

**MOTOR VEHICLE LAW
OF INDIA**

M. M. KOTASTHANE

19729

MOTOR VEHICLE LAW OF INDIA.

(Being Act VIII of 1914 together with all Amendments
up-to-date)

AND

RULES AS FRAMED BY IMPERIAL AND LOCAL GOVERNMENTS,
MUNICIPAL ACTS AND MOTOR TERMS SUPPLEMENTS
WITH
COMMENTARY, INDIAN AND ENGLISH CASE LAW UP-TO-DATE.

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MOTOR VEHICLE LAW OF INDIA

INTRODUCTION.

As all over the world, the Motor Vehicle as a means of transport whether for carrying passengers or for goods or for other intellectual or industrial purposes has become a great force in this country.

Since the speech of Mr Craddock at the time of passing this Act, there has been tremendous increase in the importation of Motor cars into India and Burma, including Native States. In Bombay alone the figure for 1925-26 was 12757. In Burma no less than 10000 cars were imported during the year 1928.

In the traffic world this Motor Vehicle has brought about a revolution, perhaps equal if not greater than railways. Railways in India have no doubt connected a large number of places including towns, villages which stood on the lines. But the Motor Vehicle is penetrating the remotest places scattered in different parts of this vast country and is bringing these into active communication with the civilised world.

That this subject of competition between road transport and railways is becoming as serious in India as it has already become in England and elsewhere is to be derived from the attention devoted to it in the report by the Railways which has just been issued.

"Almost every railway in India reports competition of this kind some of it being of a nature that one would hardly expect. It is estimated, for example, that the Darjeeling Himalayan Railway—which has been especially hard hit by motor competition on the road running parallel to it—has lost about half of its upper class passenger traffic and 25 per cent of its third class traffic. There is similar, severe competition on section of the North-Western Railway, and the number of passengers carried on it during 1927-28 fell by 900,000 as compared with the previous year. Competition is of course generally the keenest in suburban traffic, especially on the Burma Railways which record a drop of nearly 400,000 passen-

gers in the year on the Eastern Bengal Railway in the Budge-Budge to Calcutta and Dacca to Narayanganj sections, on the East Indian Railway in the Calcutta suburban area, and on various sections of the South Indian Railway. The widespread development of Motor transport all over the country brings of course, a certain amount of traffic to the railways to which many of the regular bus routes act as feeders. But it is evident from the Railway Boards summary of the situation that the disadvantage to the railways considerably out-weighs any advantage of that kind."

Similar is the case of tramways, which are generally localised in small areas, and which feel the competition of Motor traffic very much. This is more than sufficiently proved by the case of Bombay Electric supply and Tramway Co., who have been plying now their own bus service, in order to avoid outside bus competition, side by side with tram service.

Similar is the case of other vehicular traffic, as the same has been very badly hit by Motor Vehicle. But it must be admitted that the cart drawn by bullock still holds its own position in rural areas and is less affected by motor in comparison with other vehicular traffic.

Therefore in order to cope with the new situation as created by the Motor Vehicle transport, several Acts had been passed by the Local and Imperial Governments, and all these now stand consolidated in to the present Motor Vehicle Act VIII of 1914 with powers to Local and Imperial Govts., to make rules suitable for their respective areas. The Object and Reasons of the Act can be well gathered from the speech of Mr. Craddock (Appendix A) and the contents from the proceedings of the select committee (Appendix A).

The extensive and the varied use to which the Motor Vehicle is put, has given rise to new and out of way problems such as speed, parking, road problem, noise, Traffic Board sign boards &c, &c.

SPEED. Problem was never so acute as at present owing to the number of daily accidents and the toll of death it is taking as a result of the development of Motor traffic. The means of measure-

meant and accurate knowledge regarding high speed are matters which still await satisfactory solution. Very large percentage of accidents are due to reckless and negligent driving. To check this evil and to control the speed strong and dastic action is necessary.

PARKING. This has become a great nuisance and is felt particularly in large towns like Bombay, Calcutta. In very many places one finds many motor cars standing on the road and causing obstruction to other vehicular traffic passers - by and also to the neighbouring shop-keepers, whose customers are scared away by this obstruction. Speedy and effective steps are necessary in this direction.

NOISE To the world of accoustic is added a sumptuous quality of new noises and sounds particularly of the shrill family. This has caused a greate nuisance particularly in big cities and contorvercies are raging as to the best way of reducing this nuisance without diminishing its utility for avoiding accidents. But no satisfactory solution seems to have been obtained as yet.

DAZZLING LIGHT has been the cause of a considerable nuisance and needs check.

SIGNBOARDS; Signals are being introduced on large scale and it is gratifying to note many new devices coming into operation.

TRAFFIC BOARD There is one important suggestion that is being made from several centres viz to creat a Traffic Board at various centres, and to entrust all Traffic problems to the Board who should go carefully into these matters and consider suggestions and improvements and see that the same are given effect to.

From the number of prosecutions under Motor Vehicle Act which have been increasing by leaps and bounds it has become necessary to pay more attention to the prosecution under this head. Facts from the various cases before the court, have brought to light many new points for decision. In a way case law is being developed on this subject and meaning of the words and phrases or clauses settled. In many places, particularly in the Presidency and large

towns, owing to the excessive prosecutions under this Act and Rules made under it, suggestions are being made for separate court to deal with cases under this head to avoid delay.

The Indian Motor Vehicle Act in many places appear similar to the English Motor Act. so that the English case law has become useful on many points, and has been quoted at different places in this book.

M. M. K.

MOTOR VEHICLE LAW OF INDIA.

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* These cases are referred to in Municipal Supplement.

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MOTOR VEHICLE LAW OF INDIA.

EXTRACTS FROM OPINIONS.

The Hon'ble Sir, Norman Wright Kemp Bar-At-Law Offg. Chief Justice Bombay High Court writes:.....I have to thank you for so kindly sending me a complimentary copy of your book on the "Motor Vehicle Law of India" which I am sure the profession will find of use.

The Hon'ble Mr. Justice S. S. Patker High Court Bombay writes:.....Your publication presents in a compendious form the law relating to Motor Vehicles & will be of use to the practitioners and Courts in dealing with cases falling under the Motor Vehicle Act.

S. G. Velinker Esquire Bar-At-Law & Distinguished Counsel writes:.....I have looked in to your book with much interest. It is brought up to date, both as regards the statute and case law. It contains besides a good deal of useful information which will make your book valuable not only to lawyer but also to the layman more especially if he owns a car.....It ought certainly to find a place on the table of every lawyer who wishes to economise his time and get at the latest ruling under some section he is struggling to construe, equally so it will be a valuable help to the courts.

A. H. S. Aston Esq. M. A. (Oxen) Bar-At-Law Addl. Judl. Comr. of Sind writes:—Very many thanks for sending me a complimentary copy of your Motor Vehicle Law.....I think your book will be most useful.

H. P. Dastur Esqr. Bar-At-Law & Chief Presidency Magistrate Says:.....Cases cited at the foot of each section seem to have been selected with great care and the collection of the Motor Vehicle Rules at the end ought to prove useful to the public as well as the Bar and the Bench. The Book supplies a long felt want.

J. R. Gharpure Esq B. A. LL. B. Advocate High Court Principal Poona Law College writes:.....I am much obliged to your kind letter and a copy of your book Motor Vehicle Law of India.....the book consolidates all information on the point and the legal world will feel much obliged by its publication.

Bombay Law Reporter in its issue of 15th July 1929 states:..... The provisions of the Motor Vehicle Act are here annotated with the cases in the Court of England and in this country. The cases are fairly exhaustive. Much side light is thrown by incorporating analogous literature on the subject.This as altogether an useful edition of the Act.

Bombay Chronicle Sunday Edi, 18th August 1929 has the following: Motor Vehicle Law of India, being Act VIII of 1914 with a commentary, by M. M. Kotasthane B. A., LL. B., Advocate, Bombay High Court (1929.)

"The year was a very bad one for the Polices" says the Commissioner of Police" Bombay, in his annual report for the year 1928. "The total number of motor vehicles running in the city during the year was approximately 11,800 including 900 motor lorries. There were 2589 motor accidents or 150 more than in the previous year. Of this number 75 were fatal" Drivers of motor vehicle have enriched the Indian law by providing 48 reportable cases. These and 43 cases from the English Law Report have been drawn upon in this book. The notes to the sections of the Act are simple and intelligible. The Motor Vehicle Rules in force in Bombay and other Parts of India are given which lends an all India character to the book. Useful information is also given about municipal taxes on vehicles and the care of motor car parts. Altogether, an interesting and useful book for the motor owner, the unfortunate pedestrian, and the police.