Government, give all information regarding the name and address of, and the licence held by, the driver or conductor which is in his possession or could by reasonable diligence be ascertained by him.</p>	<p>(133) is combined with (132).</p>	

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p><b>134. Duty of driver in case of accident and injury to a person.</b>—When any person is injured or any property of a third party is damaged, as a result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall—</p> <p>(a) unless it is not practicable to do so on account of mob fury or any other reason beyond his control, take all reasonable steps to secure medical attention for the injured person, 1 [by conveying him to the nearest medical practitioner or hospital, and it shall be the duty of every registered medical practitioner or the doctor on the duty in the hospital immediately to attend to the injured person and render medical aid or treatment without waiting for any procedural formalities], unless the injured person or his guardian, in case he is a minor, desires otherwise;</p> <p>(b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence, including the circumstances, if any, for not taking reasonable steps to secure medical attention as required under clause (a), at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence;</p> <p>2[(c) give the following information in writing to the insurer, who has issued the</p>	<p><b>97. Duty of driver in case of accident and injury to a person.</b>—When any person is injured or any property of a third party is damaged, as a result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall—</p> <p>(a) unless it is not practicable to do so on account of mob fury or any other reason beyond his control, take all reasonable steps to secure medical attention for the injured person, 1 [by conveying him to the nearest medical practitioner or hospital, and it shall be the duty of every registered medical practitioner or the doctor on the duty in the hospital immediately to attend to the injured person and render medical aid or treatment without waiting for any procedural formalities, or financial arrangements unless the injured person or his guardian, in case he is a minor, desires otherwise;</p> <p>(b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence, including the circumstances, if any, for not taking reasonable steps to secure medical attention as required under clause (a), at the nearest police station as soon as possible, and in any case within twenty-four hours of the</p>	<p>Sr. No. has been changed. (97a): “financial arrangements” is included.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>certificates of insurance, about the occurrence of the accident, namely:—</p> <p>(i) insurance policy number and period of its validity;</p> <p>(ii) date, time and place of accident;</p> <p>(iii) particulars of the persons injured or killed in the accident;</p> <p>(iv) name of the driver and the particulars of his driving licence.</p> <p><i>Explanation.</i>—For the purposes of this section the expression “driver” includes the owner of the vehicle.]</p> <p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 41, of “and, if necessary, convey him to the nearest hospital” (w.e.f. 14-11-1994).</p> <p>2. Ins. by Act 54 of 1994, sec. 41 (w.e.f. 14-11-1994).</p> <p>-----</p>	<p>occurrence;</p> <p>2[(c) give the following information in writing to the insurer, who has issued the certificates of insurance, about the occurrence of the accident, namely:—</p> <p>(i) insurance policy number and period of its validity;</p> <p>(ii) date, time and place of accident;</p> <p>(iii) particulars of the persons injured or killed in the accident;</p> <p>(iv) name of the driver and the particulars of his driving licence.</p> <p><i>Explanation.</i>—For the purposes of this section the expression “driver” includes the owner of the vehicle.]</p>	
<p><b>135. Schemes to be framed for the investigation of accident cases and wayside amenities, etc.</b>—(1) The State Government may, by notification in the Official Gazette, make one or more schemes to provide for—</p>	<p>(135): Deleted.</p>	

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(a) an in-depth study on causes and analysis of motor vehicle accidents;</p> <p>(b) wayside amenities on highways;</p> <p>(c) traffic aid posts on highways; and</p> <p>(d) truck parking complexes along highways.</p> <p>(2) Every scheme made under this section by any State Government shall be laid, as soon as may be after it is made, before the State Legislature.</p>		
<p><b>136. Inspection of vehicle involved in accident.</b>—When any accident occurs in which a motor vehicle is involved, any person authorised in this behalf by the State Government may, on production if so required of his authority, inspect the vehicle and for that purpose may enter at any reasonable time any premises where the vehicle may be, and may remove the vehicle for examination:</p> <p>Provided that the place to which the vehicle is so removed shall be intimated to the owner of the vehicle and the vehicle shall be returned ]after completion of the formalities to the owner, driver or the person in charge of the vehicle within twenty-four hours].</p> <p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 42, for “without unnecessary delay” (w.e.f. 14-11-1994).</p>	<p><b>98. Inspection of vehicle involved in accident.</b>—When any accident occurs in which a motor vehicle is involved, any person authorised in this behalf by the State Government may, on production if so required of his authority, inspect the vehicle and for that purpose may enter at any reasonable time any premises where the vehicle may be, and may remove the vehicle for examination:</p> <p>Provided that the place to which the vehicle is so removed shall be intimated to the owner of the vehicle and the vehicle shall be returned ]after completion of the formalities to the owner, driver or the person in charge of the vehicle within twenty-four hours].</p> <p>Provided further that if an officer inspecting such</p>	<p>Sr. No. has been changed and the second proviso is added after the first proviso.</p>

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-----	vehicle is of the view that the vehicle is unfit for use on the road, he shall intimate in such manner as may be prescribed to the registration authority.	
<p><b>137. Power of Central Government to make rules.</b>—The Central Government may make rules to provide for all or any of the following matters, namely:—</p> <p>(a) the occasions on which signals shall be made by drivers of motor vehicles and such signals under section 121;</p> <p>(b) the manner in which the licences and certificates may be produced to the police officer under section 130.</p>	<p><b>99. Power of Central Government to make rules.</b>—The Central Government may make rules to provide for all or the manner in which the documents may be produced before the officer under section 95.</p>	<p>99 (a) has been deleted in view of deletion of section (121) and simplified by replacing “license and certificates” with “documents” .</p>
<p><b>138. Power of State Government to make rules.</b></p> <p>— (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 137.</p> <p>(2) Without prejudice to the generality of the foregoing power, such rules may provide for—</p> <p>(a) the removal and the safe custody of vehicles including their loads which have broken down or</p>	<p><b>100. Power of State Government to make rules.</b> — (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 99.</p>	<p>100(1): Only change in Sr. No. No change in others.</p>

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<p>which have been left standing or have been abandoned on roads;</p> <p>(b) the installation and use of weighing devices;</p> <p>(c) the maintenance and management of wayside amenities complexes;</p> <p>(d) the exemption from all or any of the provisions of this Chapter of fire brigade vehicles, ambulances and other special classes or descriptions of vehicle, subject to such conditions as may be prescribed;</p> <p>(e) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use;</p> <p>(f) prohibiting the driving downhill of a motor vehicle with the gear disengaged either generally or in a specified place;</p> <p>(g) prohibiting the taking hold of or mounting of a motor vehicle in motion;</p> <p>(h) prohibiting the use of foot-paths or pavements by motor vehicles;</p> <p>(i) generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic; and</p> <p>(j) any other matter which is to be, or may be, prescribed.</p>		

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p><b>Chapter IX: MOTOR VEHICLE TEMPORARILY LEAVING OR VISITING INDIA</b></p> <p><b>139. Power of Central Government to make rules.</b>—(1) The Central Government may, by notification in the Official Gazette, make rules for all or any of the following purposes, namely:—</p> <p>(a) the grant and authentication of travelling passes, certificates or authorisations to persons temporarily taking motor vehicles out of India to any place outside India or to persons temporarily proceeding out of India to any place outside India and desiring to drive a motor vehicle during their absence from India;</p> <p>(b) prescribing the conditions subject to which motor vehicles brought temporarily into India from outside India by persons intending to make a temporary stay in India may be possessed and used in India; and</p> <p>(c) prescribing the conditions subject to which persons entering India from any place outside India for a temporary stay in India may drive motor vehicles in India.</p> <p>(2) For the purpose of facilitating and regulating the services of motor vehicles operating between</p>	<p><b>Chapter VII: MOTOR VEHICLE TEMPORARILY LEAVING OR VISITING INDIA</b></p> <p><b>101. Power of Central Government to make rules.</b>—Sr. No. has been changed.</p>	<p>Chapter IX has been changed to Chapter VII.</p>

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<p>India and any other country 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:—</p> <p>(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;</p> <p>(b) the conditions subject to which motor vehicles may be taken from any place in India to any place outside India;</p> <p>(c) the conditions subject to which persons employed as drivers and conductors of such motor vehicles may enter or leave India;</p> <p>(d) the grant and authentication of travelling passes, certificates or authorisations to persons employed as drivers and conductors of such motor vehicles;</p> <p>(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;</p> <p>(f) the use of trailers with such motor vehicles;</p> <p>(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</p>		



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<p>sub-section (4)] of the rules made thereunder;</p> <p>(h) the identification of the drivers and conductors of such motor vehicles;</p> <p>(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;</p> <p>(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;</p> <p>(k) any other matter which is to be, or may be, prescribed.</p>		
<p>(3) No rule made under this section shall operate to confer on any person any immunity in any State from the payment of any tax levied in that State on motor vehicles or their users.</p>		
<p>(4) Nothing in this Act or in any rule made thereunder by a State Government relating to—</p>		
<p>(a) the registration and identification of motor vehicles, or</p>		
<p>(b) the requirements as to construction, maintenance and equipment of motor vehicles, or</p>		
<p>(c) the licensing and the qualifications of drivers and conductors of motor vehicles,</p>		

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<p>shall apply—</p> <p>(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 (2) apply; or</p> <p>(ii) to any conductor of a motor vehicle to whom any rules made under sub-section (2) apply.</p>		
<b>CHAPTER X: LIABILITY WITHOUT FAULT IN CERTAIN CASES</b>	Deleted.	
<b>CHAPTER XI: INSURANCE OF MOTOR VEHICLE AGAINST THIRD PARTY INSURANCE</b>	Kindly refer to the Committee recommendations contained in <i>Annexure VI</i> .	
<b>CHAPTER XII: CLAIMS TRIBUNALS</b>	Kindly refer to the Committee recommendations contained in <i>Annexure VI</i> .	

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<p><b>CHAPTER XIII: OFFENCE, PENALTY AND PROCEDURE</b></p> <p><b>177. General provision for punishment of offences.</b>—Whoever contravenes any provision of this Act or of any rule, regulation or notification made there under shall, if no penalty is provided for the offence be punishable for the first offence with fine which may extend to one hundred rupees, and for any second or subsequent offence with fine which may extend to three hundred rupees.</p>	<p><b>CHAPTER VIII: OFFENCE, PENALTY AND PROCEDURE</b></p> <p><b>102. General provision for punishment of offences.</b>—Whoever contravenes any provision of this Act or of any rule, regulation or notification made there under shall, if no penalty is provided for the offence, be punishable for the first offence, with fine which may extend to five hundred rupees, and for any second or subsequent offence with fine of one thousand rupees.</p> <p><b>103. General provision for driver penalty points scheme.</b> - (1) Any person, whoever while driving contravenes certain provisions of Act related to traffic violations or of any specified rule, regulation or notification made there under shall be awarded penalty points as applicable for the offence in addition to the fine and/ or imprisonment as the case may be. The driver penalty scheme shall be as per Schedule II.</p> <p>(2) Penalty points awarded to any licence holder in terms of Schedule II shall subsist until their expiry period as specified in the Schedule.</p> <p>(3) The procedure for awarding penalty points, maintaining records thereof shall be as prescribed</p>	<p>Sr. No. of chapter and section has been changed.</p> <p>Amount of fine has been increased throughout the chapter in view the current price index. Procedure of penalty point is adopted (kindly refer to Schedule II) under this chapter and proposed to maintaining records thereof. Provision of penalty points has been awarded to a person who violates traffic rule/regulation in addition to the fine or imprisonment or both.</p> <p>New subsection <b>103</b> is introduced.</p>

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<p><b>178. Penalty for travelling without pass or ticket and for dereliction of duty on the part of conductor and refusal to ply contract carriage, etc.</b>—(1) Whoever travels in a stage carriage without having a proper pass or ticket with him or being in or having alighted from a stage carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on a requisition being made therefore, shall be punishable with fine which may extend to five hundred rupees.</p> <p><i>Explanation.</i>—In this section, “pass” and</p>	<p>by the Central Government.</p> <p><b>104. Penalty for refusal to ply contract carriage, etc</b>                      If the holder of a permit or the driver of a contract carriage refuses, in contravention of the provisions of this Act or rules made there under, to ply the contract carriage or to carry the passengers, he shall,—                      (a) in the case of two-wheeled or three-wheeled motor vehicles, be punishable with fine which</p>	<p>Simplified and streamlined.                      104(1) and explanation thereof and subsection (2): Deleted. (Redundant)                      In view of deletion of chapter 3.</p>

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“ticket” have the meanings respectively assigned to them in section 124.

(2) If the conductor of a stage carriage, or the driver of a stage carriage performing the functions of a conductor in such stage carriage, whose duty is—

(a) to supply a ticket to a person travelling in a stage carriage on payment of fare by such person, either wilfully or negligently,—

(i) fails or refuses to accept the fare when tendered, or

(ii) ails or refuses to supply a ticket, or

(iii) supplies an invalid ticket, or

(iv) supplies a ticket of a lesser value, or

(b) to check any pass or ticket, either wilfully or negligently fails or refuses to do so, he shall be punishable with fine which may extend to five hundred rupees.

(3) If the holder of a permit or the driver of a contract carriage refuses, in contravention of the provisions of this Act or rules made thereunder, to ply the contract carriage or to carry the passengers, he shall,—

(a) in the case of two-wheeled or three-wheeled motor vehicles, be punishable with fine which may extend to fifty rupees; and

may extend to five hundred rupees; and

(b) in any other case, be punishable with fine which may extend to one thousand rupees.

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<p>(b) in any other case, be punishable with fine which may extend to two hundred rupees.</p> <p><b>179. Disobedience of orders, obstruction and refusal of information.</b>—(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.</p> <p>(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.</p>	<p><b>105. Disobedience of orders, obstruction and refusal of information.</b>—(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 of one thousand rupees. Further, it shall carry penalty points as per Schedule II.</p> <p>(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 of one thousand rupees, or with both. Further, it shall carry penalty points as per Schedule II.</p>	
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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p><b>180. Allowing unauthorised persons to drive vehicles</b> - Whenever, being the owner or person in charge of a motor vehicle, causes, or permits, any other person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees or with both.</p>	<p><b>106. Allowing unauthorised persons to drive vehicles.</b>—Whoever, being the owner or person in charge of a motor vehicle, causes or permits, any other person who does not satisfy the provisions of section 3 or section 4 or section 5 to drive the vehicle shall be punishable with fine of two thousand rupees.</p>	<p>Simplified and streamlined.</p>
<p><b>181. Driving vehicles in contravention of section 3 or section 4</b> - Whoever drives a motor vehicle in contravention of section 3 or section 4 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.</p>	<p><b>107. Driving vehicles in contravention of section 3 or section 4 or section 5.</b>—Whoever drives a motor vehicle in contravention of section 3 or section 4 or section 5 shall be punishable with fine of two thousand rupees.</p>	
<p><b>182. Offences relating to licences.</b>—(1) Whoever, being disqualified under this Act for holding or obtaining a driving licence drives a motor vehicle in a public place or in any other place, or applies for or obtains a driving licence or, not being entitled to have a driving licence issued to him free of endorsement, applies for or obtains a driving licence without disclosing the endorsement made on a driving licence previously held by him shall be punishable with imprisonment for a term which may extend to three months, or with fine which may</p>	<p><b>108. Offences relating to licences.</b> -- Whoever, being disqualified under this Act for holding or obtaining a driving licence, drives a motor vehicle in any place, or applies for or obtains a driving licence or, not being entitled to have a driving licence issued to him free of endorsement, applies for or obtains a driving licence without disclosing the endorsement made on a driving licence previously held by him shall be punishable with imprisonment for a term which may extend to three months, or with fine of five</p>	

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<p>extend to five hundred rupees or with both, and any driving licence so obtained by him shall be of no effect.</p> <p>(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.</p>	<p>thousand rupees or with both.</p>	<p>108(2): Deleted.</p>
<p><b>1182A. Punishment for offences relating to construction and maintenance of vehicles.</b>—Any person who contravenes the provisions of sub-section (3) of section 109, shall be punishable with a fine of one thousand rupees for the first offence and with a fine of five thousand rupees for any subsequent offences.]</p> <p>-----</p> <p>1. Ins. by Act 54 of 1994, sec. 54 (w.e.f. 14-11-1994).</p>	<p><b>109. Punishment for offences relating to construction and maintenance of vehicles.</b>— Any person who contravenes the provisions of sub-section (3) of section 74, shall be punishable with a fine of two thousand rupees for the first offence, and with a fine of ten thousand rupees for any subsequent offence.</p>	<p>Sr. No. has been changed.</p>



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-----	<p><b>110. Punishment for offences relating to manufacturing of faulty vehicles:</b> Any manufacturer who contravenes the provisions of section 74 shall be punishable with imprisonment for a term which may extend to three months, or with fine of Rupees one lakh, or with both.</p> <p><b>111. Driving at excessive speed, etc.—</b> (1) Whoever drives a motor vehicle in contravention of the speed limits referred to in section 77 shall be punishable with fine of one thousand rupees for first offence, two thousand rupees for second offence and five thousand for subsequent offences. Further, it shall carry penalty points as per Schedule II.</p> <p>(2) Whoever causes any person who is employed by him or is subject to his control in driving to drive a motor vehicle in contravention of the speed limits referred to in section 77 shall be punishable with a fine of two thousand rupees.</p> <p>(3) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of one witness to the effect that in the</p>	<p>New Provision <b>110</b> is added.</p> <p>111(1) &amp; (2): Section and cross referred section have been renumbered.</p> <p>111(3): “or electronic” is added.</p>
<p><b>183. Driving at excessive speed, etc.—</b>(1) Whoever drives a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable with fine which may extend to four hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to one thousand rupees.</p> <p>(2) Whoever causes any person who is employed by him or is subject to his control in driving to drive a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable with fine which may extend to three hundred rupees, or, if having been previously convicted of an offence under this sub-section, is again convicted of an offence under this sub-section, with fine which may extend to five hundred rupees.</p> <p>(3) No person shall be convicted of an offence punishable under sub-section (1) solely on the</p>	<p>(2) Whoever causes any person who is employed by him or is subject to his control in driving to drive a motor vehicle in contravention of the speed limits referred to in section 77 shall be punishable with a fine of two thousand rupees.</p> <p>(3) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of one witness to the effect that in the</p>	

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<p>evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be based on an estimate obtained by the use of some mechanical device.</p> <p>(4) The publication of a time table under which or the giving of any direction that any part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for that journey to be completed in the specified time without contravening the speed limits referred to in section 112 be <i>prima facie</i> evidence that the person who published the time table or gave the direction has committed an offence punishable under sub-section (2).</p>	<p>opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be based on an estimate obtained by the use of some mechanical or electronic device.</p> <p>(4) The publication of a time table under which or the giving of any direction that any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for that journey or part of a journey to be completed in the specified time without contravening the speed limits referred to in section 77 be <i>prima facie</i> evidence that the person who published the time table or gave the direction has committed an offence punishable under sub-section (2).</p> <p><b>112. Violation of Traffic Signals -</b> Whoever violates a red light traffic signal shall be subjected to a fine of one thousand rupees and shall carry penalty points as per Schedule II.</p> <p><b>113. Use of mobile phone while driving-</b> Who ever uses mobile phone or any accessories thereof while driving a motor vehicle shall be punishable with a fine of one thousand rupees and shall carry penalty points as per Schedule II.</p>	<p>New offences have been introduced.</p>

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	<p>Explanation: Mobile phone means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electromagnetic transmissions, radio waves or Hertzian waves, galvanic, electric or magnetic means</p> <p><b>114. Failing to wear seat belt while driving or being driven</b> - Whoever, while driving or being driven in a 4 wheeler vehicle, fails to wear seat belt wherever provided in the motor vehicle by the manufacturer shall be punished with a fine of five hundred rupees and shall carry penalty points as per Schedule II;</p> <p><b>115. Failing to wear helmet while driving and riding-</b> Whoever, while driving or riding a two wheeler vehicle fails to wear protective helmet shall be punished with a fine of five hundred rupees and shall carry penalty points as per Schedule II;</p> <p><b>116. Use of headlights-</b> Whoever, while driving a two wheeler (including during day time), fails to keep headlights on shall be punishable with a fine</p>	

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<p><b>184. Driving dangerously.</b>—Whoever drives a motor vehicle at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punishable for the first offence with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, and for any second or subsequent offence if committed within three years of the commission of a previous similar offence with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.</p>	<p>of five hundred rupees and shall carry penalty points as per Schedule II.</p> <p><b>117. Seating of a child in vehicle-</b> If the child up to the age of 8 years is seated in the vehicle in violation of the provisions contained in section 94 the driver shall be punished with a fine of thousand rupees.</p> <p><b>118. Driving dangerously.</b>—Whoever drives a motor vehicle at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punishable for the first offence with imprisonment for a term which may extend to six months or with fine of two thousand rupees, and for any second or subsequent similar offence with imprisonment of six months which may extend to one years, or with fine of five thousand rupees, or with both. Further, it shall carry penalty points as per Schedule II.</p>	

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<p><b>185. Driving by a drunken person or by a person under the influence of drugs.</b>—Whoever, while driving, or attempting to drive, a motor vehicle,—</p> <p>1[(a) has, in his blood, alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or]</p> <p>(b) is under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle,</p> <p>shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both.</p> <p>Explanation.—For the purposes of this section, the drug or drugs specified by the Central Government in this behalf, by notification in the Official Gazette, shall be deemed to render a person incapable of exercising proper control over a motor vehicle.</p>	<p><b>119. Driving by a drunken person or by a person under the influence of drugs.</b>—</p> <p>Whoever, while driving, or attempting to drive, a motor vehicle,—</p> <p>(1) is under the influence of a alcohol is incapable of exercising proper control over the vehicle on a test by a breath analyser, or any other test including clinical test, has alcohol in his blood, to an extent of:</p> <p>(a) 30 mg to 80 mg, per 100 ml,</p> <p>(b) 81 to 150 mg per 100 ml</p> <p>(c) Above 150 mg per 100 ml of blood detected in a test by a breath analyzer</p> <p>shall be punishable with -</p> <p>(i) for persons falling under clause (a), imprisonment for a term which may extend to six months, or with a fine of two thousand rupees, or both.</p> <p>(ii) for persons falling under clause (b), imprisonment for a term of six months or with a fine of five thousand rupees or both;</p> <p>(iii) for persons falling under clause (c) imprisonment of six months which may</p>	<p>Redrafted and simplified.</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 55, for clause (a) (w.e.f. 14-11-1994).</p> <p>-----</p>	<p>extend to one year and a fine of ten thousand rupees or both;</p> <p>Further, it shall carry penalty points as per Schedule II. Second offence shall result into cancellation of driving licence.</p> <p>(2) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term of six months which may extend to one years, or with fine which may extend to ten thousand rupees, or with both.</p> <p>Explanation.—For the purposes of this section, the drug or drugs specified by the Central Government in this behalf, by notification in the Official Gazette, shall be deemed to render a person incapable of exercising proper control over a motor vehicle.</p>	

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Existing Text of MVA	Expert Committee Suggestion	Remark/Justification
<p><b>186. Driving when mentally or physically unfit to drive.</b>—Whoever drives a motor vehicle in any public place when he is to his knowledge suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of danger to the public, shall be punishable for the first offence with fine which may extend to two hundred rupees and for a second or subsequent offence with fine which may extend to five hundred rupees.</p>	<p>Further, it shall carry penalty points as per Schedule II. Second offence shall result into cancellation of driving licence.</p> <p><b>120. Driving when mentally or physically unfit to drive.</b>—Whoever drives a motor vehicle in any place when he is to his knowledge suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of danger to the public, shall be punishable with fine of one thousand rupees.</p>	<p>Simplified.</p>
<p><b>187. Punishment for offences relating to accident.</b>—Whoever fails to comply with the provisions of clause (c) of sub-section (1) of section 132 or of section 133 or section 134 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.</p>	<p><b>121. Punishment for offences relating to accident</b> ---Whoever fails to comply with the provisions of section 91 shall be punishable with a fine of two thousand rupees. Further, it shall carry penalty points as per Schedule II.</p> <p><b>122. Rash and Negligent driving causing injury to persons/damage to property:</b> Without prejudice to the provisions contained in the Indian Penal Code, whoever drives a motor vehicle in a rash or negligent manner and causes injury to a person and/ or damage to any property, shall be punishable with a fine which shall not be less than five thousand rupees and which may extend</p>	<p>New provision 122 is included.</p>

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	upto ten thousand rupees and penalty points as per Schedule II.	
<p><b>188. Punishment for abetment of certain offences.</b>—Whoever abets the commission of an offence under section 184 or section 185 or section 186 shall be punishable with the punishment provided for the offence.</p>	<p><b>123. Punishment for abetment of certain offences.</b>—Whoever abets the commission of an offence under section 118 or section 119 or section 120 shall be punishable with the punishment provided for the offence.</p>	
<p><b>189. Racing and trials of speed.</b>—Whoever without the written consent of the State Government permits or takes part in a race or trial of speed of any kind between motor vehicles in any public place shall be punishable with imprisonment for a term which may extend to one month, or with a fine which may extend to five hundred rupees, or with both.</p>	<p><b>124. Racing and trials of speed.</b>—Whoever without the written consent of the State Government permits or takes part in a race or trial of speed of any kind between motor vehicles in any place shall be punishable with a fine of two thousand rupees for the first offence and fine of three thousand for second offence. Any subsequent offences shall be punishable with fine of five thousand rupees. Further, it shall carry penalty points as per Schedule II.</p>	
<p><b>190. Using vehicle in unsafe condition.</b>—(1) Any person who drives or causes or allows to be driven in any public place a motor vehicle or trailer while the vehicle or trailer has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to persons and vehicles using such place, shall be punishable with fine which may extend to two hundred and fifty rupees or, if as a result of such</p>	<p><b>125. Using vehicle in unsafe condition.</b>— (1) Any person who drives or causes or allows to be driven in any place a motor vehicle or trailer while the vehicle or trailer has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to persons and vehicles using such place, shall be punishable with fine of one thousand rupees or, if as a result of such defect</p>	



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<p>defect an accident is caused causing bodily injury or damage to property, with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.</p> <p>(2) Any person who drives or causes or allows to be driven, in any public place a motor vehicle, which violates the standards prescribed in relation to road safety, control of noise and air-pollution, shall be punishable for the first offence with a fine of one thousand rupees and for any second or subsequent offence with a fine of two thousand rupees.</p> <p>(3) Any person who drives or causes or allows to be driven, in any public place a motor vehicle which violates the provisions of this Act or the rules made thereunder relating to the carriage of goods which are of dangerous or hazardous nature to human life, shall be punishable for the first offence which may extend to three thousand rupees, or with imprisonment for a term which may extend to one year, or with both, and for any second or subsequent offence with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to three years, or with both.</p>	<p>an accident is caused causing bodily injury or damage to property with fine of five thousand rupees. Further, it shall carry penalty points as per Schedule II.</p> <p>(2) Any person who drives or causes or allows to be driven, in any place a motor vehicle, which violates the standards prescribed in relation to road safety, control of noise and air-pollution, shall be punishable for the first offence with a fine of two thousand rupees and for any second or subsequent offence with a fine of five thousand rupees. Further, it shall carry penalty points as per Schedule II.</p> <p>(3) Any person who drives or causes or allows to be driven, in any place a motor vehicle which violates the provisions of this Act or the rules made there under relating to the carriage of goods which are of dangerous or hazardous nature to human life, shall be punishable for the first offence with a fine of ten thousand rupees, or with imprisonment for a term which may extend to six months, or with both, and for any second or subsequent offence with fine which may extend to twenty thousand rupees, or with imprisonment for a term of six months which may extend to one years, or with both. Further, it shall carry penalty</p>	

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<p><b>191. Sale of vehicle in or alteration of vehicle to condition contravening this Act.</b>—Whoever being an importer of or dealer in motor vehicles, sells or delivers or offers to sell or deliver a motor vehicle or trailer in such condition that the use thereof in a public place would be in contravention of Chapter VII or any rule made thereunder or alters the motor vehicle or trailer so as to render its condition such that its use in a public place would be in contravention of Chapter VII or any rule made thereunder shall be punishable with fine which may extend to five hundred rupees:</p> <p>Provided that no person shall be convicted under this section if he proves that he had reasonable cause to believe that the vehicle would not be used in a public place until it had been put into a condition in which it might lawfully be so used.</p>	<p>points as per Schedule II.</p> <p><b>126. Sale of vehicle in or alteration of vehicle to condition contravening this Act.</b>—Whoever being a manufacturer, an importer or dealer of motor vehicles, sells or delivers or offers to sell or deliver a motor vehicle or trailer in such condition that the use thereof in any place would be in contravention of Chapter V or any rule made thereunder or alters the motor vehicle or trailer so as to render its condition such that its use in any place would be in contravention of Chapter V or any rule made there under shall be punishable with fine of five thousand rupees for the first offence and ten thousand for any subsequent offence.</p>	<p>Simplified.</p>
<p><b>[192. Using vehicle without registration.</b>—(1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of section 39 shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees for a second or subsequent offence with imprisonment which may extend to one year or</p>	<p><b>127. Using vehicles without registration.</b>— (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of section 27 shall be punishable for the first offence with a fine of five thousand rupees and for a second or subsequent offence with fine of ten thousand</p>	<p>127 (1) has been simplified and cross reference has been renumbered.</p>

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<p>with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both:</p> <p>Provided that the Court may, for reasons to be recorded, impose a lesser punishment.</p> <p>(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 injuries or for the transport of food or materials to relieve distress or of medical supplies for a like purpose:</p> <p>Provided that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.</p> <p>(3) 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 made by the Court below, notwithstanding that no appeal lies against the conviction in connection with which such order was made.</p> <p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 56, for section 192 (w.e.f. 14-11-1994).</p> <p>-----</p>	<p>rupees:</p> <p>(3) Whoever delivers/ hands over a motor vehicle to a person without the vehicle being registered under section 27 or section 31 is punishable with fine of twenty thousand rupees.</p>	<p>Subsection (2): No change; however proviso thereunder is removed.</p> <p>Subsection (3) has been simplified.</p>



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<p>within seven days from the date of such use.</p> <p>(3) 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 made by the court below, notwithstanding that no appeal lies against the conviction in connection with which such order was made.]</p>		(3): Deleted
<p><b>193. Punishment of agents and canvassers without proper authority.</b>—Whoever engages himself as an agent or canvasser in contravention of the provisions of section 93 or of any rules made thereunder shall be punishable for the first offence with fine which may extend to one thousand rupees and for any second or subsequent offence with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both.</p>	The Section 193 is deleted.	
<p><b>194. Driving vehicle exceeding permissible weight.</b>—[(1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 113 or section 114 or section 115 shall be punishable with minimum fine of two thousand rupees and an additional amount of one thousand rupees per tonne</p>	<p><b>128. Driving vehicle exceeding permissible weight.</b> — (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 78 or section 79 or section 80 shall be punishable with fine of ten thousand rupees and an additional amount of two thousand rupees per tonne of excess load, together with the liability to pay</p>	

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<p>of excess load, together with the liability to pay charges for off-loading of the excess load].</p> <p>(2) Any driver of a vehicle who refuses to stop and submit his vehicle to weighing after being directed to do so by an officer authorised in this behalf under section 114 or removes or causes the removal of the load or part of it prior to weighing shall be punishable with fine which may extend to three thousand rupees.</p> <p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 57, for sub-section (1) (w.e.f. 14-11-1994).</p> <p>-----</p>	<p>charges for off-loading of the excess load.</p> <p>(2) Any driver of a vehicle who refuses to stop and submit his vehicle to weighing after being directed to do so by an officer authorised in this behalf under section 79 or removes or causes the removal of the load or part of it prior to weighing shall be punishable with fine of seven thousand five hundred rupees.</p>	
<p><b>195. Imposition of minimum fine under certain circumstances.</b>—(1) Whoever having been convicted of an offence under this Act or the rules made thereunder commits a similar offence on a second or subsequent occasion within three years of the commission of the previous offence, no Court shall, except for reasons to be recorded by it in writing, impose on him a fine of less than one-fourth of the maximum amount of the fine imposable for such offence.</p> <p>(2) Nothing in sub-section (1) shall be construed as restricting the power of the Court from awarding such imprisonment as it considers necessary in the</p>	<p>Section 195 is deleted.</p>	<p>Redundant</p>

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<p>circumstances of the case not exceeding the maximum specified in this Act in respect of that offence.</p> <p><b>196. Driving uninsured vehicle.</b>—Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 146 shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.</p>	<p><b>129. Driving uninsured vehicle.</b>—Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions relating to third party insurance shall be punishable with a fine of five thousand rupees for 2 wheelers, ten thousand rupees for Light Motor Vehicles and 3 wheelers and fifteen thousand rupees for other categories of vehicles.</p>	<p>2 wheelers: Rs.5000/- 3 wheelers and LMV: Rs.10000/- Other category: Rs.15000/-</p>
<p><b>197. Taking vehicle without authority.</b>—(1) Whoever takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both:</p> <p>Provided that no person shall be convicted under this section if the Court is satisfied that such person acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked therefor.</p> <p>(2) Whoever, unlawfully by force or threat of force or by any other form of intimidation, seizes or exercises control of a motor vehicle, shall be</p>	<p><b>130. Taking vehicle without authority.</b>— (1) Whoever takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be punishable with fine which may extend to two thousand rupees.</p>	<p>No change in proviso of (1), (2) and (3).</p>

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<p>punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.</p> <p>(3) Whoever attempts to commit any of the acts referred to in sub-section (1) or sub-section (2) in relation to any motor vehicle, or abets the commission of any such act, shall also be deemed to have committed an offence under sub-section (1) or, as the case may be, sub-section (2).</p>		
<p><b>198. Unauthorised interference with vehicle.</b>—Whoever otherwise than with lawful authority or reasonable excuse enters or moves any stationary motor vehicle or tampers with the brake or any part of the mechanism of a motor vehicle shall be punishable with fine which may extend to one hundred rupees.</p>	<p><b>131. Unauthorised interference with vehicle.</b>—Whoever otherwise than with lawful authority or reasonable excuse enters or moves any stationary motor vehicle or tampers with the brake or any part of the mechanism of a motor vehicle shall be punishable with fine of five hundred rupees.</p>	
<p><b>199. Offences by companies.</b>—(1) Where an offence under this Act has been committed by 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:</p>	<p><b>132. Offences by companies.</b>—No change except for Sr. No.</p>	



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<p>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.</p> <p>(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.</p> <p><i>Explanation.</i>—For the purposes of this section—</p> <p>(a) “company”, means any body corporate and includes a firm or other association of individuals; and</p> <p>(b) “director”, in relation to a firm, means a partner in the firm.</p>		

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**200. Composition of certain offences.—**(1) Any offence whether committed before or after the commencement of this Act punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (2) of section 183, section 184, section 186, 1[section 189, sub-section (2) of section 190]; section 191, section 192, section 194, section 196, or section 198, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.

**133. Compounding of certain offences.—**(1) Any offence punishable under the sections with fine only whether committed before or after the commencement of this Act, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf, provided that the amount is not less than the minimum amount of fine as may have been provided under this Act.  
 Provided further that offences involving imprisonment shall not be compounded.  
 Provided that any third or subsequent offence shall not be compoundable.  
 Provided further that penalty points, specified for the offence will apply and cannot be waived.

Redrafted and simplified.

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

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 1. Subs. by Act 54 of 1994, sec. 58, for “section 189” (w.e.f. 14-11-1994).  
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133(2): Deleted

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<p><b>201. Penalty for causing obstruction to free flow of traffic.</b>—(1) Whoever keeps a disabled vehicle on any public place, in such a manner, so as to cause impediment to the free flow of traffic, shall be liable for penalty up to fifty rupees per hour, so long as it remains in that position:</p> <p style="padding-left: 40px;">Provided that the vehicle involved in accidents shall be liable for penalty only from the time of completion of inspection formalities under the law:</p> <p style="padding-left: 40px;">1[Provided further that where the vehicle is removed by a Government agency, towing charges shall be recovered from the vehicle owner or person in-charge of such vehicle.]</p> <p style="padding-left: 40px;">2[(2) Penalties or towing charges under this section shall be recovered by such officer or authority as the State Government may, by notification in the Official Gazette, authorise.]</p> <p style="text-align: center;">-----</p> <p style="padding-left: 40px;">1. Ins. by Act 54 of 1994, sec. 59 (w.e.f. 14-11-1994).</p> <p style="padding-left: 40px;">2. Subs. by Act 54 of 1994, sec. 59, for sub-section (2) (w.e.f. 14-11-1994)</p> <p style="text-align: center;">-----</p>	<p><b>134. Penalty for causing obstruction to free flow of traffic.</b>—(1) Whoever keeps a disabled vehicle in any place, in such a manner, so as to cause impediment to the free flow of traffic, shall be liable for penalty of two hundred rupees per hour, so long as it remains in that position and penalty points as per Schedule II:</p>	<p>Word “public” is removed and fine is increased with penalty points. No change in provisos and subsection (2).</p>

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<p><b>202. Power to arrest without warrant.—(1)</b> A police officer in uniform may arrest without warrant any person who in his presence commits an offence punishable under section 184 or section 185 or section 197:</p> <p style="padding-left: 40px;">Provided that any person so arrested in connection with an offence punishable under section 185 shall, within two hours of his arrest, be subjected to a medical examination referred to in sections 203 and 204 by a registered medical practitioner failing which he shall be released from custody.</p> <p style="padding-left: 40px;">1[(2) A police officer in uniform may arrest without warrant any person, who has committed an offence under this Act, if such person refuses to give his name and address.</p> <p style="padding-left: 40px;">(3) A police officer arresting without warrant the driver of a motor vehicle shall if the circumstances so require take or cause to be taken any steps he may consider proper for the temporary disposal of the vehicle.</p> <p style="text-align: center;">-----</p> <p>1. Subs. by Act 54 of 1994, sec. 60, for sub-section (2) (w.e.f. 14-11-1994).</p> <p style="text-align: center;">-----</p>	<p><b>135. Power to arrest without warrant.—(1)</b> A police officer in uniform may arrest without warrant any person who in his presence commits an offence punishable under section 118 or section 119 or section 130:</p> <p style="padding-left: 40px;">Provided that any person so arrested in connection with an offence punishable under section 119 shall, within two hours of his arrest, be subjected to a medical examination referred to in sections 136 and 137 by a registered medical practitioner failing which he shall be released from custody.</p>	<p>Sr. No. has been changed.  Subsection (2) and (3): No change</p>

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**Expert Committee Suggestion**

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**203. Breath tests.**—1[(1) A police officer in uniform or an officer of the Motor Vehicles Department, as may be authorised in this behalf by that Department, may require any person driving or attempting to drive a motor vehicle in a public place to provide one or more specimens of breath for breath test there or nearby, if such police officer or officer has any reasonable cause to suspect him of having committed an offence under section 185:

Provided that requirement for breath test shall be made (unless, it is made) as soon as reasonably practicable after the commission of such offence.]

(2) If a motor vehicle is involved in an accident in a public place and a police officer in uniform has any reasonable cause to suspect that the person who was driving the motor vehicle at the time of the accident had alcohol in his blood or that he was driving under the influence of a drug referred to in section 185 he may require the person so driving the motor vehicle, to provide a specimen of his breath for a breath test—

(a) in the case of a person who is at a hospital as an indoor patient, at the hospital,

(b) in the case of any other person, either at or near

**136. Breath tests.**— (1) A police officer in uniform or an officer of the Motor Vehicles Department, as may be authorised in this behalf by that Department, may require any person driving or attempting to drive a motor vehicle in any place to provide one or more specimens of breath for breath test there or nearby, if such police officer or officer has any reasonable cause to suspect him of having committed an offence under section 119:

Provided that requirement for breath test shall be made (unless it is made) as soon as reasonably practicable after the commission of such offence as per the procedure prescribed by Central Government

(2) If a motor vehicle is involved in an accident in any place and a police officer in uniform has any reasonable cause to suspect that the person who was driving the motor vehicle at the time of the accident had alcohol in his blood or that he was driving under the influence of a drug referred to in section 119 he may require the person so driving the motor vehicle, to provide a specimen of his breath for a breath test—

Simplified.

203(2)(a), (b), and proviso: No change

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<p>the place where the requirement is made, or, if the police officer thinks fit, at a police station specified by the police officer:</p> <p>Provided that a person shall not be required to provide such a specimen while at a hospital as an indoor patient if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.</p>		
<p>(3) If it appears to a police officer in uniform, in consequence of a breath test carried out by him on any person under sub-section (1) or sub-section (2) that the device by means of which the test has been carried out indicates the presence of alcohol in the person's blood, the police officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.</p> <p>(4) If a person, required by a police officer under sub-section (1) or sub-section (2) to provide a specimen of breath for a breath test, refuses or fails to do so and the police officer has reasonable cause to suspect him of having alcohol in his blood, the police officer may arrest him without warrant except</p>		<p>203(3), 203(4), 203(5) and 203(6) &amp; Explanation: No change</p>

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<p>while he is at a hospital as an indoor patient.</p> <p>(5) A person arrested under this section shall while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.</p> <p>(6) The results of a breath test made in pursuance of the provisions of this section shall be admissible in evidence.</p> <p><i>Explanation.</i>—For the purposes of this section “breath test”, means a test for the purpose of obtaining an indication of the presence of alcohol in a person’s blood carried out on one or more specimens of breath provided by that person, by means of a device of a type approved by the Central Government by notification in the Official Gazette, for the purpose of such a test.</p> <p>-----</p> <p>1. Subs. by Act 54 of 1994, sec. 61, for sub-section (1) (w.e.f. 14-11-1994).</p> <p>-----</p>		
<p><b>204. Laboratory test.</b>—(1) A person who has been arrested under section 203 may, while at a police station be required by a police officer to provide to such registered medical practitioner as may be produced by such police officer, a specimen of his blood for a laboratory test if,</p>	<p><b>137. Laboratory test.</b>—(1) A person who has been arrested under section 136 may, while at a police station be required by a police officer to provide to such registered medical practitioner as may be produced by such police officer, a specimen of his blood for a laboratory test if,</p>	<p>Cross section is renumbered.</p> <p>No change in (1a&amp;b), proviso and</p>

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<p>(a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood of such person, or</p> <p>(b) such person, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so:</p> <p>Provided that where the person required to provide such specimen is a female and the registered medical practitioner produced by such police officer is a male medical practitioner, the specimen shall be taken only in the presence of a female, whether a medical practitioner or not.</p> <p>(2) A person while at a hospital as an indoor patient may be required by a police officer to provide at the hospital a specimen of his blood for a laboratory test—</p> <p>(a) if it appears to the police officer that the device by means of which test is carried out in relation to the breath of such person indicates the presence of alcohol in the blood of such person, or</p> <p>(b) if the person having been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, has refused, omitted or failed to do so and a police officer has reasonable cause to suspect him of having alcohol in his blood:</p>		<p>subsection (2) &amp; (3).</p>



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<p>Provided that a person shall not be required to provide a specimen of his blood for a laboratory test under this sub-section if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of such specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.</p> <p>(3) The results of a laboratory test made in pursuance of this section shall be admissible in evidence.</p> <p><i>Explanation.</i>—For the purposes of this section, “laboratory test” means the analysis of a specimen of blood made at a laboratory established, maintained or recognised by the Central Government or a State Government.</p>			
<p><b>205. Presumption of unfitness to drive.</b>—In any proceeding for an offence punishable under section 185 if it is proved that the accused when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of his breath for a breath test or a specimen of his blood for a laboratory test, his refusal, omission or failure may, unless reasonable cause therefor is shown, be presumed to be a circumstance supporting any</p>		<p><b>138. Presumption of unfitness to drive.</b>— In any proceeding for an offence punishable under section 119 if it is proved that the accused when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of his breath for a breath test or a specimen of his blood for a laboratory test, his refusal, omission or failure may, unless reasonable cause therefor is shown, be presumed to be a circumstance supporting any</p>	

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<p>evidence given on behalf of the prosecution, or rebutting any evidence given on behalf of the defence, with respect to his condition at that time.</p> <p><b>206. Power of police officer to impound document.</b>—(1) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that any identification mark carried on a motor vehicle or any licence, permit, certificate of registration, certificate of insurance or other document produced to him by the driver or person in charge of a motor vehicle is a false document within the meaning of section 464 of the Indian Penal Code, 1860 (45 of 1860) seize the mark or document and call upon the driver or owner of the vehicle to account for his possession of or the presence in the vehicle of such mark or document.</p> <p>(2) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it into the Court taking cognizance of the offence and the said Court shall appearance of such driver before it, return the licence to him in exchange for the temporary</p>	<p>evidence given on behalf of the prosecution, or rebutting any evidence given on behalf of the defence, with respect to his condition at that time.</p> <p><b>139. Power to impound document.</b>—</p> <p>(2) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that the driver or owner of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, seize any licence held by such driver or certificate of registration of the vehicle and forward it to the Court taking cognizance of the offence and the said Court shall on the first appearance of such driver before it,</p>	<p>Title is modified and words “of police officer” are removed from the title.</p> <p>(1): No change</p> <p>139(2): Owner is also held responsible for offence in addition to the driver. Registration of Certificate of vehicle in addition to DL is also considered as document for impounding/seizing.</p>

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<p>acknowledgment given under sub-section (3).</p> <p>(3) A police officer or other person seizing a licence under sub-section (2) shall give to the person surrendering the licence a temporary acknowledgment therefor and such acknowledgment shall authorise the holder to drive until the licence has been returned to him or until such date as may be specified by the police officer or other person in the acknowledgment whichever is earlier:</p> <p>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 authorization to drive to such date as may be specified in the acknowledgment.</p>	<p>return the licence or certificate of registration to him in exchange for the temporary acknowledgment given under sub-section (3).</p> <p>(3) A police officer or other person seizing a licence or the certificate of registration under sub-section (2) shall give to the person surrendering the licence or the certificate of registration a temporary acknowledgment therefor and such acknowledgment shall authorise the holder to drive until the licence has been returned to him or until such date as may be specified by the police officer or other person in the acknowledgment, whichever is earlier:</p>	<p>139(3): As above in 124(2).</p> <p>Proviso 139(3): No change</p>

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<p><b>207. Power to detain vehicles used without certificate of registration permit, etc.</b>—(1) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of section 3 or section 4 or section 39 or without the permit required by sub-section (1) of section 66 or in contravention or any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, in the prescribed manner and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle:</p> <p>Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used in contravention of section 3 or section 4 or without the permit required by sub-section (1) of section 66 he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof.</p>	<p><b>140. Power to detain vehicles in unsafe condition or used without certificate of registration permit, etc.</b>—(1) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of section 3 or section 4 or section 5 or section 27 or without the permit required by sub-section (1) of section 49 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, in the manner as prescribed by the State Government and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle:</p> <p>Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used in contravention of section 3 or section 4 or without the permit required by sub-section (1) of section 49 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 is used, he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an</p>	<p>The title of 140 is modified and cross section has been renumbered</p> <p>140(1): “Manner as prescribed by the State Government” is inserted.</p> <p>140(1) Proviso: Usage of motor vehicle in “contravention of any condition of Permit” is also considered.</p>

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<p>(2) Where a motor vehicle has been seized and detained under sub-section (1), the owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order release the vehicle subject to such conditions as the authority or officer may deem fit to impose.</p>	<p>acknowledgement in respect thereof.</p>	<p>Subsection (2): No change.</p>
<p><b>208. Summary disposal of cases.</b>—(1) The Court taking cognizance of any offence (other than an offence which the Central Government may by rules specify in this behalf) under this Act,—                      (i) may, if the offence is an offence punishable with imprisonment under this Act; and                      (ii) shall, in any other case,                      state upon the summons to be served on the accused person that he—                      (a) may appear by pleader or in person; or                      (b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge and remit to the Court, by money order, such sum (not exceeding the maximum fine that may be imposed for the</p>	<p><b>141. Summary disposal of cases.</b>—                      No Change except for Sr. No.</p>	

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<p>offence) as the Court may specify, and the plea of guilt indicated in the money order coupon itself:</p> <p>Provided that the Court shall, in the case of any of the offences referred to in sub-section (2), state upon the summons that the accused person, if he pleads guilty, shall so plead in the manner specified in clause (b) and shall forward his driving licence to the Court with his letter containing such plea.</p> <p>(2) Where the offence dealt with in accordance with sub-section (1) is an offence specified by the Central Government by rules for the purposes of this sub-section, the Court shall, if the accused person pleads guilty to the charge and forwards his driving licence to the Court with the letter containing his plea, make an endorsement of such conviction on his driving licence.</p> <p>(3) Where an accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (1), or as the case may be, sub-sections (1) and (2), no further proceedings in respect of the offence shall be taken against him nor shall he be liable, notwithstanding anything to the contrary contained in this Act, to be disqualified for holding or obtaining a licence by reason of his having pleaded guilty.</p>		

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<p><b>209. Restriction on conviction.</b>—No person prosecuted for an offence punishable under section 183 or section 184 shall be convicted unless—</p> <p>(a) he was warned at the time the offence was committed that the question of prosecuting him would be taken into consideration, or</p> <p>(b) within fourteen days from the commission of the offence, a notice specifying the nature of the offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence, or</p> <p>(c) within twenty-eight days of the commission of the offence, a summons for the offence was served on him:</p> <p>Provided that nothing, in this section shall apply where the Court is satisfied that—</p> <p>(a) the failure to serve the notice or summons referred to in this sub-section was due to the fact that neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time, or</p> <p>(b) such failure was brought about by the conduct of the accused.</p>	<p>209: Deleted</p>	
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<p><b>210. Courts to send intimation about conviction.</b>—Every Court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, shall send intimation to—</p> <p>(a) the licensing authority which issued the driving licence, and</p> <p>(b) the licensing authority by whom the licence was last renewed,</p> <p>and every such intimation shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the nature of the offence, the punishment awarded for the same and such other particulars as may be prescribed.</p>	<p><b>142. Courts to send intimation about conviction.</b>—Every Court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, shall send intimation to—</p> <p>(a) the licensing authority which issued the driving licence, and</p> <p>(b) the licensing authority by whom the licence was last renewed,</p> <p>and every such intimation shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, the nature of the offence, the punishment awarded, award of penalty points for the same and such other particulars as may be prescribed.</p>	<p>Penalty point is added.</p>
<p><b>CHAPTER XIV MISCELLANEOUS</b></p> <p><b>211. Power to levy fee.</b>—Any rule which the Central Government or the State Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of documents, issue of certificates, licences, permits,</p>	<p><b>CHAPTER IX: MISCELLANEOUS</b></p> <p><b>143. Power to levy fee.</b>—: No change</p>	<p>Sr. No. of chapter and section has been changed.</p>



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<p>tests, endorsements, badges, plates, countersignatures, authorisation, supply of statistics or copies of documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Act or any rule made thereunder as may be considered necessary:</p> <p style="padding-left: 40px;">Provided that the Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full.</p>	<p><b>144. Contribution to Solatium Fund-</b> The fine amounts realized under sections 111, 118, 119 and 122 shall be credited to the Solatium Fund.</p> <p><b>145. Publication, commencement and laying of rules and notifications.</b>—(1) The power to make rules under this Act is subject to the condition of the rules being made after previous publication.</p> <p>Provided that the Central Government may, in the public interest, by order in writing dispense with the condition of previous publication in any case.</p>	<p>New section <b>144</b> is introduced.</p> <p>In circumstances, where the implementation of the law becomes difficult due to time duration between draft notification and final notification. Therefore a proviso is added to facilitate the same after 145(1).</p> <p>145(2) and 145(3): No change</p>
<p><b>212. Publication, commencement and laying of rules and notifications.</b>—(1) The power to make rules under this Act is subject to the condition of the rules being made after previous publication.</p> <p>(2) All rules made under this Act shall be published in the Official Gazette, and shall unless some later</p>		

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<p>date is appointed, come into force on the date of such publication.</p> <p>(3) Every rule made by any State Government shall be laid, as soon as may be after it is made before the State Legislature.</p> <p>(4) Every rule made by the Central Government under this Act, every scheme made by the Central Government under sub-section (1) of section 75 and sub-section (1) of section 163 and every notification issued by the Central Government under sub-section (4) of section 41, sub-section (1) of section 58, sub-section (1) of section 59, the proviso to sub-section (1) of section 112, 1[sub-section (4) of section 163A] and sub-section (4) of section 213 shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, scheme or notification or both Houses agree that the rule or scheme should not be made or the notification should not be issued, the rule, scheme or notification shall thereafter have effect only in such modified form or be of no effect,</p>	<p>(4) Every rule made by the Central Government under this Act, every scheme made by the Central Government under section 56 and the provision relating to third party insurance and every notification issued by the Central Government under sub-section (1) of section 42, sub-section (1) of section 43, the proviso to sub-section (1) of section 77 and the provision relating to third party insurance and sub-section (4) of section 146 shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, scheme or notification or both Houses agree that the rule or scheme should not be made or the notification should not be issued, the rule, scheme or notification shall thereafter have effect only in</p>	<p>145(4): consequential changes in view of deletion old subsection. Once a suitable provision is made for third party insurance that section should be referred to.</p>

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<p>as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, scheme or notification.</p> <p style="text-align: center;">-----</p> <p>1. Ins. by Act 54 of 1994, sec. 62 (w.e.f. 14-11-1994).</p> <p style="text-align: center;">-----</p>	<p>such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, scheme or notification.</p>	
<p><b>213. Appointment of motor vehicles officers.</b>—(1) The State Government may, for the purpose of carrying into effect the provisions of the Act, establish a Motor Vehicles Department and appoint as officers thereof such persons as it thinks fit.</p> <p>(2) Every such officer shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860 (45 of 1860).</p> <p>(3) The State Government may make rules to regulate the discharge by officers of the Motor Vehicles Department of their functions and in particular and without prejudice to the generality of the foregoing power to prescribe the uniform to be worn by them, the authorities to which they shall be subordinate, the duties to be performed by them, the powers (including the powers exercisable by police officers under this Act) to be exercised by them, and</p>	<p><b>146. Appointment of motor vehicles officers.</b> No change except for Sr. No.</p>	

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<p>the conditions governing the exercise of such powers.</p> <p>(4) The Central Government may, having regard to the objects of the Act, by notification in the Official Gazette prescribe the minimum qualifications which the said officers or any class thereof shall possess for being appointed as such.</p> <p>(5) In addition to the powers that may be conferred on any officer of the Motor Vehicles Department under sub-section (3), such officer as may be empowered by the State Government in this behalf shall also have the power to,—</p> <p>(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed;</p> <p>(b) with such assistance, if any, as he thinks fit, enter, inspect and search any premises which is in the occupation of a person who, he has reason to believe, has committed an offence under this Act or in which a motor vehicle in respect of which such offence has been committed is kept:</p> <p>Provided that,—</p> <p>(i) any such search without a warrant shall be made only by an officer of the rank of a gazetted officer;</p>		

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<p>(ii) where the offence is punishable with fine only the search shall not be made after sunset and before sunrise;</p> <p>(iii) where the search is made without a warrant, the gazetted officer concerned shall record in writing the grounds for not obtaining a warrant and report to his immediate superior that such search has been made;</p> <p>(c) examine any person and require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;</p> <p>(d) seize or take copies of any registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed;</p> <p>(e) launch prosecutions in respect of any offence under this Act and to take a bond for ensuring the attendance of the offender before any Court;</p> <p>(f) exercise such other powers as may be prescribed;</p> <p>Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.</p>		

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<p>(6) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be apply to any search or seizure under this section as they apply to any search or seizure under the authority of any warrant issued under section 94 of the Code.</p>		
<p><b>214. Effect of appeal and revision on orders passed by original authority.—</b>(1) Where an appeal has been preferred or an application for revision has been made against any order passed by an original authority under this Act, the appeal or the application for revision shall not operate as a stay of the order passed by the original authority and such order shall remain in force pending the disposal of the appeal or the application for revision, as the case may be, unless the prescribed appellate authority or revisional authority otherwise directs.</p> <p>(2) Notwithstanding anything contained in sub-section (1), if an application made by a person for the renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Act against such rejection, the appellate authority or, as the case may be, the revisional authority may by order direct that the permit shall, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal or application for revision is</p>	<p><b>147. Effect of appeal and revision on orders passed by original authority.—</b></p> <p>No change except for Sr. No.</p>	

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<p>disposed of.</p> <p>(3) 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.</p>		
<p><b>215. Road Safety Councils and Committees.</b>—(1) The Central Government may, by notification in the Official Gazette, constitute for the country a National Road Safety Council consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.</p> <p>(2) A State Government may, by notification in the Official Gazette, constitute for the State a State Road Safety Council consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.</p> <p>(3) A State Government may, by notification in the Official Gazette, constitute District Road Safety Committee for each district in the State consisting of a Chairman and such other members as that</p>	<p><b>148. Road Safety Councils and Committees.</b>—</p>	<p>Sr. No. has been changed.</p> <p>148 (1), 148(2), 148(3) and 148(4): No change</p>

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<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>Government considers necessary and on such terms and conditions as that Government may determine.</p> <p>(4) The Councils and Committees referred to in this section shall discharge such functions relating to the road safety programmes as the Central Government or the State Government, as the case may be, may, having regard to the objects of the Act, specify.</p>	<p><b>149: Provision for Transport Development Council</b></p>	<p>A new provision <b>149</b> is introduced. Section <b>149</b> may be deleted as a National Road Safety and Traffic Management Board is being sought to be established through a relevant Bill already tabled in the Parliament.</p>
<p><b>216. Power to remove difficulties.</b>—(1) If any difficulty arises in, giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:</p> <p style="padding-left: 40px;">Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.</p> <p>(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.</p>	<p><b>150. Power to remove difficulties</b></p> <p>No change except for Sr. No.</p>	



**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988**  
**SECTION WISE CHANGES**

*Annexure V*

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p><b>217. Repeal and savings.</b>—(1) The Motor Vehicles Act, 1939 (4 of 1939) and any law corresponding to that Act in force in any State immediately before the commencement of this Act in that State (hereafter in this section referred to as the repealed enactments) are hereby repealed.</p> <p>(2) Notwithstanding the repeal by sub-section (1) of the repealed enactments,—</p> <p>(a) any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or exemption granted or any confiscation made, or any penalty or fine imposed, any forfeiture, cancellation or any other thing done or any other action taken under the repealed enactments, and in force immediately before such commencement shall, so far as it is not inconsistent with the provisions of the Act, be deemed to have been issued, made, granted, done or taken under the corresponding provision of this Act;</p> <p>(b) any certificate of fitness or registration or licence or permit issued or granted under the repealed enactments shall continue to have effect after such commencement under the same conditions and for the same period as if this Act had not been passed;</p>	<p><b>151. Repeal and savings.</b>—</p>	<p>Only change in Sr. No. and 2(d).</p>

**REVIEW OF MOTOR VEHICLE ACT (MVA) 1988  
SECTION WISE CHANGES**

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>(c) any document referring to any of the repealed enactments or the provisions thereof, shall be construed as referring to this Act or to the corresponding provisions of this Act;</p> <p>(d) the assignment of distinguishing marks by the registering authority and the manner of display on motor vehicles in accordance with the provision of the repealed enactments shall, after the commencement of this Act, continue to remain in force until a notification under sub-section (6) of section 41 of this Act is issued;</p> <p>(e) any scheme made under section 68C of the Motor Vehicles Act, 1939 (4 of 1939) or under the corresponding law, if any, in force in any State and pending immediately before the commencement of this Act shall be disposed of in accordance with the provisions of section 100 of this Act;</p> <p>(f) the permits issued under sub-section (1A) of section 68F of the Motor Vehicles Act, 1939 (4 of 1939) or under the corresponding provision, if any, in force in any State immediately before the commencement of this Act shall continue to remain in force until the approved scheme under Chapter VI of this Act is published.</p> <p>(3) Any penalty payable under any of the repealed enactments may be recovered in the manner provided by or under this Act, but without prejudice</p>	<p>(d) the assignment of distinguishing marks by the registering authority and the manner of display on motor vehicles in accordance with the provision of the repealed enactments shall, after the commencement of this Act, continue to remain in force until a notification under sub-section (5) of section 29 of this Act is issued;</p>	<p>2(f): Deleted in view of deletion of Chapter VI</p>

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**SECTION WISE CHANGES**

*Annexure V*

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
<p>to any action already taken for the recovery of such penalty under the repealed enactments.</p> <p>(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeals.</p>		
<p><b>1 217A. Renewal of permits, driving licences and registration granted under the Motor Vehicles Act, 1939.</b>—Notwithstanding the repeal by sub-section (1) of section 217 of the enactments referred to in that sub-section, any certificate of fitness or registration or licence or permit issued under the said enactments may be renewed under this Act.]</p> <p>-----</p> <p>1. Ins. by Act 27 of 2000, sec. 5 (w.e.f. 11-8-2000).</p> <p>-----</p>	<p><b>151A. Renewal of permits, driving licences and registration granted under the Motor Vehicles Act, 1939.</b>—Notwithstanding the repeal by sub-section (1) of section 151 of the enactments referred to in that sub-section, any certificate of fitness or registration or licence or permit issued or granted under the said enactments may be renewed under this Act.]</p> <p><b>152. Right to claim compensation in certain cases.-</b></p> <p>Notwithstanding anything contained in the Motor Vehicles Act, 1939 or any law for the time being in force, in respect of claims for compensation under the said Act which are pending at any stage, at the date of commencement of the Motor Vehicles (Amendment) Act, 2007 in any Claims Tribunal or court, the right of an injured person to</p>	<p>A new Section 152 is added.</p>

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SECTION WISE CHANGES**

*Annexure V*

<b>Existing Text of MVA</b>	<b>Expert Committee Suggestion</b>	<b>Remark/Justification</b>
	<p>claim compensation shall upon his death be available to his legal representative, irrespective of whether the cause of death was relatable to or had any nexus with the injury or not:</p> <p>Provided that in case where the cause of death is not relatable or has no nexus with the injury, the compensation shall be restricted to the period between the date of injury and the date of death of the person so injured.</p>	

## **GENERAL RECOMMENDATIONS TO THE GOVERNMENT OF INDIA**

### **1. Eligibility for driving license**

Presently the law requires an applicant for a license to drive a transport vehicle to have passed the 8<sup>th</sup> standard and also to have held a valid driving license for driving a light motor vehicle for one year. The Committee recommends that with effect from 2015 the minimum educational qualification should be 10<sup>th</sup> standard pass.

The requirement to hold a valid license for LMV for one year serves no purpose as there is no mechanism to verify whether the applicant has driven the LMV during the period or not. The provision only results in causing inconvenience to applicants. The Committee, therefore, recommends that the applicant should be required to hold a learner's license for a period of four months and obtain a competency certificate from a school or establishment recognized / accredited by the State Governments in accordance with rules prescribed by the Government of India.

### **2. Grant of driving licenses to foreign nationals**

The Motor Vehicle Act provides for the grant of driving licenses to foreign nationals, who hold valid driving licenses issued by their authorities, without subjecting them to a driving test. Considering the fact that many foreign nationals come from countries with different driving practices, and the prevalent procedures in other countries for the grant of driving license to foreign nationals the Committee recommends that while foreign nationals may be permitted for the first year to drive on the basis of their existing driving licenses they should be required to undergo a driving test and obtain an Indian driving license from the second year onwards.

### **3 Driving schools – licensing / accreditation**

A large number of accidents in the country are due to poorly trained drivers. The present system does not address this problem and in many cases licenses are issued to poorly trained drivers. Although the qualifications of the staff of driver training schools and their infrastructure have been laid down, there is no mechanism to check that these remain current over time. It is important for the Government to establish a mechanism to update the qualifications of the staff of driver training schools and their infrastructure and make rules for the periodic and surprise audit of the schools both by national level auditors and state level auditors. This could be done under the appropriate Sector Skills Council as mandated in the National Skills Policy 2009. Rules to accredit /

authorize certain select schools of excellence should empower them to issue competency certificates.

Government may also consider outsourcing the conduct of driving tests to the driving schools of excellence while retaining the power to issue the driving license. The procedure for conducting a driving test should be automated to the extent possible and human interventions reduced as is the practice in many other countries.

4. Rules regarding conduct and working of conductor will be required to be prescribed in rule.
5. The Act requires that every vehicle should be roadworthy. There is, however, no provision for disposal of vehicle which have ceased to be road worthy. The Habitat mission of the National Action Plan on Climate Change requires rules to be drafted to recycle / dispose-off vehicles which are no longer road worthy. These rules need to be introduced.

#### **6. Independent regulators**

The Committee recommends the establishment of Independent Regulatory Authorities at the state level and also at the national level to promote the orderly growth of public transport. The functions of the state level regulator could be:

- To grant permits to operate stage carriages on specified routes according to the scheme drawn up by the State Government.
- To authorize the use of taxis / auto rickshaws as stage carriages on specified routes.
- To set fares for different types of stage carriages for different routes
- To lay down operational standards and efficiency parameters.
- To set quality of service standards.
- To advise the State Governments on matters relating to public transport.
- To promote and maintain competition in the transport sector.

The functions of the national level regulators could be to:

- Oversee and regulate the issue of national permits
- To resolve dispute between State Governments for inter-state movement of passenger and good vehicles.

The regulatory authority could also be given recommendatory functions as in the case of other regulatory authorities to advise the Governments on schemes, route, route capacity etc.

These Regulatory Authorities on the lines of other infrastructure regulators should be autonomous. The Government may consider whether initially these regulatory functions can be given to the Electricity Regulatory Commission at the State and central level on the lines of the Public Utility Commissions in USA which regulate all the infrastructure sectors within the State.

## **7. Rationalisation of Taxes on Motor Vehicles**

States levy motor vehicle tax under entry 54 of the Schedule 7 of the Constitution of India. This tax serves as a significant source of revenue to the states.

**Levy of Tax:** Tax is leviable on all types of motor vehicles. Levy of tax is based mainly on the following two parameters;

- (1) Life time or lump sum tax based on the Value or sale price of the vehicle;
- (2) Annual tax depending on weight or passenger carrying capacity of the vehicle.

Most of the transport vehicles come under (2) above while LMV and two wheelers predominantly fall in category one. The tax revenue collected by the different states under these categories varies significantly.

Levy of tax on motor vehicles is the prerogative of State Governments; hence there are state level variations of rates which cause distortion in the market. If tax rate is lower in a state, vehicles tend to get registered there and are moved to other states later on. This results in loss of revenue to some states.

Looking to the need to promote a national market and facilitate movement of vehicles across the states, there is a need to rationalize the tax structure and evolve consensus among states for fixing a floor rate of tax. This will prevent 'race-to-the-bottom' as far as the tax rate and will boost tax revenue of most of the states. To evolve the common tax rate strategy, two key strategies may be suggested on following lines:

### **LMV & Two wheelers**

Presently, about 75% of the vehicles sold and registered fall under this category. The sale of LMV and two wheelers is increasing rapidly leading to an increase in the revenue of the states. After registering, two wheelers are hardly moved out of a state except in border areas whereas four wheelers are

increasingly moving across the borders of state on account of mobility, for reasons of employment or education. Currently, if a vehicle is permanently moved out of a state and taken to another state, the registration number of the vehicle is required to be changed and taxes in the new states are required to be paid while seeking refund from the previous State. The mechanism to get refund in the previous State is cumbersome and non-transparent. There are also reports that some unscrupulous elements particularly dealing in the luxury car segment get their vehicles registered in a State where the tax is levied at low rate and subsequently move the vehicle to state of their residence. In order to avoid these problems and make it possible for number portability, which the Committee has separately recommended, the Committee suggests:

- (1) Floor rate of tax on these vehicles be pegged at a fixed percentage in all the States and Union Territories.
- (2) Tax may be levied on the basis of sale price of the vehicle eliminating all other bases linking it directly to the VAT.
- (3) Tax may be collected as lump-sum tax in all the States on the basis of criterion mentioned above till 2015 and preferably annually thereafter.
- (4) Vehicle moving from one State to another after a period of two years of registration may be exempted from State tax in the new State obviating need for refund and subsequent payment of tax in the new State. This provision will become redundant once annual tax payment comes in force.

### **Transport Vehicles**

As in the case of non-transport vehicles the taxes levied on transport vehicles vary across the States. These vehicles are required to pay the National Permit fees in addition to the basic tax in a State which is normally charged on an annual basis depending on the capacity of the vehicle. If a State has very low tax rate compared to the neighboring State, naturally there will be a tendency of the transporters to get their vehicles registered in that state and operate on National Permit in other states. In such a situation basic purpose of the National Permit is defeated and a state which has higher rate of tax tends to loose the tax revenue. Similarly the reciprocal arrangement between two states becomes skewed when the basic tax rate between neighboring states differ considerably. Therefore, it is suggested that;

- (1) Uniform floor rate of tax on these vehicles should be fixed in all the States and Union Territories.
- (2) the basis of tax may be on the seating capacity or load carrying capacity of the vehicle as appropriate;
- (3) tax be levied on an annual basis whereas the facility of payments may be given on quarterly basis.



In case of passenger vehicles, a similar approach can be adopted to facilitate growth of domestic tourism and mobility within the country. For this purpose, a meeting of State Finance Ministers/Transport Ministers may be convened and appropriate decision be taken as was done in case of Value Added Tax on the basis of consensus. Meanwhile, rationalization of rates in Union Territories may be taken up immediately.

8. Several of the Committee's recommendations can become operational and effective only when electronic databases of driving licenses, vehicle registrations, permits, penalty points etc. are established in every State and linked to one another. The Committee was informed that this activity is already under way through the NIC. The Committee strongly recommends that this activity should be completed at the earliest and the existing database should be transferred to the new database on a priority basis.
9. The Committee also recommends that the tests for issue and renewal of driving licenses, grant of fitness certificate, grant of competency certificate and authorisation should be automated to the maximum extent possible and human intervention reduced. The Government of India should provide both technical and financial assistance to the states to enable this to happen.



