

**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.

WRITTEN AND PUBLISHED BY

**M. M. KOTASTHANE, B. A. LL. B.**  
ADVOCATE, BOMBAY HIGH COURT, HONORARY SECRETARY, POLICE  
COURT, BAR LIBRARY, ESPLANADE, BOMBAY.

BOMBAY.

Edition.

1930.

## TOPICAL CONTENTS

INTRODUCTION.	
TABLE OF CASES — Indian.	
TABLE OF CASES — English.	
INDIAN MOTOR VEHICLE ACT.	
With Commentary and Case Law English and Indian.....	P. 1-57.
APPENDIX A.	
Statement of Object and Reasons—Report of the Select Committee.....	P. 1-4.
APPENDIX B.	
Motor Vehicles (Native States) Rules.....	P. 1-2.
APPENDIX C.	
Motor Vehicles International Circulation Rules 1915.....	P. 1-9.
APPENDIX D.	
Bombay Motor Vehicles Rules 1915 as amended up to 1928.....	P. 1-22.
APPENDIX E.	
Public Conveyance (Motor Vehicles) Rules 1922.....	P. 1-13.
APPENDIX F.	
Rules for Motor Vehicles plying for hire outside the city of Bombay 1927 (amended up to June 1929).....	P. 1-12.
SUPPLEMENT I.	
Motor Vehicles and Municipality with Case Law. Municipal Acts affecting Motor Vehicles. ....	P. 1-9
SUPPLEMENT II.	
Few Hints on Motor Car Machine and its parts.	P. 1-4.
SUPPLEMENT III.	
Additional Case Law with amendments, omissions alterations in Rules up to } 1930... ..	P. 1-3. P. 1-3.
INDEX.....	P. 1-4

# 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.

## TABLE OF INDIAN CASES.

Ahmad Vs Emperor.	45.	* Legal Remembrancer Vs	
Aklu Vs Emperor.	30, 34.	Shamacharan	
Baidyanath Bose Vs Emperor.	27, 45.	Madan Mohan Vs Emperor.	29.
* Chandi Prasad Vs Abdul B.		Mohamed Said Vs Emperor.	35.
Charansing Vs Emperor.	15, 23, 56.	Mohamed Surety Vs Emperor.	36, 48, 51.
Dhekliia Kumbi Vs Emperor.	29, 56.	Maksuddin Mistry Vs Emperor.	25, 53.
Emperor Vs Abba Appa	39.	* Municipality of Mannar Gudi Vs	
Emperor Vs Baker	38.	Nallappa	
Emperor Vs Bassappa	24.	Nalini Rajan Vs Corp. of Calcutta.	43.
Emperor Vs Bayne	13.	Public Prosecutor Vs Ganapati.	38.
Emperor Vs Cooverjee	48, 53.	Bathnum Vs Emperor.	36.
Emperor Vs Gulam Kadir	28.	Ref. Anna Ganpat.	57.
Emperor Vs Kader Mohiddin	26.	Re Jahangir,	15.
Emperor Vs Khoda bax	17, 9.	Re Krishnaswami Ayer.	36.
Emperor Vs Kunwar R.	10, 25, 51.	Re Nagaraja Mappannar	46.
Emperor Vs Pandoo	25, 53.	Re Rangoo Timajee.	8.
Emperor Vs Rama.	25, 37, 52.	Re Idu Beg.	12.
Emperor Vs Sitaram.	30.	Secretary of State Vs Ganapati.	47.
Emperor Vs Sperton	38.	Sheodattroy Vs Emperor	56 A
Fattehkhau.....	13.	Sohausing Vs Emperor	35, 36
Ganguli Vs Emperor	13 A	Sorabjee Vs Jamsetjee	22.
Gulmohamed.....	13.	Sudhamony Vs Chairman	
Gurnarayan Vs Emperor.	25.	Krianagar Municipality.	45.
H. W. Smith Vs Emperor.	19	Thornton Vs Emperor	27.
Hasan Ahmad Vs Emperor.	30, 31, 53	Varajlal Vs Emperor	27, 44.
Indian Motor Taxi Cap Co		W J. Ross Vs John Young	21.
Vs Corporation of Calcutta.	43.	* Wilson Vs Madras Municipality	
Idramohan Vs Emperor.	27.	Yarmohamed Vs Emperor.	13.

\* These cases are referred to in Municipal Supplement.



## MOTOR VEHICLE LAW OF INDIA.

### TABLE OF ENGLISH CASES.

Anderson	Vs Blackwood.	18.	Massey,	Vs Morris	6.
Baily	Vs Jennison	5.	Mayhew	Vs Sutton	17, 46.
Beresford	Vs Richardson	18.	Morrison	Vs M' Ara	39.
Beresford	Vs St. Alban		Okley	Vs Speedly.	47.
Justices		43	Parker	Vs Miller	40.
Brown	D. and M. R.	23.	Plaucy	Vs Marks	43.
Caledonia Ry Co	Vs Turcan	4.	Printz	Vs Sewell	34.
Chisholm	Vs Doulton	13.	Provincial		
Connell	Vs Mitchell	11. 43.	Motor Cab Co	Vs Dunning	34.
Du Cross	Vs Lambourne	19.	R Buyness	Vs Cavan Justices	11.
Ex Parte Stone		18.	R	Vs Wells	11.
* Grayler Coke	Vs Davis S.		Rouff	Vs Long	41.
Hardcastle	Vs Bielby	6	Schudder	Vs L. C. C.	17.
Hargreves	Vs Baldwin	18.	Slatery	Vs Dublin & Co	19.
Hawkins	Vs Cooper	16.	Smith	Vs Brown	46.
Harde	Vs Evans	47.	Star Omnibus Co	Vs Tagg	4.
Harris	Vs Perry & Co	21.	Stinson	Vs Browning	46.
Hindle & Palmer	Vs Noblett	4.	* Strutt & another	Vs Cliff	
Illege	Vs Goodwin	40.	Toughton	Vs Manning	12.
* London County			Tustin	Vs Arnold	22.
Council	Vs FairBank		Wing	Vs L. C. O. C.	20.
Lynch	Vs Nurdin		Wayde	Vs Carr (Lady)	15.
Macferlane	Vs Colam	41.	Williams	Vs Richards	16.
Martin	Vs North Metropolitan.		Wilton	Vs Taneborne	18.
	Tram. Co.	15.	Yeaman	Vs Jamerson	43.
Martin	Vs Stanborough	41.			

\* These cases are referred to in Municipal Supplement.

# MOTOR VEHICLE LAW OF INDIA

## ADDITIONAL CASE LAW UP TO 1930.

Emperor	Vs Aghan	Supplement	III P. 1.
Emperor	Vs Ramtahalsing	..	III P. 2.
Joshi Kalidas	Vs Lahore Municipality.	..	I P. 3.
Luchminath & another	Vs Lucknow Municipal Board	..	I P. 3.
Mansing	Vs Emperor	..	III P. 2.
Motor House Co. Ltd.	Vs Charlie Baket	..	III P. 3.
Municipality of Patna	Vs Mohanlal	..	III P. 3.
Municipality of Solapur	Solapur Spinning Vs & Weaving Co.	..	III P. 3.
President Dist. Board Anantpur	Isma'il Saheb Vs & another	..	I P. 3.
Sardulsing	Vs Emperor	..	I P. 2.
Saofutroy	Vs Emperor	..	I P. 2.

---

**THE MOTOR VEHICLES LAW OF INDIA**  
**Indian Motor Vehicles Act VIII of 1914.**

**Contents of the sections and commentary.**

**Preamble.** *Notes.*—Whereas it is expedient to consolidate and amend &c.  
P. 1-2

**PART I—Preliminary.**

**Section 1.** SHORT TITLE, EXTENT AND COMMENCEMENT.

*Notes.*—British India &c. P. 2-3

**Section 2.** DEFINITIONS.

*Notes.*—Definition of motor vehicle,—English Act—  
Road, street, way, highway, public place &c. P. 3-5.

**PART II—Provisions of General Application.**

**Section 3.** PROHIBITION OF DRIVING MOTOR VEHICLES BY  
PERSONS UNDER 18.

*Notes.*—Allow—may presume—meaning of. P. 5-6

**Section 4.** DUTY TO STOP VEHICLE FOR REGULATING TRAFFIC  
AND IN CASE OF ACCIDENT.

*Notes.*—When required to do so &c.—traffic—knows or has  
reason to believe—deviating from the line of traffic—person in  
charge of the car to whose orders the driver is submitting is  
amenable to this section. P. 7-10

**Section 5.** RECKLESS DRIVING.

*Notes.*—English law—drives any vehicle—recklessly and  
negligently—negligently—section 5 scope, section 5 and  
section 279 I.P.C.—Rule of the road, not an invariable or  
inflexible rule—reckless driving—English Law (Rule of the  
Road)—reckless driving, crowded thoroughfare—Injury to  
pedestrians, contributory negligence of foot passenger.—driving  
in a manner dangerous to the public, deviating from the line of  
traffic—In a manner dangerous to the public—At a speed  
(dangerous speed) sufficiency of evidence—abatement of the  
offence—Collision, action for damages—suit for damages—

negligence, gross negligence, danger—Evidence—measure and kind of Punishment—cancellation of license sentence, too severe—sentence of fine not to be excessive—Procedure, form of summons, section 68 Cr. P. C. summons to contain particulars of the offence, otherwise may be disregarded—Section 279 I. P. C. and sec. 5 Motor Vehicles Act. Rash and negligent driving.—Cr. P. C. Sec. 403. Rash driving resulting in hurt, conviction under Motor Vehicle Act, fresh prosecution under section 279 & 338 I. P. C. whether barred? P. 10-25

### PART III.—LICENSING AND CONTROL.

#### Section 6. LICENSING OF DRIVERS.

*Notes*—Public place—English Act—persons receiving instructions in driving—Responsibility of the owner;—Motor driven without owners knowledge by unlicensed driver. owner not liable;—Regulation of traffic, 'control' meaning of. P. 26-28

#### Section 7. TRANSFER OF LICENCE. P. 28

#### Section 8. PRODUCTION OF LICENCE.

*Notes*—English Law,—upon demand;—non production of license on demand and the technical nature of the offence;—Demand of license on private place, can it be made? Technical character of the offence; United Provinces M. V. R. 22—meaning of driver, order by Magistrate for production of license in court, conviction for non compliance, legality of;—M. V. A Sections 8 and 9 United Provinces M. V. R., failure of driver to produce on demand permits issued under r.24. no offence. P 28-30

#### Section 9. EXTENT AND VALIDITY OF LICENCE TO DRIVE. P. 31

*Notes*—Miscellaneous.

#### Section 10. REGISTRATION OF MOTOR VEHICLES.

*Notes*—Outside the Province &c. P. 31

#### Section II. POWER OF LOCAL GOVERNMENT TO MAKE RULES.

*Notes*—Amendments;—Rules Patna M. V. R. Failure to fix number plate, Defective light prosecution for, evidence nature of;—Dirty number plates;—Panjab M. V. R. Servant driving motor car without light after lighting time, absent owner's responsibility;—United Provinces M. V. R. 12 (1) mean-

ing of front portion of vehicle;—Burma M. V. R. 26 (3), car not properly lighted, owner absent, his liability, prosecution for trivial offence to be discouraged;—Madras M. V. R. (16) car without light, absent owner's responsibility;—Madras M. V. R. (9) Omission to blow horn;—Bombay M. V. R. 27A, driving while under the influence of liquor;—Madras M. V. R. 30, license renewal of, 'annually meaning of;—Bombay M. V. R. 6 and schedule D, limit introduced in motor certificate, ultra vir.s;—Ratnagiri (Bombay) M. V. R. 7 & 34 (1) car carrying mails and passengers in excess, not a mail car or exempt from rules;—Lorry left unattended to have a drink;—car left in charge of a friend;—Interference by third party;—Interference by children;—motor left out of gear;—Brakes out of order; Municipal bye-law and Calcutta M. V. R. 24; Prosecution under bye law not superseded by M. V. R.;—Master's liability for accident by cleaner;—Speed English Law;—stop watch evidence; Calcutta M. V. R. 16;—motor driven at excessive speed, owners liability, Meaning of causing or permitting to be driven;—Tax on motor by municipalities outside Calcutta, Bengal M. V. R. 19;—Calcutta M. V. R. 10 and 13 owners liability for servant's acts;—Burma M. V. R. 46, disobedience of the rule of the road, passing tram car on right;—Madras M. V. R. 27c; accident meaning of;—Danger to the public;—Obstruction to traffic;—Criminal liability for acts of servants or others;—Rules, vagueness, P. 31-48.

**Section XII.** POSTING OF NOTICES, P. 48

**Section XIII.** POWER OF LOCAL GOVERNMENT TO EXCLUDE AREAS OR MOTOR VEHICLES FROM THIS PART.

*Notes* Motor vehicles requisite for military purposes, &c. P. 48-49

#### PART IV.

Motor Vehicle temporarily leaving or visiting

British India.

**Section XIV.** POWER OF GOVERNOR GENERAL IN COUNCIL TO MAKE RULES

*Notes*—Rules made by Governor General in Council. P. 49

**Section XV.** SAVING.

*Notes*—Amendment.

P. 50-

## PART V.

## Section XVI PENALTIES,

*Notes.*—Prosecution for trivial offence to be discouraged ;—  
Section 16, its scope ;—Driving the car while under the influence of liquor, separate prosecution on same facts, sentence enhancement of ; Prosecution for offences under section 338 I. P. C. and acquittal and subsequent prosecution on same facts under section 16 M. V. A, not illegal—punishment too severe ;—conviction under section 562 Cr. P. C. for an offence under the Act not contemplated ;—

P. 50-53

## Sec. XVII.

COGNIZANCE OF OFFENCES.

P. 54

## Sec. XVIII.

CANCELLATION AND SUSPENSION OF LICENCE AND DISQUALIFICATION FOR OBTAINING LICENCE.

*Notes.*—Amendment ;—Production and endorsement of the license ;—Court's Power of cancelling and suspending ;—Object of clause 18(2) ;—Inspection of license, appellate court's power to interfere.

P. 54-57

## Sec. XIX.

REPEALS.

P. 57.

## Schedule.

P. 57

## Appendix A,

STATEMENT OF OBJECTS AND REASONS—Report of The Select Committee

P. 1-6

## Appendix B,

MOTOR VEHICLES (NATIVE STATES) RULES.

P. 1-2

## Appendix C.

MOTOR VEHICLES INTERNATIONAL CIRCULATION RULES 1915.

P. 1-9

## Appendix D

BOMBAY MOTOR VEHICLES RULES (1915) As Amended upto June 1928.

P. 1-22

## Appendix E.

PUBLIC CONVEYANCE (MOTOR VEHICLES) RULES 1922

P. 1-13

## Supplement I.

MUNICIPAL ACTS AFFECTING MOTOR VEHICLES

P. 1-2

## II.

FEW HINTS ON MOTOR CAR MACHINE AND PARTS REFERRED TO THE MOTOR VEHICLES LAW.

P. 14

## ADDENDA.

## APPENDIX F

Rules for motor vehicle plying for hire outside the city of Bombay 1927 &amp; amended up to June 1929.

P. 1-12.

## SUPPLEMENT III

Additional case law with amendments, omissions, alterations in Rules up to 1930

P. 1 to 3.

1 to 3

**The Indian Motor Vehicle Law,**  
**BEING ACT No. VIII OF 1914.**

PASSED BY THE GOVERNOR GENERAL OF INDIA  
IN COUNCIL.

*(Received the assent of the Governor General on the 28th  
February, 1914)*

**An Act to consolidate and amend the law relating  
to Motor Vehicles in British India.**

WHEREAS it is expedient to consolidate and  
amend the law relating to motor vehicles in British  
India; It is hereby enacted as follows:—

**Whereas it is expedient to consolidate & amend:—**

The objects and reasons of the Act can well be gathered  
from the letter of Mr. Craddock (see appendix.)

The development of the use of the motor vehicles as a  
result of increasing number of persons who seek to travel by  
this means, within and without the limits of individual provinces  
has emphasised the desirability of re-examining the Indian  
legislature on the subject. At present the law is contained in  
the six (1) separate provincial Acts, which though exhibiting no  
important difference of principle are not identical in form.....  
The present Bill has accordingly been drafted with the intention  
of introducing uniform provisions on important matters of  
principle and embodying the best local features in different  
Acts. While so far as possible avoiding any substantial separa-  
ture from the several provincial Acts which it will replace,  
subsidiary matters will be governed by the local rules suitable

---

(1) See section 19 schedule.

to varying conditions of different provinces but under procedure of one General Act. It is probable that such general Act will be framed on more uniform lines than is at present the case.

## Part I.

### PRELIMINARY.

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Indian Motor Vehicles Act, 1914.

(2) This Act, except Part III thereof, extends to the whole of British India, including British Baluchistan, the Sonthal Pargana of Spiti. Part III extends in the first instance only to the Provinces of Madras, Bombay, Bengal, the United Provinces of Agra and Oudh, the Punjab, Burma, Bihar and Orissa, the North-West Frontier Province and Delhi. The Local Government of any other Province may, by notification in the local official Gazette, extend Part III to the whole or any part of such province.

(3) It shall come into force on such date as the Governor General in Council, by notification in the Gazette of India, may direct.

The Act has been extended to Shan State vide Rangoon Gazette dated 23-4-15.

The Act came into force on and with effect from 1-4-15. Vide Government of India Notification Home Department (Judicial) No. 1065 Dated 25 Feb. 15 (G.O. No. 623 Judicial Dated 20th March 1915.)



Part III refers to licensing and control.

As for the object of the Act, see preamble and notes to the same.

The corresponding English Act is "Motor Car Act" of 1903, 3 E. D. W. 7 C 36.)

**British India** :—According to the General Clauses Act (Act X of 1897 Sec. 3 (27), 'British India' shall mean all territories or places within His Majesty's dominions which are for the time being governed by His Majesty through the Governor General of India or through any Governor or other Officer subordinate to the Governor General of India.

2. "Motor vehicle" includes a vehicle, carriage Definition.  
or other means of conveyance propelled, or which may be propelled, on a road by electrical or mechanical power either entirely or partially ;

"prescribed" means prescribed by rules under this Act ;

"public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass :—

**Definition of Motor Vehicle** —It would be instructive to note the definition of motor vehicle in different Acts.

English Act makes distinction between locomotives as heavy locomotive and light locomotive, and the terms light locomotive or motor car are explained as synonymous. They include, subject to certain limitations as to weight, any vehicle, propelled by mechanical power, which is not for the purpose of driving more than one vehicle and which is so constructed that no smoke or visible vapour is emitted therefrom except for some temporary or accidental cause.

(English definition lays stress on emission of smoke. If smoke is emitted owing to improper condition the vehicle was held to be, not a motor car and was held subject to the Act regulating the use of heavy locomotives. *Hindle Palmer V. Noblett*. (1)

But if the same smoke was emitted, not owing to improper condition, the motor vehicle was held not to cease to be a motor car, and lose its exemption on that account. (*Star Omnibus Co. London Ltd. V. Tagg*.)

Bombay Act II of 1904 (since repealed) had following definition.

"Motor Vehicles shall include all vehicles propelled by mechanical means on ordinary road, other than such vehicles, as the Governor in Council may by notification published, in the Bombay Government Gazette, exempt.

The present definition is more extensive but not exhaustive.

**Road, Street, Way, Highway, Public Place, &c.**

These terms are more or less analogous and many a time overlapping. So it would be interesting to note how they differ from one another.

"Road," The word Road used in Public Acts means a public road—a road over which the public have rights i.e., the road open to all Her Majesty's subjects (per *Halsbury, Caledonia Ry. Co. Vs. Turcan*).

But it is used loosely as including both public and private roads. Road generally includes foot-path.

"Street," Primary meaning of street is a public roadway (including foot-paths if any) running in front of houses or buildings, of a sufficient length and in such a continuous line, as to give the roadway the character of a street.

---

(1) 1908 72 J. P. 373. (2) 71 J. P. 352 (1907.) (3) 672 J. P. C. 73.

The definition of roadway is correctly laid down in the Imperial Dictionary.

"The street is no doubt, properly, the paved or prepared road, that is the street. It sometimes includes the houses along each side of it, but that is not its proper meaning. It is called street even without houses. There are some streets with no houses. But the usual common meaning of street is road with houses on both sides of it."

*Way*—(in Qua London Bg Act 1894), includes any public roadway or footpath which it is proposed to convert into highway or adopt as street,

*Highway*—"A common definition of highway (which word occurs very often in the English Act.) that is given in all the textbooks of authority is that, it is a way leading from one market town or inhabited place to another inhabited place, which is common to all Queen's subjects. (per Coleridge C. J. Bailey vs. Jenieson.)

In the statutes and orders relating to Motor Cars, Highway includes, a road way, to which public are granted access.

*Public Place*—This word frequently occurs in Penal Code where it is held to be, a place where public go, no matter whether they have a right to go or not.

## Part II.

### PROVISIONS OF GENERAL APPLICATION.

3. (1) No person under the age of eighteen years shall drive a motor vehicle in any public place.

Prohibition of driving motor vehicles by persons under 18.

(2) No owner or person in charge of a motor vehicle shall allow any person under the age of

(1) L. C. P. D. 332.

eighteen years to drive the same in any public place; and in the event of a contravention of sub-section (1), the Court may presume that the motor vehicle was driven with the consent of the owner or person in charge.

The age limits under English law are 17 years in case of motor cars and 14 in case of motor cycles.

**Allow:**—This term sometimes presents considerable difficulty in its exact application. The following quotation will be found useful in its application. "To allow a thing to be done or omitted there must be some direct or indirect sanction of it, unlike the mere responsibility of an inkeeper, if he "suffer" things contrary to the Licensing Acts. An innocent Owner of a ship does not "allow" her to be so loaded as to submerge in salt water the centre of the disc, S 28.39, 40 V. S. 80. by the mere fact that the Master knew of such overloading even though the Master was appointed by the Owner. (*Massey v. Morris*).

So, a Surveyor does not "allow" an obstruction on a Highway "to remain there" at any rate Sec. 56 Highway Act. 1635 when he has no knowledge of it. (*Hardcastle V Bielby*) A man can not be said to "allow" that of which he is unaware or which is something which he can not prevent.

See similar use of the phrase "Permitted to be driven" under section 11.

**May Presume.** May and such enabling words group themselves into two classes according as they import or give.

(1) Obligatory duty, (2) Discretionary duty. It is in the latter sense the word is used here.

---

(1) 1894 2 Q. B. 412. (2) 1892. 1 Q. B. 709).

4. The person in charge of a motor vehicle shall cause the vehicle to stop and remain stationary so long as may reasonably be necessary—

Duty to stop vehicle for regulating traffic and in case of accident.

- (a) when required to do so by any police-officer for the purpose of regulating traffic or of ascertaining his name and address with a view to prosecuting such person under this Act or for any purpose connected with the enforcement of the provisions of this Act or the rules there-under, or
- (b) when required to do so by any person having charge of any animal if such person apprehends that the animal is, or will be, alarmed by the motor vehicle, or
- (c) when he knows or has reason to believe that an accident has occurred to any person or to any animal or vehicle in charge of a person owing to the presence of the motor vehicle and he shall also, if so required, give his name and address and the name and address of the owner of such motor vehicle.

When required to do so etc.

The section mentions three occasions wherein the person in charge of a motor vehicle must stop it.

- (1) When asked by a police officer for the purposes mentioned in the Act.
- (2) When asked by a person in charge of an animal, under circumstances mentioned in the Act.
- (3) When accident has happened.

He is also enjoined by the section to furnish his name and address under subclause 1 & 3 and also under rules promulgated by various Local Governments.

**Traffic** :—For the meaning and applications see notes under section 5.

**Knows or has Reason to Believe** :—In Indian Penal code the phrase "reason to believe" is explained as under ; A person is said to have reason to believe a thing if he has sufficient cause to believe that thing but not otherwise, (Section 26) Further it has been held that the word 'believe' is a very much stronger word than suspect, and it involves the necessity of showing that the circumstances were such that a reasonable man must have felt convinced in his mind that the property with which he was dealing must be stolen property *Fer Melvill J, in Rangoo Timajee. (1)*

Mr. Giles has the following remark in his book "Motor Vehicle Law." "The London Policeman holds up his hands and the whole traffic in the vicinity stops. His confrere in Bombay may hold up both his hands but with rare exception the traffic moves on. This is not as it should be. The public may be well advised to act as if they were in London, and try to obey as well as possible, police traffic signals. If they did so, less would be heard of incapacity of the Bombay policeman to regulate traffic and would compare favourably with the policeman in London, where people have been trained for centuries in the spirit of obedience to the civil authorities."

(This might have been true in his times and not now as things have far improved since, M. M. K.)

When an accident has happened to a person, animal or vehicle, owing to the presence of motor vehicle on the road, it is the duty of the driver to stop and to render all possible

assistance to any person injured. If a police officer is not present at the time, the driver must report the accident to the nearest police station, and steps should be taken to remove the injured man to the hospital. The police officer visiting the scene of accident, should note the following particulars.

- (1) The name and address of the driver and number of the car.
- (2) Name and address of the witness, who may have witnessed the accident.
- (3) The side of the road or street, on which the motorist was travelling.
- (4) The direction in which he was proceeding.
- (5) The width of the road or street.
- (6) The speed at which the driver was travelling.
- (7) Whether driver had blown his horn.
- (8) The time when accident happened. If after dusk whether he observed regulation as to lights, so also if the driver of the other car, when accident was with other motor car.
- (9) In case of accident with other motor car to take measurements of the wheel track from the side of the road.
- (10) In case of serious accident to prepare the plan and to note the position of the cars before and after the accident.

**Deviating from the line of traffic:**—Mere fact of deviating from the line of traffic does not necessarily amount to negligently, recklessly or dangerously, driving a car. It depends entirely on the circumstances whether the case falls within the provisions of section 4 of the Indian Motor Vehicle Act.

Emp. V/s. Khodabax (1).

See also notes to section 5.

**Motor Vehicle Act Section 4—The person in charge of the car to whose orders the driver is submitting is amenable to this section.**

A person in charge of the car though he may not be the owner, to whose orders the driver is in fact submitting at the

(1) 26 Bom. L. R. 1066.

time of the accident, or immediately thereafter, is amenable to this section.....The language of the section has been carefully chosen. It has occurred and it may frequently occur that the driver who has caused the accident, either by excessive speed, or by a bonafide mishap, and refuses to stop, may plead and rightly plead, that he was acting under the orders of either the owner or the gentleman in charge of the car. The owner may be sitting behind giving direct orders to his driver as to space at which he is to travel, and he may in spite of serious accident, command the driver to pursue his way. Similarly the owner may be absent, and the person may be in charge of the car, with the consent of the owner, such as the member of the household or guest, who has an important journey to perform and is permitted by the owner to take charge of the car and the driver. In such cases, it is clear that the person in charge of the car to whose orders the driver is submitting at the time of the accident or immediately thereafter is amenable to this section. *Emperor Vs. Kunwar Rananjaisingh, of Amethi (1)*.

Reckless  
driving.

5. Whoever drives a motor vehicle in a public place recklessly or negligently, or 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 and the amount of traffic which actually is at the time, or which might reasonably be expected to be, in the place, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

**English law:**—English Act has very similar section (1). It runs thus.

\* Any person who, on a public high way or road way, to which the public are granted access, drives a motor car recklessly or negligently or at a speed or in a manner which is danger-

(1) A. I. R. (1928) All 261.



ous to the public, having regard to all the circumstances of the case, including the nature, condition, and the use of the road, and to the amount of traffic which actually is at the time or might reasonably be expected to be on the road, is guilty of offence under Motor Car Act 1903.<sup>b</sup>

The provisions create apparently four distinct offences, only one of which can be included in single conviction (*R. v/s Wells*) (1). In Scotland the conviction for driving recklessly or negligently has been quashed for duplicity. (*Connell v/s Mitchell*) (2). But in *R. (Buyness v/s Cavan Justices*) (3) following *R. Vs. Wells* it was held that three separate offences had been committed, but that the conviction in respect of each of the offences was valid, the Law in Ireland being in this respect different from the Law in England. As the driving of the car was one divisible act which might constitute both offences charged, conviction was not bad for duplicity. It would appear that the words having regards etc. apply to all four offences. Further the words including the nature etc. appear to be mere surplage. Their omission from a conviction does not vitiate it, nor limit the evidence admissible on an application (27 Halsbury 325).

**Drives any vehicle:**—If a man is driving along a road it is his duty not to do that which may injure another person whom he meets on the road, or to his horse or his carriage. If a man is driving on Salisbury Plain and no other person is near him, he is at liberty to drive as fast and as recklessly as he pleases. But if he sees another carriage coming near to him, immediately a duty arises not to drive in such a way as is likely to cause an injury to that other carriage. The fact that streets are unusually crowded from any public procession, or other cause, instead of excusing a driver when proceeding at his ordinary place and with ordinary care, requires him to be particularly cautious, and may tend to render him criminally answerable for any accident ensuing from driving at a rate, and with those precautions, which he might have ordinarily observed.

**Public Place:**—See notes to Section 2.

---

(1) (1904) 68 J. P. 392. (2) 1909 S. C. Judician 13. (3) (1914) 1 R. 150.

**Recklessly and negligently:**—The meaning of these phrases has been made sufficiently clear in 3 All. 776 where Justice Straight draws out distinction between these phrases. "Criminal rashness" is hazarding a dangerous or wanton act with the knowledge that it is so and that it may cause injury, but without intention to cause injury or knowledge that it will be probably caused. The criminality lies in running the risk of doing such an act with recklessness or indifference as to consequences. "Criminal negligence" is the gross and culpable neglect or failure to exercise that reasonable and proper care and precaution to guard against injury either to public generally or to an individual in particular, which, having regard to all the circumstances out of which the charge arises, was the imperative duty of the accused person to have adopted. Reg. vs Idu Beg. (1)

So in a case where at night two coolies were sleeping with their bodies covered except for their faces along a portion of road closed to traffic, were run over and killed by the accused, driving over them in a motor car, the accused were held not to have caused their death by rash or negligent act.

H. W. Smith v/s King Emperor. (2)

Driving "a motor car" on a public high way recklessly or negligently does not extend to driving which only has an ill effect upon a person in the car itself i. e. does not extend to a toll keeper who, to get his toll, jump on a car, hangs on to it for some distance, eventually falls off and gets hurt, the car all the time going at a reasonable rate and creating no danger except to the toll keeper. Toughton vs Manning (3)

**Negligently:**—When negligently is a part of the definition of an offence it implies that the act constituting the offence shall have been done or caused by the alleged offender himself. Proof that it was done by the alleged offender's servant, without more will not bring the charge home.

---

(1) 1881 3 All 776, 779. (2) 30 C. W. N. 66. (3) 69 J. P. 207.)

Chisholm v/s Doulton, (1)

Scope of Sec. 5. Sec. 297 i. p. c. and Sec. 5 of Act VIII of 1914. Sec. 5, of the Act VIII of 1914 refers to a person who is driving a car in a manner, which would in ordinary circumstances be proper, but, which is improper owing to the special condition of the road on which he is driving at the time. The section does not cover the case of a person who is not on the right side of the road which is always, and in every condition improper.

This was decided by J. Fawcett and Madgaokar in a case where the Accused while driving a motor car on the wrong side of the road at a blind corner, between two roads of considerable traffic, came in collision with a motor cycle and caused damage to the side car of the bicycle.

Yar Mahomed v/s Emperor (1925) (2)

Although an offence is expressly made punishable by Special or Local Law still it is punishable under the Penal Code (where punishment is more severe) if the act comes within the definitions of the Code. (Gulmahomed) (3) If the Accused is guilty of specific offence under the Indian Penal Code, he should be convicted under the Code if the punishment under the special Act is not adequate. (Futtehkhān) (4) But in a Bombay Case Emperor v. s. Bayne J. Aston has expressed an opinion that "where there has been a special legislature for a particular type of offence, the maximum punishment provided in such Special Act, for that particular offence may be accepted as appropriate maximum. Emperor vs. Bayne (5).

But a person cannot be punished both under the special Act and the Indian Penal Code for the same offence.

(1) 58 L. J. M. C. 133, 23 G. B. D. 736. (2) 26 Criminal Law Journal. 253. (3) P. R. No. 26 of 1915. (4) P. R. No. 11 of 1874. (5) 8 Bom. L. R. 474. (1901)

**Rule of the Road. Not an Invariable or Inflexible Rule.** By virtue of rule of the road it is the duty of vehicle drivers in the normal case, to keep to a certain side of the road. Which side that shall be varies with the circumstances. But the principle rules or :—

- (a) Two vehicles meeting one another must meet each to its left, or near side of the road.
- (b) One vehicle over-taking another must pass that other on its right or off side.

When there is no other vehicle on the road, the driver is not bound to keep on the left side of the road. But if a vehicle elects to go on the wrong side, then a higher standard of care will be required of the driver. In the event of a collision between two vehicles one of which is on the wrong side, it will be presumed that the latter has been negligent.

There are exceptional cases where going to wrong side will be a necessity and where the driver of a vehicle can avoid an imminent accident by going on to the wrong side of the road, it is his duty to do so.

- (c) A vehicle over-taking a tram car which is proceeding upon lines laid in the middle of the road, must pass on to the left i.e. between tram car and the left hand vest.
- (d) It is (possibly) the duty of a motor driver on overtaking a led horse to allow the horse to be led to the off side and not himself to pass on the off side.

Also compare Motor Vehicle Rules as framed by various Provincial Governments.

**Reckless driving :—**Rule of the road—the applicant who was driving his own motor car late at night, found a horse carriage a little ahead coming from the left to the right of the road. As it was safe to pass the carriage in front of the left,

he tried to pass on the left, but when he was doing so, the carriage in front suddenly swerved again to the left with the result that the motor ran into it. There upon the applicant was charged and convicted under Sec. 2 of the Bombay Motor Vehicle Act 1904, for driving his car recklessly or negligently. Held that the carriage driver having first directed his carriage towards his right was not justified in so suddenly changing his course back to the left so as to place the overtaking motor in the position of difficulty which he did, and that therefore, the applicant could not be said to be 'reckless or negligent in driving his car within the meaning of the Act.

The Rule of the Road is not an invariable or inflexible Rule, and a deviation from it may upon occasion be not only justified but actually necessary In *Re. Jehangir D. Davar*. (1911). (1)

**Rule of the road—English Law—**Following English cases would be found useful on the point.

In these case for neglegent driving, the law and usage of the road is not the criterion of negligence. *Wayde V. Carr (Lady)* (2)

**Reckless driving—Crowded thoroughfare.** A car would pass two or three inches of pavement where there were a great number of people and where any thing might project over the edge of the pavement and be caught by the splinter bar. Held it was the duty of the driver under those circumstances, to take greatest care, to go as slowly as possible and to give some warning of the approach of the car.

*Martin V. North Metropolitan Tramway Co., Ltd.* (3)

**Injury to pedestrians—contributory negligence of foot passenger.** To sustain an action for an injury, caused by the neglegent driving of the defendant, the injury

---

(1) 13 Bom. L. R. 126-9. (2) 3 Down & Ry. K. B. 255 (1873) (3) 1887. 3 T. L. R. 600 C. A.

must have been caused by the negligence of the defendant only, without the negligence of the plaintiff contributing to the accident in any way.

It is the duty of the persons, who is driving over crossing for foot passenger, at the entrance of a street to drive slowly cautiously and carefully; but it is also the duty of the foot passenger to use due care and caution in going upon such crossing so as not to get amongst the carriages &c and thus receive injury. *Williams v/s Richards.* (1)

In an action for an injury to a person crossing a public highway by driving against him and knocking him down the Jury must be satisfied that the injury was attributed to the negligence of the driver and to that alone before they can find a verdict for plaintiff, and if they think it was occasioned in any degree by the improper conduct of the plaintiff in crossing the road in an incautious and imprudent means they must find their verdict for the defendant.

*Hawkins v/s Cooper.* (2)

**Driving in a manner dangerous to the public  
deviating from the line of traffic.**

The accused while driving a motor car along a road in Bombay when traffic was heavy, broke from the line of cars formed by the Police and went ahead of 2 or 3 cars, keeping himself on the left side of the road. He was charged under Sec. 5 of Motor Vehicle Act and convicted. Held, accused was guilty of the offence.

---

(1) (1852) 3 Car & Kir 81 N. P. (2) 1838- C. and P. 473 N. P.

**In a manner dangerous to the public** :—In determining whether the manner of his driving was dangerous to the public or not, regard must be had to all the circumstances of the case and the amount of traffic which actually was at the time, *J. Fawcett* observing mere fact of deviating from the line of traffic does not necessarily amount to negligently recklessly or dangerously driving a car. It depends entirely on the circumstances whether the case falls within the provision of Section 4 of the Indian Motor Vehicle Act (VIII of 1914) *Emperor vs. Khodabux*. (1)

**At a Speed (dangerous speed)** :—Speed should be reasonable and proper. It should be judged apart from the actual inconvenience caused. Under High Way Act, danger involves idea of injury interruption or personal danger to some actual passenger. But a motor or other light locomotive may offend against an order not to go "at any speed greater than is reasonable and proper having regard to the traffic on the highway or so as to endanger the life or limb of any person or to the common danger of passengers," without its being shown that there was any passenger actually using the high way at the time. *Mayhew vs. Suttan*. (2)

Apart from the statutory time, taking the general principle about speed, it is the duty of vehicle drivers to drive the same at a speed which will not imperil the safety of others using the road.

In almost all collision cases the allegation of excessive speed is common. But what is to be the measure or standard by which to determine whether a vehicle is going too fast or not (Apart from statutory prohibition) ? It is obviously the duty of road users not to collide with other road users. Assuming that a vehicle is always driven so that it can avoid collision, the speed appears to be immaterial.

**In *Snodder vs L. C. C.*** (3) *Vaughan Williams L. J.* observed "His (the driver's) duty was to go at such a space on this Lord Mayor's day when the streets were crowded with people that he could pull up and not go

(1) 26 Bom. L. R. 1065. (2) 71 L. J. 43-48.

(3) 1909 Times July 15th C. A.

over them". That is to say, the duty of a vehicle driver is not to exceed the speed at which he can by pulling up or swerving avoid collision with others using the road in a non-negligent manner. In *Anderson vs. Blackwood* (1) The pursuer was walking by day in the carriage way, defender's van came up from behind and knocked him down. On the matter of speed Lord Young said "there is a conflicting evidence as to the pace. My opinion is not founded on the pace. The driver was going at such a pace that he could without difficulty have pulled up in time; if not, that itself would have been fault."

So a person in some circumstances will be negligent in going at a rate much below the statutory maximum.

Evidence of speed at which the motor car was driven is admissible and may be taken into consideration by the Justices although driving a motor car on public high way at a speed which is dangerous to the public is separate and distinct offence in itself. (*Hargreaves vs. Baldwin*) (2) If, in convicting the defendant of dangerous driving the court takes into account the question of speed, there cannot on the same fact be a conviction for driving at a speed exceeding 20 miles an hour. *Welton vs. Taneborne*. (3)

**Sufficiency of evidence:**—Proof of the fact that a motor car is driven through a village at the rate of 20 miles an hour is evidence that will support a conviction for driving a motor car on high way at a speed which is dangerous to the public having regard to all the circumstances of the case. *Ex Parte Stone* (4).

Although the Motor Car Act 1903, which makes it an offence to drive a motor car on a public high way at a speed or in a manner having regard to all the circumstances of the case, creates two distinct offences yet the same evidence may prove them both, where charge is "driving in a manner dangerous to the public". *Baresford vs. Richardson*. (5) Reckle or negligent driving is an offence under the Act notwithstanding that there may be a speed limit provided by the

(1) 23 Sc. L. R. 227.

(2) 93 L. R. 311 (1905).

(3) 72 J. P. 419 (1908). (4) 73 J. P. 444 (1908)

(5) 1 K. B. 243 (1921).



**Motor Vehicle Act VIII of 1914, sec 5 person driving Baby car at 25 miles an hour not guilty of rash and negligent driving.**

The facts of the case were as follows. Two cars were going under 15 miles an hour along the road from south to north and while another car came in the opposite direction from north to south. G's baby car passed the two cars going towards the north. G was going at 25 miles an hour.

The road was at the place 30 to 40 feet wide as would give ample room for four cars to pass abreast with any amount of room to spare. There was no traffic of any kind at the time except four cars. G was not shown to be over wrong side of the road.

Held that there would be ample room for any small car like that of G's car to pass without trenching on the right side of the road. Even if he did go slightly over the middle road, the car coming in the opposite direction had twenty feet in which to swing to its left. G's driving could not be therefore assumed to be reckless or negligent and estimate speed of twenty five miles an hour could not be regarded as any thing out of the ordinary on that road.

**Ganguli Vs Emperor.**

**A. I. R. 29 Rangoon 14-**

made by the Local Government. (See for instance Bombay Government Rules No. 20). So that a driver can be convicted for reckless or dangerous driving even though he was within the speed limits provided by Rules. The proper speed for motor vehicles proceeding through traffic should be little higher than that of the horse vehicle traffic going in the same direction.

**Abetment of the offence.** In an appeal against a conviction for unlawfully driving a motor car at a speed dangerous to the Public it appeared that the appellant who was the owner of the car was at the time of the offence sitting beside a friend who was driving. Held, that the appellant was in control of the car, and that, he was not driving, it was being driven by some one else, with his consent and approval. Hence, it was the appellant's duty to have prevented the car being driven at a dangerous speed and he was therefore guilty of the offence charged, having aided and abetted in its commission.

Du Cros Vs, Lambourne. (1)

### Collision.—Suit, for Damages.

**Action for Damages:—English Law.** In an action for damages on account of collision it is essential to show that the collision was caused by the negligence of the defendant or those for whom he is responsible, or by the defendant, having put upon the road something which constitutes a nuisance. Where collision results from an act neither wilful nor negligent, there is no remedy for the damage suffered. This is the elementary principle in action for damages.

In *Slatery vs. Dublin & Wicklow & Wexford Railway* (2) Lord Blackburn stated that those who go personally, or bring property where they know that they or it may come into collision with the persons or property of others, have by law a duty cast

(1) 1 K. B. 40. (1907) (2) 3 A. C. 1206.

---

on the n to use reasonable care and skill to avoid such collision. The only test of due precaution is, what would be done by a reasonable man in a given state of facts, and it is obvious that the degree of care taken by such a person will vary with time and pace. For instance; a motor omnibus at best known to be likely to skid on a greasy road, is not a nuisance, when allowed to run on a greasy road and the owners are not liable for injury sustained in a collision brought about by skidding. *Wing vs. L. G. O C. (1)*.

**Suit for damages:**—In a suit for damages in the case of a collision caused between a motor car and a motor cycle with the result that the plaintiff sustained severe injury owing to the negligent driving of the defendant, it was held by the High Court that the determination in a cause should be founded upon a case either to be found in the pleadings or involved in or consistent with the case thereby made.

The fact that the plaintiff cannot be permitted to follow a line of attack which the defendant has no opportunity to meet, is of special importance in collision cases, where the accident happens very often in an entirely unexpected manner, and in the extremely short space of time, thus rendering an accurate observation of the incident difficult in the highest degree.

In this class of cases it has consequently been considered especially necessary that the plaintiff, in framing the statement of claim, should set out the circumstances of the collision, so far as they are known to him, with clearness and accuracy to enable his adversary to know the case he has to meet; he should also state in specific terms the particular acts of negligence which, according to him, caused the collision.

In order to reverse the decision of the court below upon a point where there is a clear conflict of testimony, the court of

---

(1) 2 K. B. 652 (1909)

appeal should, not only entertain doubts whether the decision below is right but be convinced that it is wrong. *W. J. Rees Vs John Young.* (1) *Mukerji & Buckland J. J.*

**Negligence—Gross negligence—Danger.**

The defendant was driving a party of relatives or friends including plaintiff in his motor car from Deolali to Igatpuri. The road passed a level crossing. The road beyond crossing swung round sharply to the right. The defendant who was driving his car at an excessive speed got on the level crossing smashed down the embankment which was 10 feet high and rushed into paddy field below. Occupants including plaintiff received grave injuries as rendered him cripple for the rest of his life. Plaintiff sued to recover damages.

Macleod J. who tried the case observed that plaintiff was in the position of bare licensee and the duty of the grantee of the license is (as stated in 21 Hals 393) to exercise such reasonable care while doing any act in connection with the license as the circumstances of the case require. But "negligence" as Lord Halsbury says (21 Vol. F. 360) in a legal sense is a negative rather than a positive term and in any given circumstances is, the failure to exercise that care which the circumstances demand.....Where an act or omission is negligent, it may involve a greater or less degree of moral culpability, but so far as any legal result is concerned a classification on this basis will almost afford a ground for awarding greater or smaller damages. The material considerations are the absence of care due in the circumstances of the case on the part of the defendant, and injury suffered by the plaintiff and a demonstrable relation of cause and effect between the two.

In *Harris Vs Perry & Co*, it was held by the the Court of appeal that where a person undertakes to provide for the conveyance of another although he does so gratuitously he is bound

(1) 25 C. W. N. 519

to exercise due and reasonable care and the standard of reasonableness naturally must vary, according to the circumstances of the case, the trust reposed and the skill and the appliances at the disposal of the person to whom another confides a duty. Reasonable care according to all the circumstances of the case is the lowest degree of care that can be required of a man, if there is any duty at all to exercise care and it follows that failure to exercise the lowest degree of care can only be caused by the highest degree of negligence. But the term gross negligence is not a happy one. Once it is established that there is a duty incumbent on one person towards another to exercise care, the failure to perform that duty renders former liable for the consequences of such failure. Held Bachelor J, that putting the skill, caution exigible from the defendant at their very lowest, he was grossly and culpably negligent and that he was liable to damages at the plaintiff's suit. *Sorabji Vs Jamshedji*. (1)

#### **Evidence.**

Following are some of the principles of evidence particularly to be noted in cases of collision.

**Res Gestae**—Anything relevant to the issue said at the time of accident is admissible as part of Res gestae.

In a recent case of *Tustin vs Arnold* the law was thus laid down by Bailhache J. Some res gestae are acts only, some times acts and words combined, sometimes words only and sometimes whole transaction.....In this case, res gestae was a single act namely the collision with the motor car. In such a case even spoken words do not become part of the res gestae unless they are made at the time and are the natural consequence of collision.

Unless it forms part of res gestae a declaration of person dying before trial is not admissible to prove the cause of the accident, nor to connect the accident with his injuries.

---

(1) 15 Bom. L. R. 959.

To connect a driver with the accident or to establish negligence on his part evidence may be given of his conduct at other points on the road before or beyond the scene of occurrence.

Evidence of a driver's past record is not admissible on the question of negligence. But it may be shown that he is not qualified to drive. Stephen J. said "You must not prove e.g. that a particular engine driver is a careless man in order to prove that a particular accident was caused by his negligence on a particular occasion. *Brown Vs. E. & M. R.* (1)

**Punishment.**—The maximum punishment provided by this section is rupees 500 ; and in addition to this the Court has further power to cancel the license for a further period for one year.

The measure and the kind of punishment to be awarded under the section has to be considered carefully, as the persons affected by the order in most cases are, motor drivers whose livelihood depends upon the driving of the same. The perusal of the cases under this section, section 16 and section 18 of this act would be useful in getting sufficient idea as to the nature and kind of punishment to be awarded in a particular case.

**Cancellation of the license—sentence too severe.** Applicant was found guilty of an offence under section 5 of the Motor Vehicle Act. He was convicted and sentenced to a fine of rupees 100, and his driving license was ordered to be cancelled by the trying magistrate. The session judge in revision held that, though the applicants conduct came within the purview of section 5 of the Motor Vehicle Act, the sentence passed on him is too severe. But having regard to the fact that the applicant had never been previously convicted for bad driving and held driving license since 1912, he referred the case to the High Court with the recommendation that the order cancelling the license be quashed. Held, that the view taken by the Session Judge was correct and the order of the magistrate directing the license of the applicant to be cancelled ought to be set aside, *Charansing Vs Emperor.* (3)

(1) 22 Q. B. D. 391 at P. 393. (2) Adopted from law of collision on land. (3) 26 Cr. L. J. 1254.

---

**Sentence of fine should not be excessive.**

The accused was driving a motor car, which took passengers, between Bagalkote and Hongal. While so driving, he knocked down a man who sustained injuries. The accused was charged under section 5 for reckless driving and was sentenced to a fine of rupees 25. The Government appealed for enhancement. Their Lordships observed that "the conviction was justified no doubt. But the maximum penalty provided for the offence is a fine of rupees five hundred, and the general rule is that the fine imposed on an accused person should not be excessive, having regard to his pecuniary means. In the present case there is nothing to suggest that accused No. 1 was a person of such a means as would make it appropriate to impose a fine of (say) rupees 100, as was suggested by Government pleader. In my opinion the best way to stop dangerous driving of the kind in question is for the court, on conviction of the offender to exercise its power under sub-section 2 of section 18" (suspension and cancellation of the license.) *Emperor vs. Bassappa.* (1)

**Procedure** :—Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any section or of any rule made under section 11 of this Act, if the name and residence of person be unknown to such officer and can not be ascertained by him then and there.

When any such arrest has been made, the provisions of section 57, sub-section (2) and (3) and section 60 to 63 of the Code of Criminal Procedure shall apply.

**Section 5—form of the summonses—Section 68 Criminal Procedure Code—Summonses must contain particulars of the offence other-wise may be disregarded.**

The procedure of issuing summonses by the Magisterial courts purporting to charge the motorists, owners or drivers, of the offences under the Act without giving the slightest particulars of the offence alleged is not justified by law. Section 68 Criminal Procedure Code incorporates the form of summonses which is a statutory form, contained in schedule 5 to the Code which summons is to be issued to the accused person.

---

(1) 27 Bom. L. R. 1056.

The summons issued by a Magisterial Court, which does not contain form prescribed by the statute, the particulars of the place where, the time when, and the nature of the offence charged, may be disregarded by the person summoned, and the proceedings taken thereon, if objected to, must necessarily be invalid. *Emperor vs. Kunwar Rananjaisinghji of Amethi* (1).

**Section 279 I. P. C. and Sec. 5 Motor Vehicle Act—Rash negligent driving—**

The facts which have to be moved for a conviction under section 5 of the Motor Vehicle Act are substantially the same and the person who is charged under one of those sections may be convicted under the other in as much as there is no question of prejudice to him in such a case. *Charansingh vs. Emperor*, (2)

**Criminal Procedure Code Sec. 403—Rash driving resulting in hurt—conviction under Motor Vehicle Act Sec. 5—fresh prosecution under section 279, 338 I. P. C. whether barred?**

A motor driver, who drove recklessly and thereby caused grievous hurt to a person was convicted under section 5 of the Motor Vehicle Act. He was subsequently prosecuted for an offence under sections 279 and 338 Penal Code.

Held, that though the accused could not be prosecuted for an offence under section 279 of the Penal Code, or for any offence circumscribed by the rash driving, yet his conviction for rash driving could not protect him for prosecution for consequences of such rash driving, under section 338 of Penal Code. *Gurnarain vs. Emperor*, (3)

\* For further cases see notes to section 16, *Emperor vs. Rama* (4), *Makhsuddin Mistry vs. Emperor* (5), *Emperor vs. Pandoo Ramjee* (6).

(1) A. I. R. (1928) All. 261. (2) 26 Cr. L. J. 1054 at p. 1055.

(3) 29 Cr. L. J. 271.

(4) 30 Bom. L. R. 639.

(5) 22 Cr. L. J. 183.

(6) 28 Bom. L. R. 297.



## PART III.

## LICENSING AND CONTROL.

6. No person shall drive a motor vehicle in a public place unless he is licensed in the prescribed manner, and no owner or person in charge of a motor vehicle shall allow any person who is not so licensed, to drive it:

Licensing of drivers.

Provided that, subject to rules made by the Local Government in this behalf, this section shall not apply to a person receiving instruction in driving a motor vehicle.

**Public Place.**—For definition see section II.

**English Act.**—Has similar section (Sec. 20.)

Persons receiving instructions in driving must also possess license. As a precaution local rules have made it necessary for the beginner to take one properly licensed driver who could be held responsible for breach of rules. In some cases specified areas and the time have been fixed for the beginners.

**Responsibility of the owner:**—A motor-bus owner who allows his driver to drive his omnibus without license in contravention of sections 6 of the Motor Vehicle Act VIII of 1914, is guilty of offence and can not plead that he was not aware of the expiry of the license. A man can not entrust his car to another person and plead that he presumed that he was licensed. He must assure himself that he was licensed. (1) Emperor V. Kadir Mohiddin.

**Section 6 Motor Vehicles Act—Motor driven without owner's knowledge by an unlicensed driver—owner not liable nor is he liable even if his licensed driver permitted the unlicensed driver to drive:—**

The petitioner in the case was the owner of a motor-bus which was on a certain day driven by a person who had no license to drive. The petitioner was thereupon convicted

(1) 28 Cr L. J. 962. (1927)

under section 16 of motor vehicles Act, and sentenced to pay a fine of rupees 15, and order was made cancelling his license for a period of six months.

*Thornton vs Emperor* (1) *Baidyanath Bose vs Emperor*, (2) *Varajlal vs Emperor*, (3) were discussed and it was pointed out that, where a particular intent or state of mind is not of the essence of the offence, master can be made criminally liable for servant's acts, if the act is expressly prohibited but not otherwise; and he cannot be made so liable if the Act provides for liability for permitting or causing a certain thing unless it can be shown, that the act was done with the master's knowledge and consent express or implied. When a motor-bus is driven by a person who has no license without the knowledge of the owner, the owner cannot be convicted. Nor can he be convicted on the ground that his licensed driver had given the unlicensed driver permission to drive.

It was also established that the servant has no implied authority to engage a stranger to do the work on behalf of his master so as to render the master liable for the stranger's acts or defaults except perhaps, in the case of necessity, which term comprises only wellknown exceptional cases. *Indra Mohan Roy vs Emperor*. (4)

**Regulation of Traffic, control of traffic 'Control' meaning of. Bombay District Police Act (Bom. IV of 1890)**

The accused in this case were charged under section 1(a) Bombay District Police Act in as much as they refused to comply with the order given by the police in order to control traffic and were convicted and sentenced.

The facts of the case were that the accused who were Mohammedans formed a procession and proceeded along a certain route at Sholapur. At the time another procession of Hindus

(1) 38 C 415 (2) 45 C 436 (3) 51 C 948 (4) A. I. R. (1938) Cal 411.

was passing in the opposite direction, along the same route as settled by authorities. At different points in the route, accused gave no heed to the warnings given by policemen, stationed to control traffic to branch off in bylanes. They proceeded onwards in spite of the warnings, and came in contact with Hindu procession, which resulted into riot in which many persons were injured. Held, confirming convictions, that the words actually used are "to regulate and control traffic in the street" and the word "control" is certainly a very strong expression. One of its main dictionary meanings, as given in Websters is 'restrain, govern, overpower counteract' and the derivation of the word, throws interesting light on how it has come to have this meaning. It is derived from French word 'Contre-rolé' i.e. a duplicate role or register, and the idea suggested is that by keeping a duplicate role or register you have a check on alteration in a register and so can prevent dishonesty &c. From this came the meaning of something which serves to check, and so the further meanings of restrain or hinder. The ordinary meaning of the word control thus conveys the idea of hindering or checking a person in doing something, and of course the extent of any particular prevention must depend upon the special necessities of the occasion. *Emperor vs. Ghulam Kadir*. (1) For 'regulation of traffic'—see its application in sec. 4(a).

Transfer  
of  
licence.

7. The holder of a licence shall not allow it to be used by any other person.

Production of  
licence.

8. The driver of a motor vehicle shall produce his licence upon demand by any police officer.

English Law. (3 E. D. W. 7 C. 36) has similar Sec. 3 Sub section 4. Any person driving a Motor Car must produce his licence on demand by any Police Constable. If he fails to do so, he is liable to a fine not exceeding £ 5.

(1) 30 Bom. L. R. 361 (1928).

**Upon demand:**—If a person driving a motor vehicle does not produce his license immediately when called upon to do so, he is guilty under this section. The fact that he has a license but he has left it at home would be of no avail. The word "upon demand" are clear and can have only one meaning namely "at once," directly the demand is made. The reason is obvious. If a person driving a car, has not his license, and cannot produce it immediately and if he is allowed to go away it will be open to any body to evade the act and at once depart and never be seen any more by the police officer concerned. The number on the car will only inform the police as to the ownership of the car, but it will not inform them who was the driver. The object of the words 'upon demand' is also to enable the police officer to prevent unlicensed persons from driving cars and that can only be done by giving the police officers power to demand immediate production of the document when they call for it. Madan Mohan Nath Raira vs. Emperor. (1)

**Non-production of license on demand and the technical nature of the offence.** There is, no prohibition against the driving a car by a properly licensed person who has not got the license with him. What the offence is, the non-production of the license upon demand by any police officer. As the appellant must be perfectly well known to the police as the holder of a license, the offence is of the most trivial and technical nature possible. Dheklia Kunbl vs. Emperor. (2)

**Demand of license on private place,—can it be made?—Technical Character of the Offence—**A police officer can ask the driver of a motor vehicle for his license in the private grounds of a person and it is not necessary that the car should be actually being driven on a public road.

(1) 23 Cr. L. J. 729—43 All. 123 (1922).

(2) 23 Cr. L. J. (1922) Nag.

It is a harsh way of administering the law to institute prosecution against a properly licensed chauffeur simply because he may have not got the license on his person. The offence if at all is, a technical one and does not merit a prosecution. *Aku and another vs Emperor*. (1)

**U. P. Motor Vehicles Rule No. 22—meaning of "driver"—Order by Magistrate for production of license in court—conviction for non-compliance—legality of.**

No person is a driver within the meaning of section 8 of the Motor Vehicle Act, which requires the driver to produce his license on demand by any police officer, unless he is actually driving.

Rule 22 of the U. P. Motor Vehicle Rules has no application to the case of a person who has been licensed in the United Provinces.

A Magistrate in United Provinces cannot therefore convict a person who has been licensed as a driver in the U. P. for non-compliance of his order to attend his house or court with the license. *Emperor vs. Sita Ram* (2).

**Motor Vehicle Act Sec. 8 and 9—U. P. Motor Vehicles Rules 1914—Failure of motor drivers to produce on demand permits issued under rules 24, is no offence.**

Section 8 and 9 do not apply to permits under R. 24. United Provinces Motor Vehicle Rules 1924, but to the driving licenses prescribed by section 6 of the Act and Rule 20-22 consequently failure of the driver of a public motor vehicle to produce on demand a permit issued to him under rule 24 is not an offence. *Hasan Ahmad* (3).

(1) 27 Cr. L. J. 1072. (2) 28 Cr. L. J. 492 1927.

(3) A. I. R. 1928 All. 492.

9. Every licence to drive a motor vehicle shall be valid in such area as may be specified therein:

Extent of validity of licence to drive

Provided that no licence shall specify any area outside the province in which it is granted, unless it is issued by such authority and in accordance with such conditions and restrictions as the Governor General in Council may impose.

Sec 9. See provincial Gov. Rules and those of Native States  
Vide Appendix.

Failure to produce permits on demand. Whether offence.

See. Sec. 8 Hasam Ahmed. (1)

10. (1) The owner of every motor vehicle shall cause it to be registered in the prescribed manner.

Registration of motor vehicle.

(2) Such registration shall be valid in such area as may be specified in the certificate of registration:

Provided that no certificate of registration shall be valid outside the province in which it is granted unless it is issued in accordance with such conditions and restrictions as the Governor General in Council may impose.

Outside the Province &c.—Under the rules framed by the Local Government of any province, a certificate of registry granted by such province is accepted as valid under the corresponding rules of other provinces of India (see Appendix.) Certain Native States have been granted reciprocatory rights in the matters of registration under Motor Vehicle Rules (Native States.)

11 (1) The Local Government, subject to the condition of previous publication, shall make rules for the purpose of carrying into effect the provisions of

Power of local Government to make r.l.s.

(1) A. I. R. (1928) All. 492.

this Act and of regulating, in the whole or any part of the territories under its administration, the use of motor vehicles or any class of motor vehicles in public places.

(2) In particular, and without prejudice to the generality of the foregoing powers, the Local Government may make rules for all or any of the following purposes, namely:—

- (a) providing for the registration of motor vehicles, and the conditions subject to which such vehicles may be registered, the fees payable in respect of and incidental to registration, the issue of certificates of registration, the notification of any changes of ownership, and (subject to the provisions of section 10), the area in which and the duration for which certificates of registration shall be valid;
- (b) providing for facilitating the identification of motor vehicles by the assignment of distinguishing numbers to such vehicles and the displaying of number and name plates thereon, or in any other manner;
- (c) regulating the construction and equipment of motor vehicles, including the provision and use of lights, bells, horns, brakes, speed—indicators or other appliances;
- (d) prescribing the authority by which, and the conditions subject to which, drivers of motor vehicles or any class of such drivers may be licensed, the fees payable in respect of such licences, and (subject to the provisions of

- section 9), the area within which, and the duration for which, licenses shall be valid;
- (dd) prescribing the authority by which and the conditions and limitations subject to which licenses may be suspended or cancelled.
- (e) prescribing the conditions subject to which, and the fees (if any) on payment of which, motor vehicles may be let or plied for hire in public places, generally or in any particular public place;
- (f) prescribing the precautions to be observed when motor vehicles are standing in any public place;
- (g) limiting the speed at which motor vehicles may be driven generally or in any particular public place;
- (h) prohibiting or regulating the driving of motor vehicles in public places, where their use may, in the opinion of the Local Government, be attended with danger or inconvenience to the public; and
- (i) providing generally for 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.

(5) All rules made under this section shall be published in the local official Gazette; and on such publication, shall have effect as if enacted in this Act.

**Amendments:**—"and the duration for which" in clause 2 (a), and new clause (dd) have been added by Act XV of 1924 and Act XXXVII of 1920 respectively.

In conformity with the powers granted under this section various Local Governments have made rules for regulating the use of motor vehicles in public places of their respective provinces and presidency towns. (See appendix.)



**These Rules**, as would be noted chiefly deal with 1 Registration of motor vehicles. 2 Identification of motor vehicles. 3 Regulating construction and equipment. 4 Licensing the drivers. 5 Authority and conditions, suspending and cancelling license. 6 Plying for hire. 7 Precautions to be taken while standing in public place. 8 Limiting speed. 9. Prohibiting and regulating driving in public places. 10 Providing for prevention of danger.

#### NUMBER PLATES.

**Local Rules.—Patna.—Failure to fix number plates—user of the car, liability of—defective light prosecution for—evidence nature of.**

The owner of the car is responsible for fixing the number on the car, and not the user of the car.

In prosecution for driving a motor vehicle on a public road with defective lights, time is the most important point. There should be independent and direct evidence of two persons. It is of little practical use for a police officer to come into court and say "some time after dark" or about 7 p.m. or words to that effect. *Aku and another v. Emperor* (1).

**Following English cases would be found useful on the point.**

On a prosecution for not having the plate illuminated, the defendant may prove as a defence, that he had taken all steps reasonably practicable to keep it illuminated. *Printz v. Scheth*. (2)

The proprietor is responsible if his servant do not fix the lamp in proper position. *Provincial Motor Car Co. v. Dunning* (3).

**Dirty number plate:—**At Hampstead Police Court the Automobile Association has just successfully defended a member who was charged with failing to keep his rear number plate clean. The allegation of the police was that the number was not easily distinguishable as the plate was covered with dirty mud and that defendant was therefore clearly guilty, of the breach of the law. The A. A. Solicitor argued, on behalf of the motorist, that whole trouble was due to the fact that the defendant had passed over some dirty roads and that as all reasonable precau-

(1) 27 Cr. L. J. 1072 (1926). (2) 2 K. B. 511. (1922) (3) 2 K. B. 599 (1909).

tions have been taken, the defendant had done every thing that could be expected of him in order to comply with the law. The Bench accepted the argument and dismissed the summons. Times of India (1).

#### LIGHTS.

**Rules 10 & 17 of the Punjab Motor Vehicle Rules—Servant driving motor car without light after lighting time—Absent owners responsibility.**

Rules 10 and 17 of the Punjab Motor Vehicles Rules apply only to the driver or to a person using the car at the time it is being driven and not to an absent owner. The owner of the car therefore is not liable to be fined, because in his absence, the servant drove his motor car without lights after lighting up time. *Sohansing v. Emperor*. (2).

**Motor Vehicle Rules U.P., Rule 12(1) Provision of.—Meaning of front portion of vehicle.**

All that the rule 12 of the rules framed by the U. P. Government, under section 11 of the Motor Vehicles Act requires is, that there must be affixed, on each side of the front portion of the vehicle, lamp showing white light in front. The word front portion in clause (a) of the rule must be read as contradistinguished from rear and the back of the vehicle, mentioned in the clause (b). The front portion of the vehicle does not mean the extreme end of the bonnet or the extreme end of the front portion. The front portion is the portion, which is outside the seats and the steering wheel. *Mohamed Said v. Emperor*. (1918) (3).

**Burma Motor Vehicle Rules 28(3)—Car not properly lighted—master being absent, his liability.—prosecution for trivial offence should be discouraged.**

Where a car was driven by a chauffeur of the accused, who was the owner without a proper rear light, the facts being, that though the provision had been made for a rear light, yet the

(1) Dated 16-2-23.

(2) 19 Cr. L. J. 928 (1918). (3) 19 Cr. L. J. 860 (1918).

illumination on the particular occasion was not sufficient to render the registered number sufficiently legible at a reasonable distance. The owner who was not then in the car, could not be responsible and cannot be convicted. In such and similar cases it would be nothing more than reasonable and just in the first instance to point out to the driver (whether owner or servant) that the requirements of the law are not being strictly complied with. Should such a warning be disregarded, the offender would not possibly complain of being harassed, and would only have himself to blame for not taking the friendly advice given. Magistrates should, as far as lies in their power, discourage prosecution for every trivial offence under Motor Vehicle Act and Rules, except when a previous warning has been ignored, or when public safety has in fact been endangered. *Mohamad Surety v. Emperor* (1).

**Rule 16 Madras Motor Vehicle Rules. No lighting of the car.—legality of the conviction when owner absent.**

Rule 16 states that no person may cause or permit a motor vehicle to stand or be used in a public place between half an hour after sunset or half an hour before sunrise unless it carries lights, burning as stated in the rule.

Before the owner of a motor vehicle can be convicted of an offence under this rule, it must be shown, that he caused or permitted the car to stand without lights burning. (*Sohansing vs. Emperor* referred) (2). In *re Krishna Swami Ayer*. (3).

**BLOWING OF HORN.**

**Rule 9 of the Madras Motor Vehicle Rules under Act 1 of 1907.—Omission to blow horn at a turning.**

On omission to sound horn when a motor car driver goes from right side to the wrong side of the road for the purpose of turning, which causes a collision with another vehicle, constitutes an offence under rule 9 framed under Motor Vehicles Act 1907 (rule 18 of the present rules). *Rathnum v. Emperor* (4).

(1) 1 Ran. 600 (1924).

(3) 19 Cr. L. J. 928 (1918).

(2) 20 Cr. L. J. 825 (1919).

(4) 13 Cr. L. J. 487 (1912).

**Motor Vehicles Rules 27A (Bombay)—Driving a car while under the influence of liquor.**

Accused a professional motor driver was driving a motor car, while he was under the influence of liquor at 6-55 p. m. from Woodhouse Road along Queen's Road in Bombay. Near Co-operaage, he sharply swerved to his right for parking without warning and cut across a front car coming from opposite direction and the two cars collided. He was charged and convicted. It was contended on behalf of the accused that rule did not apply as the charge merely states that the accused was under the influence of liquor, instead of being intoxicated which requires that he should be absolutely incapable of driving a motor vehicle.

Held: The word intoxicated cannot be read in this very extreme sense. In fact it corresponds with the word "drunk" that is generally used in similar English enactments. The words 'under the influence of liquor' do sufficiently represent the meaning of the word 'intoxicated' except that it may be said that the latter word expresses a degree of influence which is not sufficiently expressed in the word "under the influence of liquor." *Emperor v. Rama Devjee* (1)

**Madras Motor Vehicles Rules, 1923 r. 30 (2)—License renewal of, whether may be taken during the year—"Annually" meaning of.**

The accused in this case was the manager of Karkal Motor Service, in South Kanara and was charged with having allowed bus to run for hire after 29th March 1926, without getting the registration certificate of the bus renewed as required by r. 30(2) of Madras Motor Vehicles Rules 1923 punishable under section 16 of Motor Vehicle Act VII of 1914. The accused was granted a certificate in 1925 and it expired on 29th March 1926. But application for grant was not made till 8th April 1926 and received in the collector's office till 10th April 1926.

(1) 30 Bom. L. R. 636 (1928.)

Rule 30(2) ran as follows.—“ Every motor vehicle which is let or plies for hire shall be registered annually.” The Lower Court acquitted the accused on the ground that the registration certificate in this case need not be renewed exactly 12 months after issue, and that the certificate granted in 1925 did not cease to be in force after 12 months but that the rule only required that the registered certificate should be renewed every year i.e. calendar year which in the present case expired only on 31st December 1926. The Government having appealed, their Lordship dismissed the appeal having concurred with the view expressed by the lower court. Public Prosecutor v. Ganapathi Hegde (1).

**Rule 6 and schedule D of the Bombay Motor Vehicles Rules 1915.—The Limit introduced in Motor Certificates—Ultra vires :—**

The amendment of the rules by Local Government limiting the duration of the time for which a certificate was to be valid is ultra vires as no power was given under section 11 of the Indian Motor Vehicles Act to make rules for that purpose. Empeor v. Baker. (2) Macleod & Shah J. J.

The same was decided in another case. It is ultra vires of the Local Government to fix a time limit in the registration certificate and to make corresponding changes in the schedule D, as no power was given by section 11 to make rules for that purpose. Rule 6 of the Bombay Motor Vehicles Rules as amended is invalid and inoperative. Emperor v. Sperton (3).

**Ratnagiri Motor Rules 7 and 34(1), The driver not holding license for the car. Car carrying mails and passengers in excess not a mail car and free from the operation of the rules.**

The owner of the car held a contract for the transport of the mails between Ratnagiri and Kolhapur. They obtained special permission to carry passengers on hire on cars which took the

(1) 28 Cr. L. J. 1022 (1927).

(2) 24 Bom. L. R. 50 (1922); (3) 46B. 646 (1922).

mails. The accused on 30th August 25 took mails from Kolhapur to Ratnagiri. It was licensed to carry 7 passengers. The accused carried 17 persons from Kolhapur to Ratnagiri and as he did not hold the license for the particular car was convicted.

Held that accused had not driver's license for the car in question as required by rule 7 and though the car was carrying mails still it was a car plying for hire. There is no authority for holding that a car because it carries mails is exempt from rules regarding the number of passengers in the permit. The regulations being made for the safety of the passengers it cannot be assumed, in the absence of clear evidence to the contrary, that legislature contemplates that the passengers carried in motors carrying mails, should be in a position of less safety than those travelling by ordinary car. *Emperor v. Aba Appa* (1).

#### LEAVING THE CAR UNATTENDED, WHETHER NEGLIGENCE.

The general principle is 'it not necessarily negligent to leave a vehicle unattended on a roadway. Whether or not it is negligent must be decided by reference to the surrounding circumstances or the probability or improbability, in view of these circumstances of harm being done as a result of vehicle being so left.

Following few examples will help to understand the position.

**Lorry left unattended to have a drink**—A lorry driver left the lorry, in a cross street and went into a public house to have a drink. In his absence a child went under the lorry. The driver came out and drove off and injured the child. Held, defendant was liable as the direct cause of the accident was carters starting without looking to see that all was clear. *Morrison v. M'Ara* (2).

**Car in charge of a friend**—Defendant who was the owner of a motor car frequently allowed a friend of his to drive it. On the occasion in question defendant, got out of the car and allowed

(1) 29 Bom. L. R. 191 (1927).

(2) 23 R. 564 (1901).

his friend to drive it to the latter's house, which was in a road with a very steep gradient. Defendant's friend left, the car started down the hill and crushed into the area of Plaintiff's house. In an action for damages held that the fact of the car having run down the hill of itself when it was left unattended was sufficient evidence of negligence and although defendant was not in control of the car when the accident happened, yet as he had the right of control there was evidence of which Judges could find that defendant was responsible as principal. *Parker v. Miller* (1).

**Interference by third party.**—If a horse and cart are left standing in the street without any person to watch them the owner is liable for any damage done by them, though it be occasioned by the act of a passer by in striking the horse. *Illidge v. Goodwin* (2)

*Note.*—It was said in this case that "if a man chooses to have his cart unattended in the street he must take the consequences of an accident resulting from his conduct." But in view of trend of recent cases that, it is not necessarily negligent to leave cart or car on the road, and the duty of the driver in such matters is qualified by the circumstances of the case, such as traffic, proximity of alarming objects &c., this decision does not seem satisfactory. The question for the Jury will then be whether in view of the circumstances of the case the driver acted reasonably in leaving his charge, or whether there was something in the circumstances which should have put him on his guard and prevented him from leaving his charge unattended.

**Interference by children.**—Defendant negligently left his horse and cart unattended in the street. A child of 7 years old got upon the cart in play, another child uncautiously let the horse on, and Plaintiff was thereby thrown down and hurt. Held amongst other things that co-operation of a third parties in the injury was not a ground of defence if the means of injury were negligently left, when it was

---

(1) 42 T. L. R. 408 C. A. (1926). (2) 5 C. & P. 192 N. P. (1831).

extremely probable that they would be put in motion, and that it would be open to the Jury to find that what the child did was merely in indulgence of a child's natural instinct to amuse himself and was not contributory negligence. *Lynch v. Nurgin* (1).

**Motor left out of Gear.**—Defendant's servant momentarily left stationary but unattended on a highway a steam motor lorry. In order to start the lorry it was necessary to withdraw a hand pin from the gear lever and then to remove that and two other levers. Two soldiers seeing the lorry mounted it. One tried to set it in motion but failed. The other succeeded in starting it backward so that it ran into Plaintiff's shop and did damage. Held, there was no evidence of negligence under the circumstances in leaving the lorry unattended.

A person lawfully leaving his property unattended in a highway must take reasonable means to prevent such mischief as he ought to contemplate as likely to arise from his user of the highway. He is not liable for damage caused by his property through such interference of third person which he is not bound to anticipate. *Raoff v. Long* (2).

**Brakes out of order.**—To leave a motor car unattended on a fairly steep slope in a public highway, with the brakes out of order and with only an easily removeable block of wood to keep the car in position, so that the car could be easily started down hill by any mischievous person constitutes evidence of negligence. *Martin v. Stanborough* (3).

A motor car was left unattended by a roadside in breach of Turnpike Act 1831. The horse in passing wagonette shield at it and damage was done. Held that the defendant was not liable, since the accident had not resulted from the car being left unattended. *Macfarlane v. Colam* (4).

(1) 1 Q. B. 29 (1841).

(2) 1 K. B. 148 (1916).

(3) 41 T. L. R. 1 (1924).

(4) S. C. 56 (1908).



The duty of the driver in cases of these nature is qualified by the circumstances.

**Municipal Bye-Law and rule under Motor Vehicles Act VIII of 1914.—Motor left unattended on the street.—Prosecution under Calcutta Municipal Act. Section 550 C1(18) Bye-Law.—Is it superceded by Indian Motor Vehicles Act VIII of 1914 S. 11(2) and Rule 24 under the Act?**

The petitioner was convicted and fined for leaving a motor car on public place unattended in contravention of the bye-law 10 framed under section 550 Calcutta Municipal Act. There is also a similar provision under section 11 of the Motor Vehicles Act, rule 24. The issue was whether bye-law No. 10 was superceded by implication by rule 24 under Motor Vehicles Act. The test is whether there is any repugnancy between the two provisions. The rule under the Motor Vehicles Act applies to cases when mechanism of motor vehicle is stopped, while bye-law applies to all cases. In our opinion there is no real repugnancy and also that though the punishment may be inflicted for the contravention of the two provisions these are not identical. The rule namely, where the punishment or penalty is altered in decree, but not in kind, the latter provision is considered as superceding, the earlier one has no application here. So the bye-law has not been repealed. *Indian Motor Taxi Cab Co. v. Corporation of Calcutta* (1).

**Master's liability for accident caused by cleaner of a motor car.**—Where the chauffeur left the car in the street in charge of the cleaner, who was forbidden to drive and went to a neighbouring workshop, while the cleaner started the car and drove it against a corporation post, breaking it into pieces. It was held that master was not liable merely on the ground that the cleaner was the servant and that driving the car lay outside the scope of his employment. Nor chau-eur could be regarded as negligent as the motor car with the engine at rest, is a very different thing from a horse drawn van with the reins attached to a hook and a much larger measure of interference is needed to put it in motion, unless

(1) 25 C. W. N. 21.

it would be said that the chauffeur ought to have anticipated that the cleaner would try to drive the car. *Nalini Rajan Sen Gupta v. Corporation of Calcutta* and another. (1)

#### SPEED.

**English Law**—In England the provisions as to speed are to the following effect.

A person may not in any circumstances drive a motor car on a highway or roadway to which the public are granted access, at a speed exceeding 20 miles an hour and within any limits or place referred to in regulations made by the Local Government Board, a person may not drive a motor car at a speed exceeding 10 miles per hour. Penalty for 1st offence 10\$, for 2nd 20\$ and for subsequent offence 50\$. In Scotland conviction has been quashed for not indicating with sufficient certainty the locus of the offence. *Connell v. Mitchel* (2).

The fact that the owner is driving when stopped at one end of the trap, is some evidence that he was driving when speed was excessive. *Beresford v. St. Albans Justices* (3).

**Stop-watch evidence.**—The evidence given by the holder of a stop watch as to the time taken in travelling between two points is evidence of fact and not opinion. *Plauey v. Marks* (4).

In another case it was held that evidence as to speed, though timed by an ordinary watch is admissible. *Yeaman v. Jamerson* (5).

In England written notice containing the particulars of the alleged offence as to place, date, hour, or atleast warning, was held necessary before actual prosecution.

(1) 18 Cr. L. J. 985 (1917).

(2) See (Judiciary) 13 (1909). (3) 22 T. L. R. 1 (1905).

(4) 70 J. P. 216 (1906). (5) 47 Sc. L. R. 158 (1910).

**Calcutta Motor Vehicles Rules, Part II, rule 16.  
Motor lorry driven at excessive speed, driver's  
owner's liability—Rule 3, meaning of 'causing' per-  
mitting to be driven.**

In the case the owner of a motor lorry was prosecuted on the ground, that he allowed the driver of the lorry to drive at an excessive speed. It appeared that the owner was not in the motor lorry at the time of the alleged offence, and had cautioned the driver not to exceed the speed and to drive with due care and caution. It was held that under the circumstances of the case, the rule made only the driver liable as it only contains a prohibition, against driving at a greater speed than that stated in the rule. As to rule 3 the owner of the lorry under the circumstances cannot be said to have caused or permitted the lorry to be driven in contravention of rule 16. Where a particular intent or state of mind is not of the essence of the offence, a master cannot be made criminally liable, for his servant's acts. If an act is expressly prohibited, but not otherwise, and he cannot be so made liable, if the act provides for liability for permitting or causing a certain thing, unless it can be shown that act was done with the master's knowledge and assent, express or implied. *Varajlal v. Emperor* (1).

**Tax on motor vehicles by municipalities  
outside Calcutta—Rule 19 Bengal Motor Vehicles  
Rules.**

Petitioner was convicted under section 16 of the Indian motor vehicles Act of 1914 for having contravened an order of the chairman Krishnagar Municipality, prohibiting the plying of motor lorries for the purpose of gain within the jurisdiction of that municipality on all its roads without the special permission of the chairman. Held where no rules have been framed under the Act to enable municipality to impose a tax, on motor vehicles plying for hire, the municipality can not take advantage of rule 19 to impose the tax. Rule 19 was passed for the protection of roads,

(1) 25 Cr. L. J. 1209 (1924).

and it was not intended that a prohibition under the rule should distinguish between private vehicles and vehicles plying for hire. *Sudhamony v, Chairman Krishnagar Municipality.* (1)

**Master and Servant.—Their respective liabilities :—Calcutta Motor Vehicles Rules No. 13 and 10  
Owner's liability for servant's acts :—**

Where the accused was the owner of a motor taxi cab in Calcutta, and the driver improperly drove the car into a drain, thereby injuring the passengers, the driver having absconded, the owner was held to be liable for having caused or permitted the act of driving, during the period of license. *Baidyanath Bose v. Emperor.* (2)

**Disobedience of the Rule of the Road—Burma  
Motors Vehicles Rules r. 46—Passing tram car on  
right side, permissibility of—Negligence.**

Facts of the case were—That Eastern Sub-divisional Magistrate found that a collision between a corporation motor vehicle and a tram car which was following it was caused by the negligence of the tram car driver and that the corporation vehicle passed the tram car on the right hand just before the collision and held that as the accused passed on a narrow bridge on a day when there was great vehicular traffic, the disobedience of the rule of the road prescribed in r. 46 Burma Motor Vehicles Rules constituted negligence on the part of corporation vehicle driver.

Held confirming conviction, under r. 46 of the Burma Motor Vehicles Rules, except for a reasonable cause a tram car must be passed on the left side, the provision merely allows a special exception to the general rule. To pass it, therefore on the right side is *prima facie* negligence on the part of the driver. *Ahmed v. Emperor* (3).

---

(1) 26 Cr. L. J. 1269 (1925.)

(2) Cr. L. J. 985 (1917)

(3) 28 Cr. L. J. 484 (1927).

**Motor Vehicles Act Section 16.—Madras Motor Vehicles Rule 27C—Scope—“ Accident ” meaning of.**

The petitioner while driving his car along a road, it went over a parapet of a culvert and fell into a channel. The front axle of the car was bent and the petitioner and others in the car were slightly hurt, but they returned home in the same car. There was nothing to point out that the car was rendered unsecurable. The petitioner was convicted for failing to report the accident to the nearest police station by rule 27C of the Madras Motor Vehicles Rules and was convicted and sentenced under 16 of the Motor Vehicles Act.

Held that rule 17 (“the driver of the motor vehicle shall promptly report all occurrences of accidents to the nearest Police Station.”) is intended to apply only to accident happening to car which one is driving and which results in, some injury annoyance or danger to the public or of danger or injury to the public property or obstruction to traffic. That the accident which happened was not one within the contemplation of rule 27C and the conviction of the petitioner was illegal. *Re Nagaraja Mooppanar* (1).

**Danger to the Public.—Danger (AT END).—**The offences prescribed by section 72 Highway Act 1835, which are thereby limited to those which are “to the injury, interruption, or *Personal Danger*, to any person travelling” on a Highway, involve the idea of injury, interruption, or personal danger to some actual passenger. *Stinson v. Browning* (2) &c. but a motor, or other light locomotive, may offend against a light locomotive Order not to go “at any speed, greater than is reasonable and proper, having regard to the traffic on the highway, or so as to endanger the life or limb of any person or to the *Common Danger of Passengers*, ” without its being shown that there was any passenger actually using the highway at the time. *Mayhew v. Sutton*, (3) *Smith v. Boon* (4).

(1) 29 Cr. L. J., 461 (1928). (2) 35 L. J. M. C. 152.

(3) 71 L. J. K. B. 46. (4) 65 J. P. 486.

**Obstruction to Traffic.**—"Shall leave any carriage or cart on a Highway so as the passage there" of section 78 Highway Act 1835, does not involve the idea that the cart or carriage must be unattended; if attended, that should be taken into consideration, but though attended in any case may cause an obstruction within the section. *Harde v. Evans* (1) But merely to warn a person, to be on his guard against committing an offence e. g. to warn a motorist of a trap set by police to catch him driving at excessive speed is not "wilfully obstructing" a constable in the execution of his duty within section 248-49 V. C. 75. (2)

**Criminal Liability for acts of servants or others.**

The general principles are, that for a master to be responsible for the acts or omissions of his servants, in the eyes of criminal law such acts or omissions must be done either at the master's command or with his acquiescence, with full knowledge of the material facts. *Oakley v. Speedy* (3). And it is immaterial i.e. accident would not have happened, if the master had not committed some unlawful act, provided that the servant's negligence, and not the illegal act of the master is the proximate cause.

So also one person i.e. the owner of the motor car, may be responsible for the offences of another, though not his servant, where he has the control over the conduct of that other.

If one owing a duty entrusts that duty to another, known to him to be competent, he is guilty of manslaughter if the other's in competence causes death.

**Rules—Vagueres.**

It is desirable to make the rules clear that there is some officer, who is bound to inspect the car. The rule should also be made clear whether the owner of the car should take the car to the place which is his head-quarters, or whether the officer may fix the place for the inspection, or whether the owner of the car should go in search of the officer. Secy. of State v. Ganapati Somayya (4).

(1) 70 J. P. 548. (2) 23 L. T. 430. (3) 40 L. T. 881 at p. 883.

(4) 97 I. C. 847-51 M. L. J. 446.

**Abetment of the offence—Master and servant.**

It is not abetment of the offence for the master to omit to give information, unless the omission was illegal, that is to say in disobedience to an obligation imposed on him by law. Emperor v. Cooverjee (1).

Posting of notice:.

12. The prescribed authority shall give, in the prescribed manner, public notice of any rule, made by the Local Government under section 11, prohibiting or regulating the driving of motor vehicles in any public place; or limiting the speed of motor vehicles in any such place; and for the purpose of giving effect to any such rule, shall display conspicuous notices at or near the place to which the rule refers.

Power to Local Government to exclude areas or motor vehicles from this Part.

13. The Local Government may, by notification in the local official Gazette, exclude any area specified in such notification from the operation of this Part; and may, by a like notification, exempt either generally or for a specified period any motor vehicle or class of motor vehicles from the operation of all or any of the provisions of this Part.

Road-rollers are exempt from the operation of all the provisions of part III of the Act.—Vide Home (Judicial) Department Notification No. 924 Dated 29th Nov. 1916.

The motor vehicles requisitioned for military purposes or registered as military motor vehicle by the Quarter Master General in India, and drivers enlisted for military service, have been exempted, in some provinces, from the operation of the rules relating to license, registration &c, framed by the local Government in this behalf.

Vide B & O Govt- Notification No. 742 M. R. 28/6/20. And rule 26 A of B. & O. Motor Vehicles Rules.

Madras Government Notification No. 870 Fort St. George Gazette 29/12/17 P. 1425.

(1) 9 Bom. L. R. 161.

Burma Govt. Notification No. 31, 22/3/18. Rule 2A of Burma Motor Vehicles Rules &c.

#### PART IV.

##### MOTOR VEHICLES TEMPORARILY LEAVING OR VISITING BRITISH INDIA.

14. (1) The Governor General in Council may make rules for all or any of the following purposes, namely :—

Power of Governor General in Council to make rules.

(i) for the grant and authentication of any travelling passes, certificates or authorities for the use of persons temporarily taking their motor vehicles out of British India, or to drivers of such vehicles when proceeding out of British India for the purpose of driving such vehicles, and

(ii) prescribing the conditions subject to which motor vehicles brought temporarily into British India by persons intending to make a temporary stay there may be possessed, used and driven.

(2) All rules made under this section shall be published in the Gazette of India; and, on such publication, shall have effect as if enacted in this Act.

##### Rules made by Governor General in Council.

In exercise of the powers conferred by this section, the Governor General in Council has been pleased to make the following Rules.

- (1) Motor Vehicles Inter-National Circulation Rules 1915. (See Appendix.)
- (2) Motor Vehicles Rules 1916. Native States. (Vide Appendix.)
- (3) Rules prescribing the conditions subject to which motor vehicles brought into British India from Afghanistan, by persons intending to make a temporary stay in British India.

(Vide H. D. Endorsment No. F. 740/25 Judicial 22 Oct. 25.)



15. Nothing in this Act or in any rule made by the Local Government under section 11 relating to,

(a) the registration of motor vehicles,

(b) requirements as to construction, identification or equipment of such vehicles, or

(c) the licensing or qualifications of drivers of such vehicles,

shall apply in the case of any motor vehicles such as is referred to in clause (i) of sub-section (1) of section 14, or of any person possessing, using or driving the same, provided that the requirements of any rule made under the said clause and applicable to such vehicle or person are complied with

**Amendments.**—The words “by the Local Government under Section II were introduced by Act XIII of 1916.

## PART V.

### MISCELLANEOUS.

16. Whoever contravenes any of the provisions of this Act or of any rule made thereunder shall, if no other penalty is elsewhere provided in this Act for such contravention, be punishable with fine which may extend to one hundred rupees, and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder with fine which may extend to two hundred rupees. Penalties.

This section provides for punishment for offences under the Act. (except for offence under section 5, which has its own provision for punishment.) and also for breach of any rules made under the Act, by respective Provincial Governments.

**Prosecution for trivial offences should be discouraged.**—In the case of trivial breach of motor vehicle rules; it is only just and reasonable, that in the 1st instant, the Police Officer

should point out to the driver (whether owner or servant), that the requirements of law are not being strictly complied with. Should such a warning be disregarded, the offender could not possibly complain of being harassed and would have only himself to blame for not taking the friendly advice given. Magistrates should so far as it lies in their power discourage prosecutions for every trivial offence under the Motor Vehicles Act and Rules, except where a previous warning has been ignored, or where a public safety has in fact been endangered. This is the practice in Great Britain and other cities of the Empire and it is in harmony with the dictates of reason and justice. *Mohamad Surty V. Emp.* (1)

**Section 16.—Its Scope.** There is no such thing as an offence under section 16 of the Motor Act at all and, in the second place, there is no offence in the Motor Vehicles Act of failing to give notice to the police that the accused driver has killed a boy. Section 16 is a penalty clause and prescribes the penalties which may be inflicted upon any-body who contravenes any of the provisions of the Act or any of the rules made under the Act. *Emperor V/s. Kunwar Rananjaisingji of Amethi.* (2)

**Motor Vehicles Rules (Bombay) No. 27A Driving a car while under the influence of liquor. Separate prosecution on the same facts under M. V. R. (Bombay) 27A and under section 6 of the Act—Cri. Pro. C. Sec. 135—Enhancement of sentence application for.**

Accused a professional motor driver was driving a motor car, while he was under the influence of liquor at 6-55 from Woodhouse Road along Queens Road in Bombay, Near Co-operage, he sharply swerved to his right for parking without due warning and cut across a front car coming from opposite direction and the two cars collided.

---

(1) 25 Cr. L. J. 196. (1924)

(2) A. I. R. (1928) All 261'

On September 27, 1927 Accused was charged under Motor Vehicles Rules 27 A—for driving a car while under the influence of liquor. He pleaded guilty and was fined Rs. 7/-.

On 29th September 27, 1927, he was again charged on the same facts for rash driving under Sec. 5 of Motor Vehicles Act VIII of 1914, and was convicted and fined Rs. 25/-. The Government applied for enhancement of sentence. Held, a breach of the Rule 27—A would be committed the moment the accused was driving and the act of rashness was subsequent one. But there is nothing illegal in his being separately charged and tried for each of the two offences.

Their Lordships further observed, as regards the merits we think that the breach of this particular rule should ordinarily meet with deterrent punishment because the danger involved in a person driving a motor car when intoxicated is very great. Emp. Vs Rama Devjee. (1)

**For further cases on Procedure see section 5 cases Emperor v. Kunwar Bananajsingji A. I. R. (1928) All 261 Gurnarain v. Emperor 29 Cr. L. J. 271.**

**Punishment too severe.**

For other cases on the point of severity of sentence See Empror Vs Bassppa and Charansing V Emperor. Under section 5.

**Prosecution for offence under section 338 I. P. C. and acquittal. Subsequent prosecution on same facts under section 16 Motor Vehicles Act,—illegal.**

So long as the acquittal under section 338 I. P. C. remains in force, the trial of a person on the same facts for an offence under section 16 of the Motor Vehicles Act is barred under section 403 of the Criminal Procedure Code. He cannot be tried again on the same facts, cognate to or involved in the offence with which he was previously charged. In the former trial itself a charge under Motor Vehicles Act could well have been framed. either as a sub-

(1) 30 Bom. L. R. 639.

tantive one or in the alternative under section 236 of the Criminal Procedure Code. He could have also been convicted under section 16 of the Motor Vehicles Act when he was tried for the offence under section 338 I. P. C. An acquittal in the former trial, bars a second prosecution. *Maksuddin Mistry Vs Emp.* (1921). (1)

(See also Section 5 notes).

**Conviction and release with admonition under section 562 Criminal Procedure Code For an offence under Motor Vehicles Act not contemplated:—**

Accused was convicted under section 16 Motor Vehicles Act for a breach of rule 35K of motor vehicles Rules, but was released after due admonition under section 562 (1), of the Criminal Procedure Code. Held that that the provisions of the Criminal Procedure Code apply only to certain specified offences punishable under I.P.C. They have no application to offences under other acts, e. g. the Motor Vehicles Act 1914. *Emperor V Pandu Ramjee.* (2).

**Motor Vehicles Act Section 16.—Omission to specify the section or the rule for breach of which a person is being tried is a serious defect.**

Omission in a summons to specify the sections of the Motor Vehicles Act, or Rules made there under for a breach of which a person was being prosecuted is a serious defect. (A I. R. 1928 All 261, Rel. on.) *Re.—Hasan Ahmad* (3).

**Abetment of the offence.—Master and Servant.**

It is no abetment of the offence for the master to omit to give information, unless the omission was illegal, that is to say in disobedience to an obligation imposed on him by law. *Emperor V Cooverjee.* (4).

(1) 22 Cr. L. S. 271 (1921).

(2) 23 Bom. L. R. 297.

(3) A. I. R. All 492.

(4) 9 Bom. L. R. 161.

17. No Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence punishable under this Act or any rule made thereunder.

Cognizable offences.

18. (1) A Local Government may, in its discretion,—(i) cancel or suspend any licence granted under this Act, and (ii) declare any person disqualified for obtaining a licence under this Act either permanently or for such period as it thinks fit.

Cancellation and suspension of licence and disqualification for obtaining licence

(1A) The prescribed authority may, subject to such conditions and limitations as may be prescribed cancel or suspend any license granted under this Act.

(2) Any Court by which any person is convicted of an offence against the provisions of this Act or any rule made thereunder or of any offence in connection with the driving of a motor vehicle shall, if such person holds a licence under the Act, cause particulars of the conviction to be endorsed thereon and may, in respect of such person and of his licence, if any, exercise the like powers as are conferred by sub-section (1) on the Local Government :

Provided that no order made by a Court under this sub-section shall affect any person or licence for a period exceeding one year from the date of such conviction.

(3) Any Court before which the holder of a licence under this Act is accused of any offence mentioned in sub-section (2) may suspend such licence until the termination of the proceedings before it.

(4) A copy of every order of cancellation, suspension or disqualification made under this section in respect of a licence or the holder of a licence shall be endorsed on the licence, and a copy of every endorsement, in accordance with the provisions of this section, shall be sent to the authority by which such licence has been granted.

(5) Every holder of a licence shall, when called upon to do so, produce his licence before any authority acting under this section.

(6) A person whose licence has been cancelled or suspended in accordance with the provisions of this section, shall during the period for which such order of cancellation has effect, or during the period of suspension, as the case, may be, be disqualified for obtaining a licence.

(7) No person whose licence has been endorsed or who has been disqualified for obtaining a licence shall apply or, or obtain, a licence without giving particulars of such endorsement or disqualification.

*Amendment*—Clause 1A added by Act XXVII of 1920.

**Production of and Endorsement on the licence;**—Under this section the court is empowered to endorse on the licence of the person convicted. (1) The particulars of the conviction in connection with any offence under the Act, or. (2) For breach of rule under the Act, or (3) For any offence in connection with the driving of a motor car.

**English Law**—In this connection the English law is little bit different. There discretion is allowed to the court in case of some offences but not in others. For instance it has been held that following offences must be endorsed. (1) Driving with back lamp not burning. (2) With tail lamp not burning. (3) Identification mark, with figures of insufficient size, &c. Following offences need not be endorsed. (1) Obstructing a highway, &c. (38 Hals. 329).

**Identification and Production of Licence;**—It has been held that the production of the licence is, *prima facie* evidence that the person producing it is the person named in it and that the particulars, which it contains refer to him; and the secondary evidence of such particulars may be given although no notice to produce the licence at the hearing has been given. If the defendant is not present to be identified, his identity for the purpose of proving previous conviction may be established by showing that his name, address and other particulars stated in the licence correspond with those that of the person, previously convicted. (28 Halsbury 329)

**Courts Power of Cancelling or Suspending License—object of the Clause 2 Sec. 18** The best way of stopping reckless driving of motor cars is for the court to exercise its powers under section 18 (2) of the Motor Vehicles Act of 1914, under which the court shall cause particulars of the conviction to be endorsed, on the licence held by the driver and may cancel or suspend the licence. The power of cancelling or suspending a licence or declaring the accused disqualified for obtaining a licence under section 18 (2) is a substantial power, the exercise of which is likely to have a deterrent effect, especially if the accused earns his livelihood by driving motor cars. *Emperor V Bassappa.* (1).

**Cancellation of License:—**See also *Emperor V Charansing* under section 5.

**Suspension of License Appellate Courts Powers, to Intervene:—**Where a magistrate, in addition to the imposition of fine for offence under section 16 of the Motor Vehicles Act, suspends the licence of a motor driver under section 18 (2) the sentence is appealable and is also open to revision by the High Court, the order of suspension is as much a part of the sentence as an order section 565 Cr. P. Code and on appeal the appellate court can interfere with the order of suspension and not merely with the fine imposed. *Dekhali Kunbi V Emperor* (2).

**More Cancellation of License is not a Sentence under Section 5 of the Motor Vehicle Act.**

The facts of the case are that the accused while driving his motor car on Nasik Road on the wrong side of the road, collided with the tonga of Mamlatdar coming from the opposite direction causing damage to the tonga and injury to its occupants. He was charged under section 5 of the act with rash and negligent driving and was convicted and sentenced to have his licence suspended for three months under section 18, (2). On

(1) Bom. L. R. 1056. (1925).

(2) Cr. L. J. 73—22 Nag 71.

---

**Patna M. V. Rule 41. Motor Vehicle Act. VIII of 1914. Overloading-  
Suspension of a permit for an offence of overloading a motor car can not  
be permitted**

In this case the petitioner was convicted and sentenced under section 16, M. V. A. and fined rupees 30 and the permit granted to him was ordered to be suspended for a period of four months. The permission or the permit so called is in the form of an authority to ply for hire the motor lorry and one of the conditions was that passengers should not exceed 20 in number.

It is pointed out that the learned magistrate purported to act under rule 41 of the rules made under M. V. A. It is to be noticed that the rule refers to a cancellation or suspension and not exceeding one year of a driving license of any person if it is proved to his satisfaction that the person has driven recklessly or negligently and so on. Now there is no other reference in the rules which make any provision for the cancellation of the permit as distinguished from a license and it seems to me perfectly clear that rule 41 gave no authority to cancel the permit.

The suspension of the permit being bad in law, that part of the order of the learned magistrate must be set aside.

**Sheodattroy Vs Emperor.**

**A I. R. 1929 Pat. 64.**



reference to the High Court, it was held that mere cancellation of licence 18 (a) is no sentence and that accused ought to have been punished under the section charged. In Ref. No. 64 of 1927 Anna Ganpat (un-reported).

19. The enactments mentioned in the Schedule are repealed to the extent specified in the fourth column thereof: Repeals.

Provided that any appointment, notification, order, rule, form or licence made or issued under any of the said Acts, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, rule, form or licence made or issued under this Act.

SCHEDULE.  
(SEE SECTION 19.)  
*Enactments Repealed.*

Year.	No.	Short title.	Extent of repeal.
1912	XII	I.—Act of the Governor General in Council The Motor Vehicles International Circulation Act, 1912.	The whole.
1907	I	II.—Madras Act. The Madras Motor Vehicles Act, 1907.	The whole.
1904	II	III.—Bombay Act. The Bombay Motor Vehicles Act, 1904.	The whole.
1903	III	IV.—Bengal Act. The Bengal Motor Car and Cycle Act, 1903.	The whole.
1911	II	V.—United Provinces Act. The United Provinces Motor Vehicles Act, 1911.	The whole.
1907	II	VI.—Punjab Act. The Punjab Motor Vehicles Act, 1937.	The whole.
1906	II	II.—Burma Act. The Burma Motor Vehicles Act, 1906.	The whole.

## APPENDIX A.

### STATEMENT OF OBJECTS & REASONS.

The development of the use of motor vehicles as the result of the increasing number of persons who seek to travel by this means both within and outside the limits of individual provinces, has emphasised the desirability of re-examining the Indian Legislation on the subject. At present the law is contained in six separate provincial Acts, which though exhibiting no important differences of principle, are not identical in form. In the interests of simplicity, and in order that owners of motor cars may be saved the inconvenience of reference to different provincial Acts, it is thought that the time has now come when the law on the subject may usefully be consolidated.

2. The present Bill has accordingly been drafted with the intention of introducing uniform provisions on important matters of principle and embodying the best local features in the different Acts, while so far as possible, avoiding any substantial departure from the several provincial Acts which it will replace. Subsidiary matters will still be governed by local rules suitable to the varying conditions of different provinces, but under the procedure of one general Act, it is probable that such regulations will be framed on more uniform lines than is at present the case. In particular, power is conferred to grant licenses valid in more than one province, provided they are issued in accordance with such conditions and restrictions as the Governor General in Council may prescribe. The object of the Bill, in short, is to promote the convenience of motorists and to give increased facilities for motor travel. The Motor Vehicles International Circulation Act, 1912 (XII of 1912), was the first step in this direction, and its provisions are re-enacted in the present Bill.

3. The following are the more noticeable provisions of the Bill:—

**Clause 1.**—As regards the extent of the Act, Part III, which deals with licensing and control, has been extended in the first instance only to those provinces in which or in parts of which such provisions already exist, but it will be open to other Local Governments to notify its extension within their jurisdiction, while under clause 14 they can similarly exclude specified areas from its operation.

**Clause 3.**—Prohibits the driving of motor vehicles by persons under 16 years of age: the English law prescribes an age limit of 17 years in the case of drivers of ordinary motors with a lower limit of 14 in the case of motor cycles. It is considered that the complication of two limits may usefully be avoided by the adoption of a general minimum which the circumstances of this country would appear to justify.

**Clause 4 and 6.**—These clauses are intended to afford the protection to the public every where against reckless and inconsiderate driving to which it would appear to be entitled.

**Clause 7.**—Provides for a licensing system in those provinces to which this part of the Act applies, although it would be observed that person receiving instructions in driving, subject to any rules made in this behalf, is exempt from this requirement.

**Clause 10.**—Enables licenses to be granted with validity beyond the province in which they are granted, while reserving power to the Governor General in Council to regulate the grant of such licenses.

**Clause 11.**—Confers a rule making power upon Local Government on the different point which the examination of the various provincial Acts indicates as actually arising in practice.

**Clauses 15 & 16.**—Follow the Motor Vehicles International Circulation Act, 1912.

**Clause 17.**—Confers a power of arrest without warrant which is a necessary condition of the efficient regulation of traffic of this description.

**Clause 18.**—Limits the trial of offences under the Act to Courts not inferior to those of a Presidency Magistrate of the second class.

**Clause 19.**—Empowers the Local Government to cancel or suspend any license, or to declare any person disqualified for obtaining a license, thus protecting the public against incompetent or unsuitable drivers. A Court, trying the holder of a license for any offence under the Act, may also the suspend the license pending the termination of the proceedings.

**Clause 20.**—Repeals the Motor Vehicles International Circulation Act 1912, and the different existing provincial Acts on the subject of motor vehicle.

Sd/-R. H. Croddock.

The 9th September, 1913.

Sd/- W. H. Vincent.

Secretary to the Government of India.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA.

9th January, 1914.

The Hon'ble Mr. Wheeler moved for leave to introduce a Bill to consolidate and amend the law relating to Motor Vehicles in British India. He said :—

My Lord, it may at first sight appear that the Bill now to be introduced is somewhat inconsistent in principle with that which the Hon'ble Home Member has just explained to the Council, since in place of six existing Provincial Acts current in Madras, Bombay, Bengal, the United Provinces, Punjab and Burma, it is sought to substitute one general Imperial Act dealing with the international circulation of motor vehicles, which was passed by this council at the last Simla Session. But the justification of this course is to be found in the circumstances of the development of the motor traffic in this country. This has been gradual and the dates of the Provincial Acts, which range from 1903 to 1911 seem to point to the manner in which the need of legislation was felt in different provinces as time went on. In the early days of motor cars there was good reason for allowing the use of motor cars is extending rapidly as is shown by the custom statistics of the value of the motor vehicles imported. Thus, to take the last five years only, we find that in 1908-09 this was roughly Rs. 43 lakhs; in the succeeding year there was a small advance to Rs. 47½ lakhs; 1909-11 was a large jump to Rs. 73¼ lakhs, while the figures in the next year went up to one crore, and in 1912-13 to over 1¼ crores. That is very marked and speedy development. More people are using cars every year, and as we can see in the papers motor journeys

throughout the country are growing in popularity. There is also the international aspect of the case as exemplified by last year's Bill to which I have referred. It seems probable that outside tourists will resort in growing numbers to this mode of locomotion, and they will naturally ask for reasonable facilities. Motor cars now recognise no provincial boundaries and it seems in every way desirable, both from the point of view of the public and the traveller, that the main features of the law on the point should be embodied in one Act and not governed by different provisions in different provinces. In detail it not intended that there should necessarily be absolute uniformity as these must be influenced largely by local conditions, and a wide rule making power is reserved to Local Governments with this in view; but there are certain provisions which may well be of general application, and an important power is taken in clause 10 to grant licenses which will be valid in more than one province, provided that they are in accordance with such restrictions and conditions as the Governor General in Council may prescribe. That clause should prove of considerable convenience to those who desire to tour.

"In framing the Bill, we have proceeded upon the basis of existing Acts and endeavoured to embody what was best in them. The Bill is divided into five parts. Part II comprises those provisions which are of general application and which are designed broadly for the protection of the public. They cover the minimum age at which a person shall be allowed to drive, the duties of motor-vehicles in stepping for the proper regulation of traffic and the penalties of breaches of these regulations and for reckless driving. The public every where would seem to be entitled to the benefit of these restrictions. It will be seen that the minimum age limit for drivers has been put at seventeen and that is a point on which the advice of Local Governments is particularly invited. In the majority of Provincial Acts, the age is 18, and that is the limit in the rules made under the Motor Vehicles International Circulation Act. In England the age limit is 17 for ordinary motor cars and 14 for motor cycles. Eighteen may be unnecessarily high in this country, while 14 seems unduly low. The Hon'ble Maharaj Kumar of Tikari, who has much experience of these matters, tells me that the limit of 15 was intended to meet the case of cycle companies in cadet corps. I have not been able to verify this, but the limit is curious, and it opens up a prospect of youthful scorches on motor cycles, which is somewhat disquieting. Part III deals with licensing and control, and I have already referred to one important point in clause 10. Otherwise, Local Governments are given power, after previous publication, to make rules for all the important contingencies governing the traffic which are indicated in the existing Acts. It is true that the details of these rules may vary, but if framed under one Act, they are more likely to be on more similar lines than is the case at present. Part IV follows the Motor Vehicles International (Circulation) Act of last year and Part V contains miscellaneous provision as to the arrest of offenders, the cognizance of offences and the cancellation and suspension of licenses. The extent of the Act will be general except as regards Part III, which is confined in the first place to the areas in which a licensing system is already in force. Other local Governments may extend it to their own jurisdiction if they see fit, and conversely under clause 14, Local Governments may exclude specified vehicles from operation of Part III. Most of the present Acts extend throughout the province to which they relate, but some of them, for instance, the Bengal and Burma Acts, do not, and the power of exemption is intended to meet special cases which apparently may arise.

"Such briefly is the main intention of the Bill, the object of which is to ensure greater simplicity in the law and to promote the convenience of motorists

generally, while safe-guarding the rights of the public. As I have already said it is the outcome of a comparison of the various Provincial Acts, and no doubt its examination in the provinces will show how far its provisions are adequate for local needs or require to be amplified or modified.

"I accordingly beg for leave, My Lord, to introduce the Bill."

The Hon'ble Sir, Ibrahim Rahiontulla supported the measure.

The motion was put and agreed to.

The Hon'ble Mr. Wheeler introduced the Bill and moved that the Bill together with the Statement of Objects and reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as Local Governments think fit.

The motion was put and agreed to.

The Hon'ble Sir Reginald Craddock moved that the Bill to consolidate and amend the law relating to Motor Vehicles in British India be referred to a Select Committee consisting of the Hon'ble Sir Ali Imam, the Hon'ble Maharaj-Kumar Gopal Saran Singh, the Hon'ble Mr. Monteath, the Hon'ble Mr. Arthur, the Hon'ble Mr. Arbuthnot, the Hon'ble Sardar Daljit Singh, the Hon'ble Mr. Pandit, the Hon'ble Mr. Asad Ali, the Hon'ble Sir William Vincent, the Hon'ble Mr. Wheeler, the Hon'ble Maharaja Manindra Nandi, the Hon'ble Raja Kushal Pal Singh, the Hon'ble Mr. Cobb, the Hon'ble Mr. Rice and the mover.

The motion was put and agreed to.

#### REPORT OF THE SELECT COMMITTEE.

The Hon'ble Mr. Wheeler said :—" Sir, I beg to present the Report of the Select Committee on the Bill to consolidate and amend the law relating to Motor Vehicle in British India. Various interesting opinions have been received on the Bill, and after considering them the Select Committee have made certain changes; these are mostly explained in the Report, but there are one or two which may be mentioned as of general interest. When the bill was introduced it was specially mentioned that the question of the age limit for drivers was a debateable point, and in the Bill, as first circulated, this was fixed at 16; but in view of the decided opinion of practically all the major Local Governments, the Committee proposes to raise it to 18 which also is the limit in most of the existing provincial Acts. Another point on which an attempt has been made to meet the opinion expressed is in regard to the registration of cars, which various people desire to see recognised outside the province in which registration was effected. In respect of driving licenses it will be possible, under rules to be framed hereafter, to issue such a general license and the Committee suggest a similar provision in the matter of registration, which will enable a registration number to be accepted outside the province in which it was given, subject to such conditions and restrictions as the Governor General in Council may impose. Another change that has been made is in respect of penalties. It has been represented that the punishment for reckless driving should be raised, and we have accordingly enhanced the permissible fine from Rs. 200 to Rs. 500; at the same time we have redrafted the penalty clause and slightly widened it. Lastly in respect of the powers of the Courts to cancel or suspend licenses on conviction, a limit of one year within which such an order would be effective has been inserted in response to a certain amount of opinion to the effect that it has not been expedient that, for instance, a Magistrate of the second class should have an unrestricted power of cancellation or suspension."

The following *Report of the Select Committee* on the Bill to consolidate and amend the law relating to Motor Vehicles in British India was presented to the Council of the Governor General of India for the purpose of making laws and regulations on the 4th February, 1914 :—

We, the undersigned, Members of the Select Committee of which the Bill to consolidate and amend the Law relating to Motor Vehicles in British India was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Paper No. 1.—From Government, Bengal, No. 8585.P, dated the 29th November, 1913; from Chief Commissioner, Central Provinces, No. C. 27 dated the 10th November, 1913 and Chief Commissioner, Ajmere-Merwara, No. 1214 C, dated the 10th November, 1913.

Paper No. 2.—From Chief Commissioner, Delhi, No. 8200, dated the 6th November, 1913; from Chief Commissioner, Coorg, No. 2803 dated the 10th November, 1913 and from Chief Commissioner, North West Frontier Province, 1987 C, dated the 25th November, 1913.

Papers No. 3.—From Chief Commissioner, Assam, No. 8041, dated the 4th December, 1913 and enclosures; from Government of Bombay No. 8634 A, dated the 5th December, 1913 and enclosures; from Registrar, High Court Calcutta No. 4423 dated the 5th December, 1913 and from Agent to Governor General and Chief Commissioner, Beluchistan No. 3648 dated the 6th December, 1913.

Paper No. 4.—From Government, United Provinces, No. 2635-361 M, dated the 16th December, 1913 and from Government, Punjab No. 1120 (C. & I.) dated the 16th December, 1913 and enclosures.

Papers No. 5.—From Government, Bihar and Orissa, No. 1425J; dated the 12th December, 1913.

Papers No. 6.—From Government, Madras No. 2596, dated the 13th December, 1913 and enclosures.

Paper No. 7.—From Government, Burma, No. 1123-349G, dated the 23rd December, 1913 and enclosures.

2. We have amended clause 3 of the Bill as introduced by providing that no person under the age of 18 years shall drive a motor vehicle. This modification of the Bill is made in deference to the decided opinion expressed by various Local Governments that it is unsafe to allow boys of sixteen to drive such vehicles.

3. We have deleted clauses 5 and 13 of the Bill as introduced and substituted for them general penal clause (clause 16) for contravention of any provisions of the Act if such contravention is not otherwise specially provided for. All such violations of the Act or any rule made thereunder are punishable with a fine of rupees one hundred on a first conviction and rupees two hundred for any subsequent conviction.

4. We have modified Clause 6 of the Bill as introduced so as to provide for a maximum fine of rupees five hundred in cases of cash or negligent driving, which we regard as serious offence.

5. We have amended clause 9 of the Bill as introduced by providing that a police officer of the rank of a constable may call upon a motor driver to produce his license. We apprehend that in many places the the only police officers who

---

will be available to see that the provisions of the Act are complied with will be constables on duty in the public streets and we do not think, having regard to the class or persons who use and drive motor cars, that there is any danger of the powers conferred by this section being abused.

6. In response to the suggestion from more than one quarter that provision should be made for the recognition for registration generally, we have added a clause to the Bill as introduced providing that registration of a car in one province if made in conformity with conditions to be prescribed by the Governor General in Council shall be effective beyond the limits of the province in which such registration is effected.

7. We have amended clause 11 of the Bill as introduced by providing that the Local Government may make rules prescribing the fees to be levied from owners of motor vehicles which are let for hire in public places.

8. We have excised clause 17 of the Bill which authorised police officers under certain circumstances to arrest persons accused of offences under the Act as we think that the powers of the police officer in such cases should be limited to those conferred by the general law relating to non-cognizable offences.

9. We have amended Clause 19 of the Bill as introduced by providing that no order of a Court suspending a license, or declaring a person disqualified for obtaining a license, shall have effect for a period exceeding one year. The opinion has been expressed that it is not desirable to give an unrestricted power to the Courts.

10. The remaining changes in the Bill are not of such importance as to necessitate reference to them. They are chiefly verbal or consequential on the modifications referred to above.

---

## APPENDIX B.

### THE MOTOR VEHICLES (NATIVE STATES) RULES, 1916. GOVERNMENT OF INDIA NOTIFICATION No. 627, DATED THE 6TH JULY, 1916.

Whereas it is expedient to prescribe conditions subject to which motor vehicles from Native States may be brought temporarily into British India, and there used and driven.

Now therefore, in exercise of the power conferred by section 14 of the Indian Motor Vehicles Act, 1914 (VIII of 1914), the Governor General in Council is pleased to make the following rules:—

1. These rules may be called the Motor Vehicles (Native States) Rules, 1916.
2. In these rules "Magistrate" means the District Magistrate or in a Presidency Town, or Rangoon, the Commissioner of Police.
3. No motor vehicle owned by a person ordinarily resident in the Native State, which is not duly registered under the said Act, shall be used or driven by any person in British India unless such motor vehicle bears such mark of identification as may be prescribed by the Political Officer for the territory in which the owner thereof ordinarily resides.
4. (1) When any such motor vehicle is kept in British India for a period exceeding 10 days at any one time, no person shall use or drive the same unless authorised to do so under a permit issued in this behalf by the Magistrate.
- (2) The owner of person in charge may apply to the Magistrate for a permit under these rules and shall furnish him with a description of the motor vehicle and such other particulars as may be required by the said Magistrate.
- (3) The Magistrate may thereupon issued to the application, in such form and for such period as the said Magistrate may deem expedient, a permit to use the said vehicle in British India.
- (4) Any Magistrate empowered under these rules may, from time to time, extend the period of any such permit, or, for reasons to be recorded, cancel the same.
5. Nothing in these rules shall affect any of the provisions of the Motor Vehicles International Circulation Rules, 1915, or apply to any motor vehicle covered by an International Travelling Pass.
6. Nothing in this rules shall apply to Rules of Native States or to Motor vehicles owned by them.

*Copy of G. G. O. No. 1697-1 A, dated the 14th August, 1916.*

I am directed to invite your attention to the rules which have been framed by the Governor General in Council under section 14 of the Indian Motor Vehicles Act, 1914. (VIII of 1914), and to communicate the following instructions in regard to the further action to be taken:—

(a) Under rule 6 the Rules of Native States, and motor vehicles owned by them, are exempted altogether from the operation of the rules. Ruling Princes and Chiefs should, however, be advised to have some crest or emblem affixed to the Durbar motor vehicles when entering British India so as to facilitate their recognition by British officials.



*Native States Rules*

---

(b) If and when a Native State adopts the provisions of the Indian Motor Vehicles Act, 1914, as a State law, the fact should be notified to the various Local Governments and Administrations in which case the rules framed under the Indian Motor Vehicles Act will not be enforced, and reciprocity in matters of licensing and registration will be granted on the same terms as subsist between the different provinces of British India.

Where the Act is not adopted by a Darbar, the rules will apply.

(c) To save inconvenience to private owners of motor vehicles duly registered in States whose Durbars adopt the provisions of the Act, it is desirable that the authorities of the neighbouring British districts should be advised through the Political Officer of the mark of identification or emblems that may be prescribed by the State. These should not conflict with the marks or emblems prescribed by other States or British provinces.

(d) Any Durbars which had not adopted as a State law the provisions of the Indian Motor Vehicles Act, 1914, and do not contemplate doing so, should be requested to give due publicity to the provisions of the rules under discussion, and to warn private owners of motor vehicle before entering British territory to obtain the necessary mark of identification from the Political Officers accredited to the State.

(e) In prescribing the marks of identification for any State within his political charge, the Political Officer will take into consideration any suggestions that may be made to him by the Durbar or Durbars concerned. He should transmit to the authorities of the neighbouring British districts a description of the mark of identification prescribed by him. No fee should be charged for the grant of the mark of identifications.

(f) If any Durbars have framed or contemplate framing Motor Vehicles Acts of their own they would be asked to grant reciprocity in the matter of licensing and registration to all motor vehicles from British India entering into or passing through Durbar territory.

2. I am to ask that a copy of the rules may be communicated to

His Exalted Highness  
the Nizam's Government  
The Mysore Durbar  
the Durbars of Native States  
under your political control  
the Baroda Durbar  
the Kashmir Durbar  
the Sikkim Durbar

2. I am to ask that a copy of the rules may be communicated to

## APPENDIX C.

### The Motor Vehicles International Circulation Rules 1915.

#### Judicial.

*The 25th February 1915.*

No. 2066 C.—Whereas the Government of India have acceded to a Convention with respect to the international circulation of motor cars concluded at Paris on the eleventh day of October, one thousand nine hundred and nine ;

In exercise of the powers conferred by section 24 of the Indian Motor Vehicles Act, No. 789, dated the 19th June 1914, VIII of 1914, and in supersession of the 1913 modifications of the Government of India in the Home Department, noted on the margin, the Governor General in Council is pleased to make the following rules :

#### Part I.

##### Preliminary.

1. These rules may be called the Motor Vehicles International Circulation Short title. Rules, 1915.
2. In these rules unless there is anything repugnant in the subject or context—
  - (i) "The Convention" means the Convention with respect to the international circulation of motor cars concluded at Paris on the 11th day of October 1909.
  - (ii) "International Travelling Pass" means an International road-travel certificate issued under article 3 of the Convention.

#### Part II.

##### Motor Vehicles Temporarily Leaving British India.

3. For the purposes of the Convention, the Commissioner of Police in Calcutta, Constitution and duties of the Bombay, Madras and Rangoon and elsewhere the competent authority under the Convention. District Magistrate shall be the competent authority and

is hereby empowered to carry out, in accordance with the subject to the provisions of these rules, the following duties, that is to say,—

- (a) when the owner of any motor vehicle desires to avail himself of the facilities given by the Convention during travel in any of the Contracting States mentioned in Appendix A to the first schedule—to examine the vehicle, and, if satisfied, after such examination :—
- (i) in the case of a motor car, that the car is suitable, or is of a type which has been declared by the Government of India to be suitable, for use on the highway outside India, and that it fulfils the conditions specified in paragraph a of the first schedule, or
- (ii) in the case of a motor cycle, that the said conditions, as modified by paragraph 5 of that schedule are fulfilled ; to issue a certificate of fitness, in Form A in the second Schedule or in a form to the like effect ;
- (b) to examine any person submitting himself for examination, and if, upon examination, he is found to be competent, to issue to him a driver's certificate of competence in Form B in the second schedule, or in a form to the like effect ;

Provided that a certificate of competence shall not be granted to any person who is under 18 years of age ;

- (c) subject to the conditions imposed by rule 4, to issue to the owners, of motor vehicles on behalf of the Local Government, an International Travelling Pass, in Form C in the second schedule over the signature of a Secretary to the Local Government or a form to the like effect.

4. (1) The following conditions shall be fulfilled before an International Travelling Pass is issued ;

- (a) every motor vehicle for which an International Travelling Pass is issued shall be a motor vehicle in respect of which a certificate of fitness shall have been issued in pursuance of rule 3 ; and
- (b) particulars as to the driver or drivers of the motor vehicle shall be specified on the International Travelling Pass in the place provided for the purpose, and every such driver shall possess a certificate of competence issued in pursuance of rule 3.

5. Every driver's certificate of competence shall have the photograph of the holder affixed thereon, with the date on which the photograph was taken; and such photographs must not be more than one year old at the time of issuing the certificate.

Certificate or pass to be in English. 6. Every such certificate or pass shall be in English.

7. Every certificate of fitness or of competence, and every International Travelling Pass issued under the foregoing provisions shall be valid for a period of one year from the date of issue.

8. The issue of every certificate of fitness or of competence, and of every International Travelling Pass shall be entered in a register to be maintained in the office of the Commissioner of Police or the District Magistrate, as the case may be, in such form as he may consider suitable.

9. The issue of a certificate or pass under these rules shall be subject to the fees payable on certificate or condition of the prepayment of the following fees namely :—

	Rs.
Certificate of fitness of motor car	5
Driver's certificate of competence	5
International Travelling Pass	5

Provided that in the case of a motor cycle, one-half only of the foregoing fees shall be chargeable.

10. A second International Travelling Pass shall not be necessary for any motor vehicle about to leave British India, if the owner of first is current, the vehicle already holds such a pass and the term thereof has not expired:

Provided that, in such a case, the original certificate shall be endorsed or countersigned by the Chief Customs Officers at the port of re-embarkation.

### Part III

#### Motor Cars Arriving Temporarily in British India.

11. Any person in charge of a motor vehicle landed at a port in British India, Application for endorsement of holding in respect of such vehicle an International Travelling Pass may, on production of such pass, apply to the Chief Customs Officer of the port for the endorsement of his pass and for the registration of the motor vehicle covered thereby.

12. On receiving such an application, the Chief Customs Officer shall satisfy himself that the pass was issued by competent authority : on receipt of application. that the period of its validity has not expired, and that the vehicle corresponds with the vehicle described in the pass and has affixed to it the plates required to be carried by article 4 of the Convention, and that the driver or drivers (if any), are the person or persons whose names appear on the pass.

13. If the Chief Customs Officer is satisfied that the requirements of rule 12 have been complied with he shall endorse on the part of the Endorsement of pass and registration pass set aside for the purpose the name of the port and shall sign, seal and date the endorsement, and shall enter in a register to be maintained by him the following particulars :—

- (a) Number. (b) Place of issue of International Travelling Pass. (c) Date of issue of pass. (d) Name of authority or association which issued pass. (e) Full name and home address of owner of car. (f) Description of vehicle (i.g., motor car, motor cycle, etc.) (g) Shape and colour of body of vehicle. (h) Letters and numbers on identification plates. (i) Date of registration.

14. The Chief Customs Officer shall forward without delay a copy of every entry made in his register in accordance with rule 13 in case of motor vehicles landed at Calcutta, Bombay, Madras and Rangoon to the Commissioner of Police, and in the case of motor vehicles landed elsewhere, to the District Magistrate.

15. The endorsement of an International Travelling Pass and the registration of the motor vehicles covered thereby in accordance with these rules shall during the validity of such pass, be deemed to be in compliance with the conditions subject to which the motor vehicle may be possessed, used and driven in British India by the persons, respectively, referred to in such pass.

16. In the case of a motor vehicle covered by an International Travelling Pass entering a district of British India by land, the application referred to in rule 11 shall be made to the District Magistrate of that district, and these rules, other than rule 14, shall apply as if such District Magistrate were substituted for the Chief Customs Officer.

17. The owner of a motor vehicle which has been registered in accordance with the foregoing rules shall on the departure of the motor vehicle from any port in British India for a place outside British India, cause the pass in respect of such vehicle to be produced before the Chief Customs Officer at that port who shall endorse the name of the port and shall sign, seal and date the endorsement, and enter in a register to be maintained by him the particulars specified in rule 13.

#### FIRST SCHEDULE.

##### CONDITIONS TO BE FULFILLED BY MOTOR CARS IN ORDER TO BE ALLOWED TO BE DRIVEN ON THE HIGHWAY.

1. Every motor car, in order to be allowed to be driven on the highway, outside India, must either—
  - (a) have been recognized as suitable for use on the highway, after an examination before the competent authority, or
  - (b) belong to a type approved by the Government of India.
2. The examination must be directed specially to the following points:—
  - (1) the machinery must be such as can be trusted to work efficiently, and must be so designed as to prevent, as far as possible, all danger of fire or explosion, as not to frighten by its noise any animals, whether ridden or driven, and as not to give rise to any other cause of danger to traffic or seriously to inconvenience by the emission of smoke or vapour any persons using the road.
  - (2) the motor car must be provided with the following:—
    - (a) a strong steering apparatus which will allow the car to be turned readily and certainly ;
    - (b) a strong steering apparatus which will be adequate for its purpose : one at least of these brakes must be capable of acting rapidly and directly upon the wheels or upon brake-drums immovably fixed thereto ;
    - (c) a mechanism which is capable of preventing even on steep gradients, any backward movement if one of the brakes is not of itself sufficient for the purpose.
  - (3) Every motor car whose weight unladen exceeds 350 kilogrammes must be so constructed that the driver can, from his seat, reverse the movement of the car by means of the driving power.
  - (4) All the driving and steering apparatus must be so arranged that the driver can manipulate it with certainty and at the same time have a clear view of the road.

- (5) Every motor car must be provided with plates showing the name of the manufacturer of the chassis and the manufacturer's number, the horse-power of the engine or the number and bore of its cylinders, and also the weight of the car unladen. It should also be provided with a horn and carry not less than two lamps in front and one behind so arranged as to throw light on the number of the car.

CONDITIONS TO BE FULFILLED BY DRIVERS OF MOTOR CARS.

3. (1) The driver of a motor car must possess qualifications which provide a sufficient guarantee of public safety.
- (2) In so far as the driving of motor cars outside British India is concerned, no person may drive a motor car without having received for that purpose an authorization given by a competent authority after having shown himself on examination to be competent.
- (3) Such an authorization must not be given to a person less than 18 years of age.

4. No motor car shall be allowed to pass from one country into another unless it carries, fixed in a visible position on the back of the car, in addition to the number plate of its own nationality, a distinctive plate displaying letters indicating that nationality. The size of this plate and the method and size of the lettering are prescribed in Appendix B.

SPECIAL PROVISIONS WITH REGARD TO MOTOR CYCLES.

5. The foregoing rules in this schedule apply to motor tricycles and motor bicycles, subject to the following modifications :—
- (1) the machinery intended to prevent a car from slipping backward, referred to in clause (2) (c) of paragraph 2 of this schedule, is not required, nor is the reversing gear ;
- (2) the distinctive nationality plate of motor cycles shall measure only 18 centimetres in width and 12 centimetres in height. The letters shall measure 8 centimetres in height, the breadth of each line being 10 millimetres.
- (3) Motor cycles should be provided with a horn and one lamp.

APPENDIX A.

CONTRACTING STATES

*Principal countries.*

Great Britain.  
Germany.  
Austria and Hungary.  
Belgium.  
Bulgaria.  
Spain.  
France.

Greece.  
Italy.  
Luxembourg.  
Monaco.  
Montenegro.  
The Netherland.  
Portugal.

Roumania.  
Russia.  
Servia.  
Sweden.  
Switzerland.  
Denmark.

<i>Colonies and dependencies.</i>		
British India,	Gibraltar.	Seychelles Islands.
Algiers.	Malta.	Sierra Leone.
Tunis.	Northern Nigeria.	Jersey.
Barbados.	Southern Nigeria.	Guernsey.

## APPENDIX B.

The distinctive mark of the country of origin shall consist of an oval plate 30 centimetres in width and 18 centimetres in height, bearing one or more letters painted in black upon a white ground. The letters shall be formed of capital letters in Latin characters, and shall measure at least 10 centimetres in height, the breadth of each line being 15 millimetres. The distinctive letters for the different countries shall be the following :—

Germany, D ; Austria, A ; Belgium, B ; Spain, E ; United States of America, US ; France, F ; Great Britain and Ireland, GB ; Greece, GR ; Hungary, H ; Italy, I ; Montenegro, MN ; Monaco, MC ; the Netherlands, NL ; Portugal, P ; Russia, R ; Roumania, RM ; Servia, SB ; Sweden, S ; Switzerland, CH ; Bulgaria, BG ; British India, BI ; Gibraltar, GBZ ; Malta, GBY ; Luxembourg, L ; Denmark, DK ; Jersey, GBJ ; Guernsey, GBG ;

## SECOND SCHEDULE.

## FORM A.

Number \_\_\_\_\_

(International Convention of 1909.)

BRITISH INDIA.

## CERTIFICATE OF FITNESS OF VEHICLE.

This is to certify that the motor vehicle described hereunder has been examined and found to be fit for use on the highway outside British India.

Name of owner of

vehicle (in full \_\_\_\_\_ Name of Manufacturer \_\_\_\_\_ Owner's home

address \_\_\_\_\_ Type of chassis or engine \_\_\_\_\_

Index letter and registered number of  
vehicle \_\_\_\_\_

Body of car

Shape \_\_\_\_\_

Colour \_\_\_\_\_

Name of seat \_\_\_\_\_

Description of vehicle (e.g. Motor  
cycle, motor car, etc.)

Weight of vehicle unladen (in kilogrammes)

(Signature.)

Commissioner of Police, Cakuttaor Mads

or \_\_\_\_\_

District Magistrate \_\_\_\_\_



Date \_\_\_\_\_



## FORM B.

Number \_\_\_\_\_

International Convention of 1909.

BRITISH INDIA.

DRIVER'S CERTIFICATE OF COMPETENCE.

This is to certify that A. B.\* \_\_\_\_\_ of \_\_\_\_\_ has been examined and found to be competent to drive a motor vehicle.

(Signature.)



Seal. Date \_\_\_\_\_

Commissioner of Police, Calcutta  
Madras  
or  
etc,  
District Magistrate \_\_\_\_\_

Photographs, and date  
when taken.

\* Insert full name and home address of driver.

## FORM C.

Travel by motor vehicle.

(International Convention of 1909.)

BRITISH INDIA.

INTERNATIONAL CERTIFICATE FOR TEMPORARY FOREIGN TRAVEL.

This certificate is valid in all Contracting States\* for one year only from the date of issue.

ISSUE OF CERTIFICATE.

PLACE \_\_\_\_\_

Date \_\_\_\_\_

(Signature.)



Seal.

Government  
Secretary to the \_\_\_\_\_ of  
Chief Commissioner

\* These States are as follows :—

*Principal Countries.*

Great Britain.	Greece	Roumania.
Germany.	Italy.	Russia.
Austria and Hungry.	Luxembourg.	Servia.
Belgium.	Monaco.	Sweden.
Bulgaria.	Montenegro.	Switzerland.
Spain.	The Netherlands.	Denmark.
France.	Portugal.	

*Colonies and dependencies.*

British India.	Gibraltar.	Southern Nigeria.
Algiers.	Leeward Islands.	St. Helena Islands.
Tunis.	Malta.	St. Kitts.
Barbados.	Northern Nigeria.	Jersey.
		Guernsey.

**Particulars regarding the vehicle:**

Owner of vehicle: { Surname.....  
 Christian name.....  
 Address.....

Description of vehicle (car, tricycle, etc.).....

Name of maker.....

Serial number of model, of maker's number, of chassis.....

Motor { Number of cylinders.....  
 Horse-power, of bore of cylinders.....

Body { Shape.....  
 Colour.....  
 Total number of seats.....

Weight of vehicle empty (in kilograms).....

Registration number on identity plates.....

**Particulars regarding the driver or drivers:**

Surname.....

Christian name.....

Where born.....

Address.....

Surname name.....

Christian name.....

Where born.....

Address.....

H. WHEELER,

Secretary to the Government of India.

E. L. L. HAMMOND.

Secretary to the Government of Bihar and Orissa

**APPENDIX D.**  
**Bombay Motor Vehicles Rules 1915 as amended**  
**up to June 1928.**

**Preliminary.**

**Short Title, Extent and Definition.** 1. (x) These rules may be called the Bombay Motor Vehicles Rules, 1915.

(2) They shall extend to the whole of the Bombay Presidency, including Aden.

(3) In these rules.

(a) "registering authority" shall mean in Sind the Superintendent of Police, Karachi Head Quarters, in Aden the District Magistrate of Aden, and elsewhere the Commissioner of Police for the City of Bombay; and

(b) "the Act" shall mean the Indian Motor Vehicles Act, 1914 (VIII of 1914);

(c) the expression "motor cycle" means a two, three or four-wheeled cycle propelled by mechanical means, fitted with seats but without a carriage body, and weighing not more than 5 cwt.;

**Heavy Motor Vehicle.** (d) the expression "heavy motor vehicle" means a motor vehicle exceeding two tons in weight, unladen;

**Trailer.** (e) the expression "trailer" means vehicle drawn by or attached to a motor vehicle;

**Axle Weight.** (f) the expression "axle weight" means in relation to an axle of a heavy motor vehicle or of a trailer, the aggregate weight transmitted to the surface of the road or other base whereon the heavy motor vehicle or the trailer moves or rests by the several wheels attached to that axle when the heavy motor vehicle or trailer is loaded;

**Registered Axle Weight.** (g) the expression "registered axle weight" means, in relation to an axle of a heavy motor vehicle, the axle weight of that axle as registered by the licensing authorities in pursuance of these rules;

**Weight.** (h) the expression "weight", in relation to a heavy motor vehicle or trailer when unladen, means the weight of the vehicle exclusive of the weight of any water, fuel or accumulators used for the purpose of propulsion;

**Width.** (i) the expression "width", in relation to the tire of a wheel, means the distance measured horizontally and in a straight line across the circumference of the wheel and between the two points in the outer surface of the tire which are farthest apart;

**Diameter.** (j) the expression "diameter", in relation to a wheel, means the diameter measured between the two opposite points in the outer surface of the tire which are farthest apart.

**DRIVING LICENSES.**

**Driving Licenses.** 2. (x) A license to drive a motor vehicle shall be granted in the City of Bombay by the Commissioner of Police, in Karachi by the Superintendent of Police, Karachi Head Quarters and elsewhere by the District Magistrate, to any person who can satisfy such authority that he is a competent and careful driver.

Such license may be for driving motor vehicles generally or may be restricted to motor cycles, or in the City of Bombay or in any area notified by the Government of Bombay to motor vehicles excluding heavy motor vehicles.

Provided that, on satisfying the licensing authority that he is competent to drive motor vehicles other than motor cycles, any holder of a license restricted to motor cycles

may have the license endorsed for motor vehicles generally or for motor vehicles other than heavy motor vehicles without payment of further fee.

(2) A person desirous of qualifying for the license mentioned in sub-rule (1) may obtain a temporary permit from the aforesaid authority valid for three months. A person holding such permit shall be subject to the provision of rule 21-A. On or before the expiry of such permit the holder thereof may appear before the Commissioner of Police or the Superintendent of Police, Karachi Head Quarters, or the District Magistrate or before any officer appointed by the aforesaid authorities, to undergo the necessary test in driving, and should such person pass the test satisfactorily a license to drive shall be issued to him.

(3) Such license shall be valid throughout British India.

(4) A driving license granted in accordance with any rule in force for the time being in any province of British India or in any State in India included in Schedule H shall be valid up to the date of its expiry throughout the Presidency of Bombay.

**Fees for licenses and permits. 3.** The fee for licenses and permits granted under rule 2 (1) and (2) shall be—

For a temporary permit	... Rs. 2	
For a driving license	... " 20	Rn 20-0-0
For each renewal of a driving license if renewed from the date of its expiry.	... " 5	" 5-0-0
For a duplicate license	... " 1	

Provided that in the event of a person holding a temporary permit being granted a driving license, the fee paid for the temporary permit shall be so adjusted as to form part of the fee for the driving license.

A driving license will not ordinarily be renewed after the date of its expiry but no person shall be debarred from obtaining a fresh license on payment of Rs. 10 merely by reason of his former license having expired without renewal. In cases in which a license is not renewed in time for good and sufficient reason, the licensing authority may in his discretion charge a renewal fee of Rs. 2 instead of the full license fee of Rs. 20.

**Credit of Fees. 4.** The Commissioner of Police for the City of Bombay shall, on or before the thirty-first day of January in each year, pay to the credit of the Municipal Fund specified in section 111 of the City of Bombay Municipal Act, 1888, the balance, after all expenses incurred in administering the Act in the City of Bombay have been defrayed, of the fees received by him for licenses granted by him under rule 2 in the preceding year.

**Period of Driving License. 5.** Every driving license shall remain in force for a period of twelve months from the date on which it is granted, but shall be renewable from the date of its expiry, and the same provisions shall apply to the renewal of the license as apply to the grant thereof; provided that in A den every driving license shall remain in force from the date on which it is granted until 31st March following.

5-A. A driving license granted under rule 2 may be cancelled or suspended by a written order for a period not exceeding one year by the authority by which it was granted and for reasons to be recorded by such authority, provided that no such license shall be cancelled or suspended unless the driver has been convicted of an offence under the Act or the rules made thereunder or of any offence under the Indian Penal Code arising out of the use of a motor vehicle.

**REGISTRATION.**

**Registration. 6.** (1) No motor vehicles shall be used (save in accordance with rule 14 or for the purpose of procuring registration or re-registration.)

- (a) unless it has been registered by the registering authority; and
- (b) unless the registration certificate granted in respect of it is in force;
- (2) Registration certificates granted in accordance with rule 73 and Schedule D shall expire on the 31st August next following the date on which they are granted.
- (3) Registration certificates shall be renewable, the same provision shall apply to the renewal of a certificate as apply to the grant thereof.
- (4) Notwithstanding anything in this rule any registration certificate granted under any enactment for the time being in force in any part of British India other than the Presidency of Bombay or in any State in India included in Schedule H shall be valid in the Presidency of Bombay until the date of its expiry.

32-0-0 ✓ **Fee for Registration.** 7. The fee for registration shall be <sup>Ten Rupees</sup> four rupees for motor cycles, ~~between rupees~~ <sup>between rupees</sup> for motor vehicles of two tons or under the ~~value~~ <sup>value</sup> two rupees for motor vehicles exceeding two tons. A fee of Re. 1 shall be charged in any case for the grant of a duplicate registration certificate.

✓ Provided also that no fee shall be charged for the renewal of a registration certificate in any case where the application for renewal is made before the expiry of the certificate.   
 *Renewals - Motor cycles Rs. 2-0-0 Motor Vehicles 2 tons or under Rs. 32-0-0  
 Rs. 64-0-0 for motor vehicles over two tons.*

Provided also that traction engines used solely for agricultural purposes shall be registered free of charge and steam rollers, fire-engines and fire-escape tenders need not be registered.

Provided that no fee shall be charged for the renewal of registration certificate in any case where the application for renewal is received by the registering authority not later than 15 days after the expiry of certificate.

7A. **License Card**—A License Card for motor vehicles shall also be issued in the form set out in Schedule D D.

7B. **Particulars as to License Card**—(a) The license card shall be attached to and carried on the vehicle at all times when the motor vehicle is in use on a public road or street in a holder in compliance with the specification set out in Schedule D D.

(c) The license shall be carried on a motor vehicle—(i) In the case of motor cycles; motor cycles with side car, motor tri-cycles and motor scooters in a conspicuous position on the near side of the vehicle; and (ii) In the case of other motor vehicles (except when placed on or adjacent to the wind-screen as hereinafter provided) on the near side of the vehicle facing towards the near side of the road and not less than a feet 6 inches nor more than 6 feet 6-inches from the ground level between two parallel lines, the first drawn vertically through the rearmost part of the driving seat, and the second drawn vertically 6 inches in front of the base of the front glass wind-screen where fitted, or where no such wind-screen is fitted through a point 4 feet forward of the first line.

Provided that in the case of vehicle fitted with a front glass-screen extending across the vehicle to the near side, the license card shall be carried facing forwards on the near (left) lower corner of the glass of the wind-screen so as to be visible through the glass. In the event of the license card being carried upon the glass portion and otherwise complying with the rules, the obligation that it shall be carried in a metal holder with a clear glass front shall not be enforced if it is so carried as to be weather-proof.

(c) The license card shall be placed and carried so as to be clearly visible at all times by daylight to a person standing at the near side of the vehicle whether such vehicle is moving or stationary."

**Distinguishing Numbers.** 8. The registering authority shall assign a distinguishing number to the motor vehicle with the name of the registering centre in front, *viz* :—

BOM., BOM., Z, or Y for Bombay, KA, for Karachi, ADN. for Aden.

**Particulars as to distinguishing Numbers** 9. (a) Numbers assigned to motor vehicles shall be shown in white on a black ground.

(b) The numbers shall be of the following dimensions :—

Height of each figure  $3\frac{1}{2}$  inches, uniform thickness  $\frac{3}{4}$  inch, each figure occupying a space of  $1\frac{1}{2}$  inches with 1 inch between each figure, and a margin of  $\frac{1}{2}$  inch at the top, bottom and sides of the plate :

Provided that in the case of motor cycles the number may be not less than two-thirds of the above dimensions.

(c) The numbers shall be painted on a plate rigidly affixed in a conspicuous place on the front and back of the motor vehicle and on the back of any trailer :

Provided that the number for the back of a motor vehicle or trailer may be painted on any conspicuous smooth surface, such as the petrol tank, that may be available for the purpose, instead of on a plate.

(d) No number shall in any way be obscured or rendered or allowed to become not easily discernible at a reasonable distance.

(e) In the case of a motor tricycle or motor bicycle the front number plate shall have duplicate faces and shall be fixed to the front of the cycle so that from whichever side the cycle is viewed the letters or figures on one or other face of the plate may be easily distinguishable from the front of the cycle.

(f) In the case of registration by the Commissioner of Police and by the Superintendent of Police, Karachi Head Quarters, number plates shall be obtained respectively from the Motor Vehicles Department of the Head Police Office, Bombay, and from the office of the Superintendent of Police, Karachi Head Quarters, on payment of the cost.

**Registration in Districts.** 10. In the case of applications for the registration of motor vehicles elsewhere than in the City of Bombay, the City of Karachi and Aden, the registering authority may accept the certificate of the District Superintendent of Police of the district from which the application is made that the requirements of rule 12 and, where that applies, rule 13 are, in any particular case, in his opinion duly complied with.

**Register.** 11. The registering authority shall establish and keep a register (hereinafter referred to as the "Register of Motor Vehicles") for the registration of motor vehicles in which the name and address of the owner together with a description of the vehicle will be recorded and such register shall be kept in two parts, *viz* :—

(a) A Register of Motor Cars and Cycles, (b) A Register of Heavy Motor Vehicles.

Persons applying for copies of particulars of any car registered in the said registers shall pay eight annas for a copy with a maximum of Rs. 3 when copies of particulars of more than one car are applied for by the same person at the same time.

**Requirements before Registration.** 12. Before registering a motor vehicle, the registering authority shall be satisfied—

(a) that it is provided with two independent brakes or other means of stoppage in good working order and of such efficiency that the application of either is capable of promptly stopping the motor vehicle whether going forwards or backwards ;

(b) in the case of internal combustion engines, that no cut-out, fitting or other apparatus or device for allowing the exhaust gases from the engine to escape

into the atmosphere without first passing through a silencer, expansion chamber or other contrivance suitable and efficient for reducing, as far as many reasonably be practicable, the noise caused by the escape of the said gases, shall be used—

(c) if such motor vehicle is propelled by steam, that

(i) it is so constructed as to consume its own smoke as far as practicable, (ii) it is fixed with an efficient "spark arrester";

(d) if such motor vehicle is propelled otherwise than by steam; that it is so used that no smoke or visible vapour is emitted therefrom except from any temporary or accidental cause;

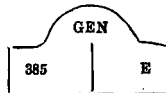
(e) that it is provided with efficient mudguards.

13. (1) Before registering a heavy motor vehicle the registering authority shall also satisfy himself that the tires of the wheels of the vehicle, if the tires are not pneumatic or are not made of a soft or elastic material, are of the dimensions required by the special rules for heavy motor vehicles, and may also have the weight of the heavy motor vehicle and if he thinks necessary, the axle weight of each wheel ascertained in such manner, as he may by general or special order direct.

(2) Heavy motor vehicles shall be provided with a mirror so situated that the driver can have a distinct view of traffic approaching from behind on his right hand.

**Dealers' Numbers.** 14. (1) A general number for seven motor vehicles will be issued on payment of an annual fee of Rs. 30 to any dealer in or manufacturer of motor vehicles. Each such number shall have seven consecutive letters of the alphabet assigned to it and every vehicle used under this rule shall carry such number with one of the letters in the manner prescribed in rule 9 except that they shall be in white on a red ground.

Diagram of plate for general number.



Seven additional letters will be assigned to the number on payment of another fee of Rs. 30. Any manufacturer or dealer who requires a further series of letters will obtain it for a similar fee if he satisfies the licensing authority that it is required for *bona fide* trade purposes.

(2) The holder of a general license shall not use any vehicle on a road under that license for any purpose other than—

(1) On test or trial during the course of construction or repairs or after completion in either such case;

(2) For the purpose of proceeding to or from the prescribed place of registration;

(3) On trial for the benefit of a prospective purchaser and for proceeding to or returning from the place where the prospective purchaser intends to keep such vehicle. For such purpose the vehicle may be driven by the prospective purchaser if he holds a driver's license;

(4) For delivery to or from the premises of a manufacturer or trader, and from such premises to the premises of a purchaser or of another manufacturer or trader;

(5) For proceeding to or returning from a workshop with the object of fitting a body to the vehicle or of painting or repairs;

(6) For proceeding from the premises of a manufacturer or trader to a Railway Station or wharf for entraining or shipment, or from a train or ship to the premises of the manufacturer or trader;

(7) For proceeding to an exhibition of motor vehicles with the object of exhibiting the vehicle or for returning from such exhibition to the premises of a manufacturer or trader;

(8) On trials organised by the Western India Automobile Association or Bombay Motor Cycling Club;

(9) For proceeding to or returning from any place at which the vehicle is to be or has been offered for sale.

Provided that if a customer, residing outside the Presidency, purchases a car in Bombay and intends to use it in Bombay it may be so used under a general number for a period not exceeding 7 days.

**Dealers' Register.** 15. Such manufacturer or dealer shall keep a register in such forms as the registering authority may direct showing the name of the driver and the hours and date on which he was in charge of the vehicle. He shall also keep a register in which the number of all registered cars in his possession shall be entered up showing the date on which cars were received into his possession.

On demand such registers shall be open to inspection by any police officer above the rank of Sub-inspector, or by any officer of the Municipality of and above the rank of Assistant Superintendent.

**Transfer of Ownership.** 16. (1) Every transfer of ownership and every temporary transfer of possession of a motor vehicle shall forthwith be intimated to the registering authority both by the registered owner and by the transferee.

Provided that no intimation shall be required for temporary transfers for a period not exceeding one month.

(2) The transferee shall pay a fee of Re. 1 for each such transfer.

The word "transferee" includes the purchaser, dealer, auctioneer, receiver, agent, repairer or any person who may be in temporary charge of the vehicle for the time being.

**Intimation of Change of Circumstances.** 17. If any circumstances (other than those mentioned in rules 16 and 20) occurring in relation to any motor vehicle, affect the accuracy of any particulars entered as regards that car in the Register of Motor Vehicles, the owner of the motor vehicle shall forthwith inform the registering authority with whom it has been registered.

**Subsequent Defects.** 18. Where the registering authority or any District Magistrate, at any time after a motor vehicle has been registered, considers, on the report of any District Superintendent of Police or otherwise, that it has ceased to comply with the requirements of the Act, or the rules made thereunder or that it has not been maintained in such a condition as to prevent danger to the public, such registering authority or District Magistrate may, after notice to the registered owner, direct that the registration be cancelled until such time as the defects are rectified to its satisfaction. Where the District Magistrate himself is not the registering authority, he shall report the fact that registration has been cancelled, to the registering authority.

**GENERAL.**

**Rule of the Road.** 19. (1) A motor vehicle shall be driven in accordance with the rules of the road which require a vehicle to keep on the left of the



road except when passing horses and other vehicles going in the same direction which should be passed on the right, and provided that it should ordinarily pass a tramcar on the left or near side whether it be going in the same or the contrary direction.

(2) The driver of the motor vehicle when turning into a side street, if to the left shall keep close to the corner, if to the right shall make a wide curve. He shall further when about to turn to the right hold out his right hand horizontally to the right of the vehicle, and when about to stop raise hand vertically, palm to the front.

(3) A motor vehicle entering a main road from a branch or side road should enter the main road slowly and give way to vehicles travelling on the main road.

(4) When main roads have not been defined motor vehicles approaching any intersection of roads shall yield the right of way to vehicles approaching such intersection from the left.

**Speed Limits.** 20. (1) No motor vehicle shall be driven at greater speed than twenty miles an hour within the limits of—

(a) the City of Bombay ; and

(b) any Municipality or Cantonment to which this proviso may be applied\* by the orders of Government.

Provided that at night, where the road is unlighted by street-lamps, and at all times in the neighbourhood of tramways, railway stations and crossings, cross-road, side streets, curving roads (when the road in front cannot be seen) in dense traffic, in passing over narrow bridges or by a road entrance to private grounds or through or near and road-side village, or in the proximity of a toll-gate, the driver shall bring his vehicle under complete and immediate control :

Provided also that in such places as the District Magistrate may think necessary he may indicate by means of notice boards that motor drivers shall not allow the speed to exceed six miles an hour or such higher rate as may be shown on the board :

Provided also that in the fortress of Aden and in Sheikh Ohman the speed of all lorries and omnibuses with a carrying capacity of over 5 passengers shall not exceed 12 miles an hour.

(2) The speed at which a heavy motor vehicle is driven on any public road shall not exceed eight miles an hour :

\* Provided also that a heavy motor vehicle licensed to carry passengers may be driven at a speed not exceeding 20 miles per hour in the City of Bombay "

\* The provision of sub-rule (1) of rule 20 have been applied to the following areas :—

- |   |  |
|---|--|
| (1) The Municipal District of Poona...                          | } Vide G. N., J D, No. 3855, dated the 19th June 1916.   |
| (2) The Suburban Municipal District Poona.                      |  |
| (3) The Cantonment of Poona ...                                 |  |
| (4) The Cantonment of Kukee ...                                 | } Vide G. N., J D., No. 3855 dated the 17th June 1916<br>} Vide G. N., J D., No. 7456, dated the 21st November 1916.<br>} Vide G. N., J. D., No 1033, dated the 16th February 1917.<br>} Vide G. N., J. D., No. 6437, dated the 9th October 1917-<br>} Vide G. N. H. D., No. 3777, date the 20th June 1923 |
| (5) The Municipal District of Surat ...                         |  |
| (6) The Municipal and Cantonment limits of the Town of Karachi. |  |
| (7) The City Municipal and Cantonment limits of Ahmednagar.     |  |
| (8) The Municipal District of Lonavla in the Poona District.    |  |
| (9) The Municipal District of Pechgani in the Satara District.  |  |

Provided that—

- (a) if the weight of the motor vehicle unladen exceeds three tons, or
- (b) if the registered axle weight of any axle exceeds six tons, or
- (c) if a trailer is attached to the heavy motor vehicle, save as herein after provided.

the speed shall not exceed five miles an hour :

Provided also that—

If the heavy motor vehicle has all its wheels fitted with pneumatic tires or with tires of a soft or elastic material and does not draw a trailer or draws a trailer which is so constructed and by partial superimposition attached to the heavy motor car that at all times the weight upon the rear axle of the heavy motor car shall exceed the weight upon the axle of the trailer and which trailer has not more than two wheels in contact with the ground, such wheels being fitted with pneumatic tyre or with tyres made of a soft or elastic material the speed at which the heavy motor vehicle may be driven on any public road shall not exceed—

- (a) twelve miles an hour where the registered axle weight of any axle does not exceed six tons ;
- (b) eight miles an hour where such registered axle weight exceeds six tons.

**Prohibition as to use of Motor Vehicles on Foot-paths and in certain Localities.** 21. A motor vehicle shall not be driven in any footway, not shall a motor vehicle be driven in any road or public place where such traffic may for the time being, be prohibited in the City of Bombay by the Commissioner of Police and elsewhere by the District Magistrate.

**No Motor Vehicle to tow a Bicycle.** 21-A. The driver or person in charge of a motor vehicle shall at no time cause or permit, whilst the motor is in motion, any person riding a cycle to be towed or drawn along by such motor vehicle.

**No Motor Cycle to carry an extra Passenger except in certain cases only.** 21-B. The person driving or riding a motor cycle without a side car attached shall not cause or permit any other person to be carried on the motor cycle except on a specially constructed pillion seat which shall be approved of by the registration authority.

**Left hand drive Motors.**—21-C. No motor vehicle with left hand steering control will be registered unless it is provided on its right or off side with a mechanical signalling apparatus of a pattern approved of by the registration authority, which shall, when in operation, indicate to the following traffic the driver's intention of turning to

- (10) The Municipal Districts of Nasik, Sinnar, Yeola, Malegaon and Igatpur, the Cantonment of Deoli, and the Station Yard, Nasik Road, in the Nasik District,
- (11) The Municipal District of Dhulia in the West Khandesh District.
- (12) The Municipal Districts of Sholapur and Pandharpur in the Sholapur District.
- (13) The Satara Suburban Municipal area in the Satara District,
- (14) The Satara City Municipal area in the Satara District,

*Vide G. N., H. D., No. 4373, dated the 13th November 1923*

*Vide G. N., H. D., No. 5952, dated the 15th September 1924*

*Vide G. N., H. D., No. 6953, dated the 7th March 1925.*

the right or of his intention of stopping the vehicle : provided that in all cases of such motor vehicles as have been already registered but are not provided with such apparatus, a period of six months from the date of the introduction of this rule is permitted for the instalment of such apparatus.

**Motor Vehicles to carry Horns.** 22. Every person driving a motor vehicle shall have ready and available for immediate use a suitable deep-toned horn or, in the case of a heavy motor vehicle, a suitable gong, capable of giving audible and sufficient warning of his approach or position and shall sound the same whenever expedient to prevent danger to any of the public. No warning device shall be used upon a motor vehicle unless it has first been approved of by the licensing authority.

**Electric Devices &c.** 23. No mechanical devices for magnifying the sound no sirens, whistles, multiple horns or devices of a like nature shall be used on a motor vehicle in any road or street where such devices may from time to time be prohibited in the City of Bombay by the Commissioner of Police, and elsewhere by the District Magistrate.

**Motor Vehicles to carry Lamps.** 24. No person shall drive a motor vehicle during the period commencing half an hour after sunset and ending half an hour before sunrise unless such vehicle is provided with lights as follows :—

(1) In the case of heavy motor vehicles and of motor cars and of motor tricycles and in the case of motor cycles with side cars attached—

(a) one lamp showing a white light in front shall be affixed on each side of the front portion of the vehicle. In the case of motor cycles with side cars one lamp should be fixed on the cycle and one on the front of the side-car ; in Aden such lamps shall be either acetyline or electric lamps, properly hooded ;

(b) one lamp showing a red light at the rear and showing a white light at the side shall be affixed at the back of the vehicle in such manner as to illuminate with the white light and render easily distinguishable the number of the vehicle. In the case of a motor cycle with a side-car, such lamp shall be attached to the motor cycle.

(2) In the case of motor cycles without side-cars one lamp showing a white light in front so fixed as to illuminate and render clearly visible the numbers on both sides of the front number plate shall be attached to the front portion of the vehicle, and one lamp showing a red light at the rear and showing a white light at the side shall be attached at the back of the vehicle, in such a manner as to illuminate with the white light and render easily distinguishable the number of the vehicle.

(3) In all cases : (a) the lamps shall be of suitable character and illumination ; (b) the lamps shall be kept properly alight.

(4) The Commissioner of Police or the District Magistrate may by special notification in two or more local papers or in any other suitable manner prohibit within any local limits—

(a) the use of acetyline or electric lamps or lamps of any description giving a powerful and intense light, or

(b) the use of such lamps unless the glasses have been thickly ground or painted white.

(5) No light other than a white light shall be carried in front of a motor vehicle without special permission of the licensing authority.

**Use of Lamps.** 25. Every lamp carried by a motor vehicle when in use on a road or street at any time during the period mentioned in rule 24 shall be so constructed, fitted and attached as to prevent its light being moved about or used as a search-light.

**Maintenance.** 26. No person shall drive a motor vehicle—

(a) unless it is at all times under full control so as to prevent undue interference with passenger or other traffic, and unless it is maintained in such a condition as to prevent danger to the public;

(b) if such motor vehicle is propelled by steam, unless—

- (i) it is so constructed as to consume its own smoke as far as practicable,
- (ii) it is fitted with efficient "spark arresters",

(c) if such motor vehicle is propelled otherwise than by steam; unless it is so used that no smoke or visible vapour is emitted therefrom except from any temporary or accidental cause;

(d) unless it is provided with efficient mudguards,

**Standing in Streets, &c.** 27. No motor vehicle shall be allowed to stand in any street or public place un-attended by a person licensed under section 6 of the Act, unless all reasonable precautions have been taken to ensure that it cannot be put in motion in the absence of the driver or, if such motor vehicle is propelled by steam, unless its fires have been extinguished and it has ceased to contain in itself sufficient power to move. No driver shall leave such vehicle while the engine is in action.

Every motor vehicle standing in a public place shall carry at night a lighted rear lamp as prescribed in these rules, provided that if it stands in a place where it is clearly visible the use of a lighted rear lamp will not be necessary.

27-A. No person shall, when intoxicated, drive a motor vehicle in a public place.

**Travelling backwards.** 28. The driver of a motor vehicle shall not cause the vehicle to travel backwards for a greater distance or time than may be requisite for purposes of safety or in order to turn round, and such movement shall not take place until such driver has ascertained that the road behind is clear of all traffic.

28-A. **Report of accidents.**—The driver of a motor vehicle shall immediately report to the nearest police station any accident involving injury to a human being. In cases where more motor vehicles than one are concerned, it shall be incumbent to the driver of each motor vehicle to make the report required under this rule.

**Change of address.** 29. (1) Intimation of any change of address shall be given by the owner of every motor vehicle to the registering authority and in the case of an owner leaving his own province, to the registering authority of the province which the owner proposes visiting. Such intimation shall also be given by every holder of a license who drives a motor vehicle to the authority empowered to grant license.

(2) For the purpose of this rule, the address of such owner or holder shall be deemed to be changed when such person ordinarily resides elsewhere than at the address entered in the license or certificate of registration.

**Owners and Drivers.** 30. Every owner of a motor vehicle shall at the request of the registering authority or the authority empowered to grant licenses or any officer empowered in this behalf by any such authority, communicate to such authority any information required by him in connection with the motor vehicle which he in the course of his duty may desire to obtain with regard to—

- (a) Accidents,
- (b) Transfer of ownership,
- (c) Material alteration in appearance,
- (d) Driving licenses.

**Plying or letting for Hire.** 31. No person shall ply or let for hire a motor vehicle unless it is first registered in accordance with rule 6 of these rules and unless it complies with the special regulations made for the regulation of vehicles let or plying for hire.

**Temporary Permits.** 31-A. No person holding a temporary permit under rule 2 (2) shall drive a motor car or motor lorry unless there is beside him in such car or lorry a person duly licensed under rule 2 (1) :

Provided that such holder of a temporary permit shall not drive a motor vehicle on a ghat road included in Schedule G even when a person duly licensed under rule 2 (1) is beside him.

**Motor Competition or Reliability Trials.** 32. No motor competition, reliability trial, display or exhibition, in which more than five motor vehicles take part, shall be permitted on any public road without the previous sanction of Government.

**Responsibility for Conforming to Rules.** 33. No person shall drive or have charge of or cause or permit to be used any motor vehicle which does not in all respects conform to these rules, or which is driven or used so as to contravene any of these rules.

**Notice Boards and Danger Signals.** 34. (1) Notices displayed on notice boards on roads for the purpose section 12 of the Act or for the purposes of any of these rules shall be written in white letters on a red ground except in the case of hospitals which should display clearly a red cross in a white circle on a triangular red background. Such notices shall contain such wordings in letters not less than 3 inches high, as to indicate that the notice is a caution addressed to drivers of motor vehicles. Speed limits shall be indicated in such notices by figures not less than 3 inches high. All such notice boards shall be placed so as to be on the left side of the road for a driver approaching the place to which they refer.

(2) (a) Danger signals shall display clearly in white on a red circle enclosed within a white ring painted on a red plate of the shape of an equilateral triangle with side 20" long the following conventional signs :—

(b) In every case except that of the signals for hospitals, a plate not less than 17 inches long by 5 inches in depth, bearing in white letters on a red ground the word "Caution" shall be affixed at a distance of 3 inches below the plate bearing the conventional sign.

(c) Such signals shall be posted as nearly as may be at a distance of 75 yards from the obstructions which they are meant to point out. In cases where this is impracticable there shall be affixed immediately below the caution plate a plate showing in white letters 3 inches high on a red ground the distance in yards between the signal and the obstruction.

(3) (a) the following three signals are approved and should be added to those incorporated in rule 34(2).

(b) On the same posts on which boards exhibiting these and previously prescribed signals with instructions in English are affixed and immediately below them, separate boards conveying the same instructions in vernacular shall also be affixed. The vernacular shall be Hindustani, written in Balbodh characters in the case of the City of Bombay and the principal vernacular of the District elsewhere in the mofussil.

(c) Notice boards for all new signals and for old ones, if and when required to be replaced, shall be made of enamel plates.

#### SPECIAL RULES FOR HEAVY MOTOR VEHICLES.

**Registration of Weights.** 35. On every application for the registration of a heavy motor vehicle the applicant shall declare—

(a) the weight of the heavy motor vehicle unladen. (b) the axle weight of each axle. (c) the diameter of each wheel.

**Registered Weight to be printed on the vehicle.** 36. Upon receiving from the registering authority a copy of the entries made in the register relating to a heavy motor vehicle or trailer, the owner of the motor vehicle shall cause—

(a) the highest rate of speed at which in conformity with the rules the heavy motor vehicle may be driven without a trailer,

(b) the registered weight of the heavy motor vehicle or trailer unladen, and

(c) the registered axle weight of each axle,

to be printed or otherwise plainly marked in letters not less than one inch in height, and in such a manner as to be legible at a reasonable distance. In the case of (b) and (c) upon some conspicuous part of the right or off side of every heavy motor vehicle or trailer, and in the case (a) on the left or near side.

This rule shall not apply to trailers not exceeding one ton in weight unladen.

**Axle Weight.** 37. (i) The axle weight of an axle of a heavy motor vehicle shall not exceed the registered axle weight.

(ii) The registered maximum axle weight of any axle of a heavy motor vehicle shall not exceed eight tons and the axle weight of any trailer not conforming to the requirements laid down in the and proviso to rule 30 (2) shall not exceed four tons.

(iii) The sum of the registered axle weights of all the axles of a heavy motor vehicle shall not exceed twelve tons save in the case of a heavy motor vehicle with a trailer conforming to the requirements laid down in the second proviso to rule 30 (2) when the sum of such registered axle weights shall not exceed 16 tons.

**Tyres.** 38 The tyre of each wheel of a heavy motor vehicle or trailer, unless the tyre are pneumatic or made of a soft or elastic material, shall be smooth and shall, where the tyre touches the surface of the road or other pass whereon the heavy motor vehicle moves or rests, be flat, provided that the edge of the tyre may be bevelled or rounded to the extent in the case of each edge of not more than half an inch:

Provided also that—

If the tyre is constructed of separate plates, the plates may be separated by parallel spaces which shall be disposed throughout the outer surface of the tyre so that nowhere shall the aggregate extent of the space or spaces in the course of a straight line drawn the tyre.

**Width of tyre.** 39. The width of the tyre of each wheel of a heavy motor vehicle or trailer shall be determined by such of the following conditions as may apply to the circumstances of the case; that is to say—

(a) The width shall in every case be not less than 5 inches; or in the case of a trailer, 3 inches.

(b) The width shall be not less than that number of half inches which is equal to the number of units of registered axle weight of the axle to which the wheel is attached.

39 A. In the case of motor vehicles fitted with modern solid rubber tyres the thickness of the tyres shall be uniform and shall not be less than shown below:—

Tyre width	Minimum uniform thickness.
5"	7/8"
5" to 8"	1"
8" and upwards	1 1/8"

When two tyres are fitted to a rim, the width for the purpose of this rule shall be the total combined width of both tyres.

**Unit of registered Axle-weight.** 40. The unit of registered axle-weight shall vary according to the diameter of the wheel, and the rules set forth in the subjoined scale; that is to say—

(i) if the wheel is 3 feet in diameter, the unit of registered axleweight shall be  $7\frac{1}{2}$  cwt.;

(ii) if the wheel exceeds 3 feet in diameter, the unit of registered axle-weight shall be  $7\frac{1}{2}$  cwt. with an addition of weight in the proportion of one hundred-weight for every 12 inches by which the diameter is increased beyond 3 feet; and in the same proportion for any increase which is greater or less than 12 inches; and

(iii) If the wheel is less than 3 feet in diameter, the unit of registered axle-weight shall be  $7\frac{1}{2}$  cwt. with a deduction of weight in the proportion of one hundredweight for every 6 inches by which the diameter is reduced below 3 feet; and in the same proportion for any reduction which is greater or less than 6 inches.

(2) This rule shall not apply to any tyre which is pneumatic or which is made of a soft or elastic material, or to trailers not exceeding one ton in weight unladen.

**Size of Wheels.** 41. The diameter of a wheel of heavy motor vehicle or trailer, if the wheel is fitted with a tyre which is not pneumatic or is not made of a soft or elastic material shall be not less than two feet.

**Width and Length of Vehicle.** 42. A heavy motor vehicle, and any trailer attached to any such heavy motor vehicle may, when measured between its extreme projecting points, be of a width not exceeding 7 feet 6 inches and no heavy motor vehicle or trailer attached to it shall be used on any street or road of such motor vehicle exceeds 36 feet in length.

**Springs;** 43. Every heavy motor vehicle and the trailer shall be constructed with suitable and sufficient springs between each axle and the frame of the vehicle.

44. No heavy motor vehicle used on any street or road shall have attached to it more than one trailer except when allowed by the licensing authority in accordance with rule 53.

**Vehicles for the Conveyance of Passengers.** 45. A trailer shall not be attached to a heavy motor vehicle which is used as a public conveyance except under a permit granted by an officer authorised by Government in this behalf.

**Prohibition of the Use of Heavy Motor Vehicle without Order permitting the Vehicle to be driven on the particular Road or Roads in question.** 46. The Commissioner of Police in the City of Bombay, and elsewhere the District Magistrate, may in his discretion prohibit the use of any road or roads for heavy motor vehicles provided that an appeal from such an order shall lie to the Governor in Council whose decision shall be final.

**Use of Motor Vehicles on Bridges.** 47. (i) Where a bridge forming part of a highway is insufficient to carry a heavy motor vehicle of a particular weight the registering authority or District Magistrate may, by notification in the *Bombay Government Gazette*, give notice that this rule is extended to such bridge, and thereupon the registering authority in Bombay, the City of Karachi or Aden or, elsewhere, the District Magistrate or the Executive Engineer or a local board or Municipal or Railway Administration shall affix or set up in suitable and conspicuous positions, on each approach to the bridge, notices which, as regards all their contents or subject matter, shall be clearly, and distinctly legible and visible by persons approaching the bridge, and which state that the bridge is sufficient to carry a heavy motor vehicle, the registered axle weight of which exceed that specified in the said notice board.

(ii) The owner of any such heavy motor vehicle shall not cause or suffer the motor vehicle to be driven, and the person driving or in charge of the motor vehicle shall not drive the motor vehicle, upon any bridge to which the rule extends.

48. The owner of a heavy motor vehicle shall not cause or suffer the motor vehicle to be driven, and the person driving or in charge of a heavy motor vehicle shall not drive the motor vehicle, upon a bridge forming part of a highway at any time when another heavy motor vehicle or a locomotive is on the bridge, if the combined weights of the vehicles would exceed the carrying capacity of the bridge.

49. When a heavy motor vehicle is used on any road or street, two persons shall be employed in driving or attending to such vehicle.

50. The cylinder taps of a heavy motor vehicle propelled by steam shall not be opened within sight of any person riding, driving, leading or in charge of any horse upon the road or street, nor shall the steam be allowed to attain a pressure so as to exceed the limit fixed by the safety valve, so that no steam shall blow off when the vehicle is upon the road or street.

51. Every applicant for registration of a heavy motor vehicle shall make a declaration in the form of Schedule F and append it to his application for registration.

**SPECIAL RULES FOR TRACTION ENGINES.**

**Registration.** 52. Traction engines may be registered at the discretion of the registering officer who should on application being made to him consult, in the first instance, the local authorities of the place in which it is proposed to run, such traction engine.

**Size.** 53 (r) A traction engine and any trailer attached to any such traction engine may when measured between its extreme projecting points be of a width not exceeding 8 feet 6 inches and no traction engine made up of a locomotive with one or more trailers exceed 75 feet in length.

(s) The weight of a traction engine shall not exceed 14 tons.

**Brakes on Trailers.** 54. Each trailer attached to a traction engine shall have a brake approved by the registering authority.

**Maximum Limit of 3 Trailers.** 55. No traction engine used on any road or street shall have attached to it more than three trailers.

**Persons in Attendance.** 56. Every traction engine must have three persons in attendance, two persons to attend to the traction engine and one person to be on the watch and ready to help any person with horses and carriages meeting or overtaking the traction engine and to attend to the trailers.

**Position of Man in charge of Trailers.** 57. The man in charge of the trailers should always be on the alert when nearing and passing through a town or village or when approaching a turning even though in the country.

**Man preceding Engine.** 58. When travelling on a road less than 12 feet wide one man must precede the engine at a distance reasonably sufficient to warn approaching traffic.

**Tires.** 59. A traction engine drawing any wagon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the traction engine unless the diameter of such wheels shall exceed 5 feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased, but in such case the width of such tires shall not be less than 14 inches.

**Driving Wheels.** 60. The driving-wheels of a traction engine shall be cylindrical and smooth-soled. Cross-barred, grooved or studded tyres shall not be fitted



to any traction engine, but the District Magistrate (or in the City of Bombay the Commissioner of Police) may in his discretion, and for such period as he thinks proper, exempt from the operation of this rule any traction engine fitted with such tyres which has already been licensed."

#### GHAT ROADS AND HIGH STATIONS.

**Ghat Roads.** 61. The following rules shall be in force on the ghat roads specified in Schedule G which will be revised from time to time as Government may prescribe. On all such roads motorists shall proceed with special caution.

**Definitions.** 62. In the following rules—

"Night" means the period from half an hour after sunset to half an hour before sunrise. The "outside" of the road on a ghat means the side from which the slope of the hill is downwards.

A "ghat" or "ghat road" means a road constructed on a gradient on the side of a mountain or hill. The District Magistrate shall notify by means of large notice boards on the roadside where each ghat begins and ends.

**Night Travel.** 63. No motor vehicle shall travel by night on any of the ghat roads specified in Schedule G, provided that this rule shall not be deemed to apply to any motor vehicle in respect of which the District Magistrate shall grant a certificate that it is or has been travelling in a case of emergency; and no heavy motor vehicle shall travel by night on the main Pass between Tawabi and the Crater at Aden, except with the special permission of the Political Resident at Aden.

**Exception 1.**—The Mahableshwar Motor Service Company, Limited, shall be allowed to run every night one motor vehicle from Mahableshwar to Wathar and another from Wathar to Mahableshwar for the purpose of carrying the mails. Such motor vehicles shall be provided with two powerful head lights and shall not travel by night at a rate exceeding twelve miles an hour.

**Exception 1-A.**—Any contractor authorised in the behalf by the Postmaster General, Bombay, may run by night such number of motor vehicles carrying mails as may be specified in his contract over the Katra, Kambatki, and Pasarni Ghats on the Poona to Mahableshwar Road (Nos. 13, 34 and 35 in Schedule G to these Rules) under the conditions specified in exception 1.

**Exception 2.**—Should a motor vehicle break down on any road on which night travelling is prohibited, the driver, if unable to accomplish his journey before night-fall, may proceed after executing the necessary repairs but shall halt at the first Police Station he comes to after dark and there give his name and the number of his car and a statement of the reasons why he is travelling at that hour, and shall drive with great caution.

**Exception 3.**—Any contractor authorised by the Postmaster General, Bombay, may run by night such number of motor vehicles carrying mails as may be specified in his contract over the Arball Ghat on the Karwar-Bellary Road (No. 42 in Schedule G, to the said Rules) or on that portion of the Navi Ghat Road (No. 65 in Schedule G to the said Rules) which lies between Rahimatpur Station and Aundh on condition that such motor vehicles shall be provided with two powerful headlights and shall not travel by night at a rate exceeding twelve miles an hour.

**Exception 4.**—Motor Vehicles of the Royal Tank Corps School, Ahmednagar, may, for the purpose of training the personnel, be driven at night on the Karanj and Dongargan Ghat Roads (Nos. 72 and 73 in Schedule G to these Rules), with such precautions as may be necessary for the safety of other traffic.

**Passing.** 64. Motor vehicles shall, where practicable, pass all animals or vehicles drawn by animals on the outside, in whichever direction such animals may be proceeding.

**Exception.**—On ghat roads, between Poona and Wai and Wai and Mahabaleshwar motor vehicles shall observe the rules laid down in rule 19 (f).

**Passing Animals.**—65. The driver of a motor vehicle shall, in passing, animals, allow as much space as the width of the road permits.

**Kelghar Ghat.**—66. No motor vehicle shall be driven on the Kelghar Ghat between Mahabaleshwar and Satara unless the District Magistrate shall notify that the said ghat is available for motorist.

**Matheran.**—67. (1) No person shall drive a motor vehicle within the limits of Matheran, or on the road from Neral to Matheran.

**Mahabaleshwar.**—(2) No motor vehicle shall be driven at a greater speed than 12 miles an hour within the limits of the Mahabaleshwar Municipal District or on the Old Mahabaleshwar Road between the Mahabaleshwar Municipal limits and Arthur's Seat.

(3) No person shall drive a motor vehicle within the limits of the Mahabaleshwar Municipal District or on the Old Mahabaleshwar Road between the Mahabaleshwar Municipal limits and Arthur's Seat, except in accordance with the written permission of the Superintendent, who may subject to the general control of Government grant or refuse such permission at his discretion, and may in granting it prescribe such general or special conditions as he thinks fit:

Provided that on first arrival for, or final departure after, a *bona fide* visit to Mahabaleshwar for the purpose of residence, any person may, without such permission, drive, or be conveyed in, a motor vehicle which is not a vehicle let for hire to or from his residence.

(4) Motor vehicles let for hire shall not proceed beyond such place as the Superintendent may notify as the depot for such motor vehicles at Mahabaleshwar.

(5) The Superintendent shall notify by means of notice boards on the roadside such roads as are close against all motor traffic; and no motor vehicles shall proceed along any road so closed.

**Speed Limits on Ghat Roads.** 68. No motor vehicle shall be driven at a greater speed than fifteen miles an hour going down hill or twenty miles an hour up hill on any of the ghat roads specified in Schedule G:

Provided always that a driver shall so drive his car as to be able to bring it under complete and immediate control:

Provided that no motor vehicle shall be driven at a greater speed than 12 miles an hour between the points noted below at the top and bottom of the Passari and Khambalki Ghats:—

Miles and furlongs from Surul,	Place.
14-3 to 14-1	... Top of Pasarni Ghat.
8-½ to 8-1½	... Bottom of Pasarni Ghat.
Miles and furlongs from Poona.	
44-4 to 44-6	... Top of Khambalki Ghat.
40-2½ to 40-4½	... Bottom of Khambalki Ghat.

**Notice.** 66. The substance of rules 62 to 68, so far as they effect each road concerned, shall be displayed on notice boards in a convenient position on such road.

FORMS

**Application for License.** 70. Every application for a license under section 6 of the Act shall contain the particulars specified in Schedule A and, in the case of a professional driver or a driver of a motor vehicle let or playing for hire, shall be accompanied by two photographs of the applicant for the use of the licensing authorities.

**License.** 71. Every license granted under section 6 of the Act shall be in the form of Schedule B and shall be available for the whole of India, and in the case of a license granted to a professional driver or to a driver of a motor vehicle let or plying for hire, shall in addition bear a photograph of such driver.

**Application for Registration.** 72. Every application for registration under section 10 of the Act shall contain the particulars specified in Schedule C.

**Registration Certificate.** 73. Every registration certificate granted under section 10 of the Act shall be in the form of Schedule D and that be available for the whole of British India.

**Transfer Certificate.** 74. Every transfer certificate granted under rule 16 shall be in the form of Schedule E.

#### SCHEDULE A.

(See rule 70.)

**Particulars to be given by Applicant for License to drive.** 1. Full name of applicant. 2. Postal address of residence of applicant. 3. Whether applicant is over eighteen years of age. 4. Particulars of any license which applicant holds or which he has previously held. 5. Particulars of any endorsement of any license which applicant holds or which he has previously held. 6. Whether applicant has at any time been disqualified for obtaining a license. If so, particulars as to the Court or Government by whom, the date on which and the period for which the disqualification was imposed. 7. Whether applicant is a professional driver or drives or intends to drive a motor vehicle let or plying for hire.

Date

Signature

#### SCHEDULE B.

(See rule 71.)

#### FORM OF DRIVING LICENSE.

#### Available for the whole of British India.

No. of 192 . . . . . Fee Rs. 10 only.

License to drive motor vehicles throughout British India is granted under section 6 of the Indian Motor Vehicle Act, 1914, to Mr. \_\_\_\_\_ residing at \_\_\_\_\_

Bombay \_\_\_\_\_ Commissioner of Police.  
Karachi \_\_\_\_\_ Superintendent of Police, Karachi Head Quarters.  
(other place) \_\_\_\_\_ District Magistrate.

Date of Expiry of license \_\_\_\_\_ in each year.

Date of renewal.	Date of expiry.	Commissioner's
		Superintendent of Police Karachi Head Quarters' Signature. District Magistrate's
192	...	
192	...	
192	...	

SCHEDULE C.

(See rules 6 and 72.)

**Application for Registration.**

1. Full name of owner. 2. Postal address of usual residence of owner. 3. Description of Motor vehicle\*. 4. Maker's name or name by which the motor vehicle is ordinarily known. 5. Model of motor vehicle. 6. Year of manufacture. 7. Number of chassis. 8. Number on engine. 9. Number of cylinders. 10. Horse power. 11. Whether intended for—(a) Private use, (b) use for trade purposes, (c) use as a public conveyance.

*Additional for heavy Motor Vehicles.*

12. Weight unladen. 13. Axle weight front or rear. 14. Diameter of wheels. 15. Width and material of tyres. 16. Certificate as required by rule 10 of the Bombay Motor Vehicles Rules, 1915 Dated

192.  
Signature of applicant,

SCHEDULE D.

(See rules 6 and 73.)

Fees Rs.	{	4 Motor cycle.
		16 Motor vehicle weighing two tons or under.
		32 Motor vehicle weighing more than two tons.

**Registration Certificate.** Valid for the year ending the 31st August 19 . (Available for the whole of British India.) No. of 192 .  
Certified that the Motor Vehicle described hereunder has been examined and found fit for use. It has been registered in the name of Mr. \_\_\_\_\_ residing at \_\_\_\_\_ and has been assigned Number \_\_\_\_\_.

This number must always remain attached to the vehicle and must not be transferred to another vehicle. The person disposing of the vehicle as well as the person who takes it over is bound by rule 16 to report the fact to the undersigned.

Description of vehicle:—

1. Kind of motor vehicle.\* 2. Maker's name or name by which the motor vehicle is ordinarily known. 3. Model of motor vehicle. 4. Year of manufacture. 5. Number of chassis. 6. Number on engine. 7. Number of cylinders. 8. Horse power. 9. Whether intended for—(a) private use, (b) use for trade purposes, (c) used as a public conveyance.

*Additional for heavy Motor Vehicles.*

10. Weight unladen. 11. Axle weight front or rear. 12. Diameter of wheels. 13. Width and material of tyres. Date

192 .  
Commissioner of Police, Bombay.

Superintendent of Police, Karachi Head Quarters,  
District Magistrate, Aden.

SCHEDULE DD.

(See rule 7A and 7B.)

Form of License Cards and specification of holder thereof,

\*e.g., motor cars, motor cycles, steam lorry, &c.

\*e.g. motor car, motor cycle, steam lorry, &c.

## License Card,

Make \_\_\_\_\_  
 Engine or Chassis No. \_\_\_\_\_  
 Registered No. \_\_\_\_\_  
 Expiring \_\_\_\_\_ 192  
 (Signature.) \_\_\_\_\_

The holder must be of metal and of weatherproof construction. It must be circular and conform to the following dimensions:—

**Card Tray.**—The license card should fit neatly into a sheet metal tray of suitable thickness, having a turned up edge of sufficient depth to hold the card and a stout cover glass.

**Ring cover.**—A circular ring of sheet metal shaped to fit down closely on the tray, and adapted for fixing by screws, bolts or otherwise, to the vehicle in the prescribed position. A rubber packing ring should be arranged to fit between the ring cover and the cover glass and tray so as to render the whole carrier weatherproof.

**Dimensions.**—The aperture within the ring cover should clearly exhibit the whole of the license card and should have a diameter of  $2\frac{11}{16}$  inches."

## SCHEDULE E.

(See rule 74.)

## Transfer Certificate.

Certified that motor <sup>vehicle</sup> <sub>cycle</sub> No. \_\_\_\_\_ standing in the name of Mr. \_\_\_\_\_

\_\_\_\_\_ has been transferred to the name of Mr. \_\_\_\_\_

\_\_\_\_\_ residing at \_\_\_\_\_

Date \_\_\_\_\_ 192 .

Commissioner of Police, Bombay.

Superintendent of Police, Karachi Head Quarters

District Magistrate, Aden.

## SCHEDULE F.

(See rule 35.)

## APPLICATION FOR REGISTRATION A HEAVY MOTOR VEHICLE.

**Declaration.**—I hereby declare that the following particulars in relation to the motor vehicle or trailer to which my application relates are true to the best of knowledge and belief:—

- (1) Weight of my heavy motor vehicle or trailer unladen. (2) Axle wei  
 (3) Diameter of each wheel.

SCHEDULE G-  
(See rule 61.)  
Ghat Roads.

Serial No.	District.	Taluka or Peta.	Name of Road.	Name of ghat.
1	Thana	Shabapur	Kurla-Vibigaon Road	Thaigbat
2	"	Shabapur and Wada.	Vibigaon-Khodala Road	Gargai
3	Kolaba	Mabad	Mahapral Shirwal Road—portion from 12 to 16 miles and 3 furlongs	Waranda.
4	"	"	Haikhamba-Poladpur Road—portion from miles 18 to 95.	Kashedi
5	Thana	Vada	Road from Khedala to Mokhada	Khodala.
6	"	"	Vada Shirghat Road	Suryamal, Shirghat,
7	"	"	Do,	Fulpari.
8	Punch Mahals.	Dudhia—Baria State.	Limkheda Jhalod Road—provincial portion, miles 34 and 35.	
9	Kolaba	Alibag	Alibag-Dharamter Road—portion from miles 5 and 6.	Sagaon.
10	Panch Mahals.	Dohad	Godhra-Dohad Road—mile No. 41.	No special name—the nearest village is Rabadul.
11	Abmedabad	Mahi Kantha Agency.	Dhansura-Talod Road—miles 7 and 8.	Nawalpura-Timba.
12	"	Madasa Mahal	Madasa-Bibipura Road—mile No 6	Alampur Hill.
13	Poona	Haveli	Poona to Mahableshwar	Katraj.
14	Poona & Kolaba	Mawal and Khabalapur respectively.	Bombay-Poona Road	Bhor.
16	Poona	Purandhar	Hadapsar-Saswad Road	Divn.
15	Nasik & Thana.	Igatpuri and Vada.	Bombay-Agra Road near Igatpuri.	Kasara.
17	Nasik	Chandor and Malegaon.	Manmad Malegaon Road	Ghat 8 miles Manmad.
18	Nasik	Igatpuri	Ghoti-Kolbar Road	Ghat between Vasali and Bari.
19	West Khandesh	Dbulia	Bombay-Agra Road	Talia Bari,
20	"	"	Do.	Laling.
21	"	Shirpur	Do.	Bahiram.
22	"	"	Do.	Pimpal.
23	"	"	Do.	Gavalan.
24	Poona	Khed	Poona-Nasik Road	Peth.

Serial No.	District.	Taluka or Peta.	Name of Road.	Name of ghat.
25	Poona	Khed	Poona Nasik Road	Awar.
26	Nasik	Sinner	Do.	Mahodari.
27	East Khandesh.	Chalisgaon	Chalisgaon-Oustramghat Road.	Outramghat.
28	Poona	Khed	Dimba-Bhimashankar Road.	Pokbari.
29	Nasik	Kalvan and Chandor.	Khandesh Nizam Frontier Road between Devle and Chandor.	Bhowra.
30	"	Peint and Nasik	Nasik-Balsar Road near Ambegaon.	Savaighat.
31	"	Peint	Nasik-Balsar Road near Peint.	Kotambe.
32	"	Peint and Nasik	Nasik-Vaghera Goldari Road near Veghera.	Satighat.
33	West Khandesh	Nawapur	Dbulia-Chinchpada Road	Kondaibari.
34	Satara	Khandala	Poona to Mahabeshwar	Kambark.
35	"	Wai	Poona to Mahabeshwar and Wather to Mahabeshwar.	Pasarni.
36	"	"	Wather to Mahabeshwar	Shirgaon.
37	Belgaum	Chikodi	Poona-Bengalore Road	Tavandi.
38	Ratnagiri and Satara.	Chiplun and Patan.	Karad Chiplun Road	Kumbarli.
39	Sawantwadi State.		Belgaum-Vengurla Road	Amboli.
40	Ratnagiri	Sangameshwar	Ratnagiri-Kolhapur Road	Amba.
41	"	Ratnagiri	Do.	Hatkamba.
42	Kanara	Yellapur	Karwar-Bellary Road	Arballi.
43	"	Sirsi	Kamta-Hubli Road	Devimni.
44	Satara	Javli	Satara-Mahabeshwar Road	Kelghar.
45	Satara & Kolaba	Javli and Mahad	Dharamtar-Mahabeshwar Road.	Kuzgerald-Ambenali.
46	Belgaum	Sampgaon	Belgaum-Kaladgi Road	Kadiguddi.
47	Satara	Patan	Malharpeth-Pandharpur Road.	Utal.
48	"	Satara	Satara-Sbendra Road	Tunnel.
49	Belgaum	Chikodi	Nipani-Mahalingpur Road	Chikodi.
50	Kanara	Hanavar and Siddapur.	Honavar-Bangalore Road	Gersappa.
51	"	Karwar	Belgaum-Kadra Road	Anshi.
52	Satara	Karad	Karad-Bijapur Road	Surli.
53	"	Khanapur	Do.	Kevani.
54	Miraj State		Do.	Rajewadi.
55	Satara	Khandala	Old Poona Road	Saipa.

Serial No.	District.	Taluka of Peta.	Name of Road.	Name of ghat.
56	Ratnagiri	Ratnagiri	Halkhamba-Poladpur Road	Nivli.
57	"	Chiplun	Do.	Khondmala.
58	"	"	Do.	Pebda.
59	"	Sangameshwar	Sakharpa-Sangameshwar Road.	Sakharpa.
60	"	"	Do.	Karambala.
61	"	Deogad	Nipani-Deogad Road	Phonda.
62	Satara	Katav	Satara-Pandharpur Road	Wardhangad.
63	"	Man	Do.	Mahimgad.
64	"	"	Do.	Dhuldeo.
65	"	Koregoan	Satara-Tasgaon Road	Nhavi.
66	"	Khanapur	Malharpet-Pandharpur Road.	Shamgaon.
67	"	Katav	Do.	Taras.
68	Aundh State	"	Do.	Thare.
69	Satara	Man	Puseavli-Shingnapur Road	Dombaldare.
70	Sholapur	Malsiras	Shingnapur-Nateputa Road	Bhavani.
71	Belgaum	Gokak	Gokak-Road Railway Station to Gokak.	Gokak Ghat.
72	Ahmadnagar	Nagar	Nagar Shevgaon Road portion from 14/5 1/2 to 17/1.	Karanji Ghat.
73	"	"	Shendi Wambori Road portion 11 to 12.	Dongargon Ghat.

1. Mysore, 2. Benares, 3. Dharampur, 4. Sachin, 5. Sawantwadi, 6. Aundh, 7. Sangli, 8. Hansda, 9. Akalkot, 10. Phaltan, 11. Bhatatpur, 12. Baroda, 13. Miraj (Senior), 14. Kurundwad (Senior), 15. Jamkhandi, 16. Mudhol, 17. Kconjbar, 18. Mayurbhanj, 19. Patna, 20. Talcher, 21. Kalahandi, 22. Travancore, 23. Cochin, 24. Padukkottai, 25. Baud, 26. Nilgiri, 27. Hyderabad, 28. Kashmir, 29. Kurundwad (Junior), 30. Kolhapur, 31. Gwalior, 32. Feudatory State of Bamra in Orissa, 33. Jambughosa, 34. Rajpipla, 35. Bara, 36. Feudatory State of Gangpur in Orissa, 37. State of Rampur, 38. State of Banares, 39. Ramdurg, 40. Bhor; subjects to the following arrangements, namely:—

(a) if a motor vehicle plying for hire takes up passengers in Bhor territory and sets them down in a British District or *vice versa*, it must be licensed to ply for hire both by the State authorities and by the District Superintendent of Police of the British District in which it either sets down or takes up passengers.

(b) a motor vehicle licensed to ply for hire in the Bhor States which merely passes through British territory and neither sets down nor takes up passengers therein will not require a British license and *vice versa*.

41. Feudatory State of Dhenkanal in Orissa, "42. Feudatory State of Nayagarh in Orissa," 43. Feudatory States of Bastar and Kanker in the Central Provinces," 44. Feudatory States of Nandgaon and Khaingarb in the Central Provinces, 45. Feudatory State of Bonai in Orissa.



## APPENDIX E.

### Public Conveyance (Motor Vehicles) Rules, 1922.

1. **Short title extent and commencement, application of Motor Vehicles Rules, 1915.**—(1) These rules shall be called the Public Conveyance (Motor Vehicles) Rules, 1922.

(2) They shall apply to the Town and Island of Bombay only, and shall come into force on the 1st August 1922.

(3) Such of the Bombay Motor Vehicles Rules, 1915, as are not inconsistent with the provisions of these rules, shall apply to motor vehicles let or plying for hire.

#### 2. **Definitions.**—In these rules—

(a) "Motor vehicle" shall mean a motor vehicle let or plying for hire, (b) "Taxi car or cab" shall mean a motor vehicle let or plying for hire for the carriage of passengers. (c) "Motor Omnibus" shall mean a motor vehicle not being a taxi car or cab, which plies for hire and has seating accommodation for 20 or more passengers, (d) "Motor lorry" shall mean a motor vehicle let or plying for hire for the carriage of goods, (e) "Licensing Authority" shall mean the Commissioner of Police for the City of Bombay or any officer authorised by him to exercise or perform any power or duty conferred or imposed on the Licensing Authority under the Rules.

#### GENERAL REQUIREMENTS.

3. **Inspection.**—Every motor vehicle intended to be let or plied for hire within the said limits must be taken to the head Police Office in Bombay for inspection. The owner or person in charge of such motor vehicle shall at the same time produce the certificate of registration of the motor vehicle under the Bombay Motor Vehicles Rules, 1915, and also a certificate from the maker or maker's agent that such motor vehicle is in every way fit for use as a public conveyance in Bombay and that its machinery is safe and is in good working order and condition. It must be properly painted and must be capable of accommodating not less than three passengers.

4. **Periodical examination.**—A motor vehicle shall be liable to examination at such times as the licensing authority may prescribe, and the owner's permit may be suspended or cancelled by such authority, if the vehicle does not comply with the requirements of these rules or with those of the Bombay Motor Vehicles Rules, 1915, as far as applicable.

5. **Brakes.**—The brakes shall, as far as possible, be so affixed as to be capable of easy adjustment, and at least one brake must be so made as to be applied by the foot of the driver. The brakes will at any time be subject to inspection.

6. **Bolts.**—All brake and steering connections secured with bolts must have such bolts secured with nuts and locked or pinned. These parts will at any time be subject to inspection.

7. **Machinery.**—The machinery shall be so constructed that no undue noise or vibration is caused.

8. **Connections and fittings.**—All parts connected by bolts or studs and nuts subject to severe vibrations shall be fixed by lock nuts or by nuts and approved springs or lock nut washers to prevent their working loose and making a rattling noise;

and any motor vehicle with lamp brackets, mudguard brackets and other carriage fittings so loose as likely to cause unnecessary noise will be regarded as unfit for use as a public conveyance.

**9. Carburettors.**—Carburettors must not be placed in close proximity to magnetos or to connections of wires carrying electric current, unless they are suitably encased or screened.

**10. Precautions to be adopted against injury or danger.**—Effective means shall be adopted for preventing the heat of the motor or of the exhaust pipe connections from injuriously affecting other parts of the motor vehicle, the goods carried or the comfort of the passengers. All wires carrying electric current must be properly insulated and protected from injury and so placed that they cannot be the cause of danger.

**11. Celluloid, etc. fittings prohibited.**—No celluloid or xylonite fittings shall be placed inside or outside a motor vehicle, but this rule does not apply to the accumulators.

**12. Tanks.**—Tanks for petrol and other liquid fuel must be made of suitable material properly constructed and of sufficient strength. They should be so placed that any overflow shall not accumulate on wood work, or where it can be readily ignited. The filling nozzle or inlet for the petrol or other liquid fuel, should, where possible, be brought to the outside of the body.

**13. Petrol leakage.**—When a guard or tray is fixed underneath, it must be so constructed that any overflow of petrol from the carburettor shall not be retained in the tray.

**14. Oil leakage.**—The machinery must be so constructed or placed that oil from the bearings shall not be allowed to drop on to the roadway, and when trays are fixed to prevent this, they must have suitable webs for retaining the oil when ascending or descending hills or be otherwise suitably constructed with that object; the oil must be cleaned out frequently and not allowed to accumulate from day to day.

**14. Smoke from exhaust.**—The lubrication of the engine and the carburation of the working mixture must be so controlled that smoke is not ejected with the exhaust, or from any other part.

**16. Outlet from the silencer.**—The outlet from the silencer should not be so placed as to eject the exhaust directly on the roadway, or so placed or so directed, as to alarm horses immediately behind the motor vehicle.

**17. Advertisements forbidden.**—No printed, written or other matter, other than the sanctioned rate for hire or these rules, shall appear on the inside or outside of the motor vehicle or be carried by way of advertisement except such if any as may be approved by the licensing authority.

**18. Number of Passengers—Weight of Luggage.**—The licensing authority shall enter on each owner's permit in the case of a taxi car or cab, the maximum number of passengers and quantity of luggage, and in case of a lorry, the weight of the goods which may be carried at any one time in such motor vehicle.

**19.** Every motor vehicle shall carry in a prominent position a disc of the size and pattern approved by the Commissioner of Police showing in white figures on a red ground the number of persons, including the driver and cleaner, conductor or agent (if any) which the vehicle is licensed to carry.

The Commissioner of Police shall indicate the position on the motor vehicle in which the disc should be affixed.

**FEES,**

20. **Fees for owner's permit or duplicate.**—A fee of Rs. 5 shall be charged for each owner's permit and a fee Rs. 2-8-0 for every duplicate thereof.

21. **Fees for driver's permit or renewal or duplicate.**—A fee of Rs. 5 shall be charged for each driver's permit and a fee of Rs. 2-8-0 for every renewal or duplicate thereof. A driver's permit will not be renewed for Rs. 2-8-0 after the date of its expiry, but no person shall be debarred from obtaining a fresh permit on payment of the fee of Rs. 5 merely by reason of his former permit having expired without renewal.

22. **Credit of fees.**—The Commissioner of Police for the City of Bombay shall, on or before the 31st day of January in each year, pay to the credit of the Municipal Fund specified in Section 111 of the City of Bombay Municipal Act, 1888, the balance of fees received under rule 21 after defraying all expenses incurred in the working of these rules in the preceding year.

**SPECIAL REQUIREMENTS FOR TAXI CARS OR CABS,**

23. **Right hand drive.**—No owner's permit shall be issued in respect of any taxi car or cab unless the driver is on the right hand side.

24. **Taxi-meter.**—Every taxi car or cab shall be fitted with an approved style or pattern of taxi-meter to indicate to the hirer the fare chargeable.

25. **Taxi-meter to be sealed or marked.**—No taxi-meter shall be fixed to any taxi car or cab unless the seal or mark, if any, approved by the licensing authority has been fixed thereto.

26. **Taxi-meter, etc., not to be tampered with.**—No person shall break or in any way tamper with the seal or mark placed on a taxi-meter, or with intent to deceive, tamper with a taxi-meter.

27. **Taxi-meter test.**—Every taxi-meter to be used on a taxi car or cab within the said limits shall be tested by the Victoria Jubilee Technical Institute.

28. **Method of sealing.**—Every taxi-meter which passes the test shall be sealed in such manner that it cannot be opened without removing the seals.

29. **Sealing of taxi-meter fittings after test.**—After a taxi-meter is affixed to a taxi car or cab and before the vehicle is let or plied for hire, the taxi-meter shall be submitted to the Motor Vehicles Department of the Head Police Office in Bombay for the purpose of being examined as to correctness of fittings and to be given a practical road test of about five miles and a time test of not less than half an hour. If the taxi-meter is found to be correct, the whole of the fittings shall then be sealed to the taxi car or cab in such a manner that they cannot be removed or tampered with without removing the seals.

30. **Taxi-meter—Subsequent tests.**—Every taxi-meter shall at least once a year be sent to the Victoria Jubilee Technical Institute to be tested and as often as the seals are removed for repairs or adjustments or for any other purpose.

31. **Subsequent road tests.**—A fresh road test shall be made by the Bombay Police Motor Vehicles Department each time the meter or transmission gearing is removed, or repaired.

32. **Lighting Taxi meter.**—Every taxi car or cab must have a light so fixed as to illuminate the taxi-meter at night.

33. **Steering and turning.**—Each taxi car or cab must be capable of being readily steered and able to turn on each lock and proceed in a contrary direction

within a roadway not more than 30 feet, wide from kerb to kerb, but the licensing authority may in his discretion permit a car to be let or plied for hire, if the car is capable of turning within a reasonable space though more than 30 feet.

**34. Means of communication between passengers and drivers.**—Every taxi car or cab must be provided with an approved means of communication between the passenger and the driver. This should be so placed as to be readily accessible to the passenger and to obviate the danger of a driver having to turn his head whilst directions are being given. Short tubes are not suitable.

**35. Conveyance of luggage.**—Provision must be made for the conveyance of a reasonable quantity of luggage and efficient means provided by chains straps or other means of securing it. When it is intended to carry luggage on the roof, there must also be an approved fixed roof guard rail.

**36. Acetylene gas, etc, precautions.**—Where acetylene or other gas is used to light a taxi car or cab the cylinders or vessels which contain the gas or in which it is generated must be fixed outside in such a position as to be removed as far as possible from the danger of accidental ignition.

**37. Floor mat.**—The floor must be covered with mats of rubber, coir or some other suitable material.

**38. Cushions.**—The cushions of seats, where such are provided, must be covered and stuffed with suitable material.

**39. Maintenance of Car in proper condition.**—The doors, windows seats, roof, springs, cushions, wheels, lining, panels and all furniture and appointments of a taxi car or cab must be in proper order and repair, the paint and varnish in good condition and the inside perfectly clean.

#### FARES AND STANDS: TAXI CARS AND CABS

**40. Stands for Taxi Cars.**—The licensing authority shall appoint stands or places at which alone taxi cars or cabs may stand to ply for hire.

**41. Rates of Fares.**—The rates for the fare or hire of a taxi car or cab let or plied for hire shall be in accordance with a schedule approved by the licensing authority.

**42. Charges for detention and luggage.**—The driver of a taxi car or cab shall be entitled to charge for detention after having been hired and for any package carried in such vehicle in accordance with rates laid down in a schedule approved by the licensing authority.

#### MOTOR LORRIES: SPECIAL PROVISIONS.

**43. Renewal of registration.**—A certificate from the owner, stating that there has been no alteration in the design of the machinery since the previous inspection and date covered by the maker's or maker's agent's certificate, must accompany each lorry presented for renewal of registration. If any alteration has been made, full particulars of such alteration must be stated.

**44. Examination by expert.**—Should it be deemed necessary, an expert, accepted by both parties, should be employed to advise. The fee for such expert examination shall be paid by the owner.

**45. Length of chassis.**—The length of the chassis of a motor-lorry shall not exceed 25 feet, but if the platform is to be constructed upon the frame, the total length may be 26 feet: provided that the total length of the complete vehicle shall in no case exceed 26 feet.

**46. Chassis springs.**—All chassis springs shall be properly hung, and shall be of sufficient strength and flexibility to meet all likely contingencies.

47. **Rear springs.**—The rear springs shall be attached to or bear upon the back axle or the axle casing as near to the road-wheels as possible, and the distance between the outer edges of such springs shall not be less than 45 inches.

48. **Wheel-base of chassis.**—The wheel-base of the chassis shall not exceed 16 feet 6 inches and shall in all cases be so proportioned to the load that the risk of skidding is reduced to a minimum.

49. **Wheel-tracks.**—The wheel-track of front and rear wheels shall coincide and the measurement from centre to centre, taken in line with the axles, shall not be less than 5 feet 6 inches.

50. **Chassis load.**—The chassis load shall not exceed 10 feet from the roadway in height or overlap the width of the lorry.

Provided that for special reasons to be recorded in writing the licensing authority may permit the height of a load to exceed 10 feet.

51. **Steering and turning corners.**—Every motor-lorry shall be capable of being readily steered and of turning corners without unduly interfering with other traffic.

52. **Ball and socket joints.**—The ball and socket joints of steering connections when such are used, shall not be pendant, but the longitudinal or transverse rods shall be carried upon the ball.

53. **Corner pillars, irons and stays.**—Corner pillars for bodies shall be of sufficient strength, and the body shall be properly ironed and stayed to give the necessary strength for the weight to be carried and to resist the effects of the vibration to which it is liable.

OWNER'S PERMIT AND DUTIES OF OWNER (A. Permits)

54. **Owners permit.**—Subject to the provisions of Rule 62, no motor vehicle shall be plying for hire in public places within the said limits without an owner's permit granted by the licensing authority. Such permit shall be in Form A appended to these rules or to the like effect.

55. **Permit to a firm or company.**—In the case of a firm or company the owner's permit shall be issued in the name of the senior partner or secretary or manager.

56. **Garage.**—Subject to the provisions of rule 59A no person shall be granted an owner's permit unless he can show that he possesses and can maintain a suitable garage for the accommodation of the motor vehicle.

57. **Duration of owner's permit: transfer.**—Subject to Rule 4 an owner's permit shall remain in force from the date on which it is granted until the 31st March following, and shall not be transferred to any person without the sanction of the licensing authority duly endorsed thereon.

57-A. An owner's permit or a public driver's permit granted by the District Superintendent of Police of any district under the rules in force in his district shall be valid within the limits of the Town and Island of Bombay provided that it bears the countersignature of the Commissioner of Police, Bombay, or any officer authorised by him in that behalf. Such permits may be suspended or cancelled by the Commissioner of Police, Bombay, for any breach of the rules committed within the Town and Island of Bombay.

58. **Owner to maintain a register.**—The owner of a motor vehicle shall maintain regularly a register in such form as the licensing authority may direct, showing the name of the driver and the hours and dates on which the driver was in charge of the motor vehicle.

59. The owner or person in charge of a motor vehicle shall not drive his vehicle or allow any other person to drive it unless such owner or person is in possession of a permit under Form B attached to these rules.

60. **Use of a taxi car for purposes of prostitution.**—The holder of an owner's permit shall not knowingly use or allow the use of the motor vehicle, in connection with or for the furtherance of prostitution, or act as a habitual procurer for prostitutes, or live on the earnings of prostitutes.

#### DRIVER'S PERMIT AND DUTIES OF DRIVER

*B<sup>o</sup> Permit*  
61. **Driver's permit; production on demand.**—A motor vehicle shall not, under any circumstances, be driven by any person other than a driver holding a permit which he shall produce whenever required by a police officer authorising him to drive a motor vehicle. Such permit shall be signed by the licensing authority and shall be in Form B appended to these rules or to the like effect.

62. An owner's permit or a public driver's permit granted by the District Superintendent of Police of any district under the rules in force in his district shall be valid within the limits of the Town and Island of Bombay provided that it bears the countersigned signature of the Commissioner of Police, Bombay, or any officer authorised by him in that behalf. Such permits may be suspended or cancelled by the Commissioner of Police, Bombay, for any breach of the rules committed within the Town and Island of Bombay.

63. **Driver's permits; to whom to be granted.**—A driver's permit will be granted only to a person who already holds an ordinary license to drive which is for the time being in force.

64. **Qualifications for Permit.**—A driver's permit will not be granted unless the driver satisfies the licensing authority that he is a competent and careful driver, that he is acquainted with the principal places and streets within the said limits, that he has a thorough knowledge of the rates of hire, if any, sanctioned, and that he is in all respects a fit person to be the driver of a motor vehicle to be let or plied for hire.

65. **Failure to pass test for driver's permit.**—Any person failing to pass the necessary test for a driver's permit will not be allowed to appear for a further test until after such period as may be fixed by the licensing authority, and for each further test a fee of Rs. 5 shall be charged.

66. **Certificate of normal eye-sight.**—No person shall be granted a permit to drive a motor vehicle unless he can produce a certificate from an Ophthalmic Surgeon, and appointed by the licensing authority, to the effect that his eye-sight is normal.

67. **Duration of permit.**—A driver's permit shall remain in force from the date on which it is granted until the 31st March following, but shall cease to be in force, if before that date the holder's license to drive is suspended or cancelled, or expires and is not renewed.

68. **Transfer and suspension of permit.**—A driver shall not transfer or lend his permit or badge to any person, and on his permit being suspended or

69. **Driver Changes his Residence.**—As often as a driver changes his residence, he shall give notice thereof to the Motor Vehicles Department at the Head Police Office, Bombay, in writing within two days after such change.

70. **Driver's dress.**—A driver of a taxi car or cab or an omnibus shall be properly dressed in clean uniform of the description prescribed by the licensing authority.

71. No person shall be granted a license to drive a taxi nor shall his taxi driving licence be renewed unless he can produce 6 sits in good condition and in accordance with the above regulations.

**72. Rules to be observed by driver.**—No driver of a motor vehicle shall—

(a) be drunk during his employment; (b) make use of insulting or abusive language or gesture; (c) stand (elsewhere than at some stand or other place appointed for the purpose) or loiter for being hired in or upon any public street or road or place; (d) refuse to give way when he reasonably should to any other vehicle; (e) wrongfully prevent or attempt to prevent the driver of any other motor vehicle from being hired; (f) terminate the hiring before he has been discharged by the hirer; (g) ply for hire any motor vehicle which is at the time unfit for public use; (h) shout in order to attract the attention of the public or of a possible hirer or for any other reason, or act in such a way as to cause inconvenience or annoyance to the public; (i) drive a motor vehicle other than that the number of which is endorsed on his permit,

**SPECIAL RULES FOR TAXI CAR OR CAB DRIVERS**

**73. Proper fare to be demanded or charged.**—No driver or owner of a taxi car or cab or agent employed on behalf of such driver or owner, shall exact or demand more than the proper fare to which he is legally entitled.

**74. Driver to wear a badge.**—The driver when on duty with his taxi car or cab shall wear in a conspicuous place on his left breast a metal badge which shall be numbered and supplied to him by the licensing authority on payment of the cost.

**75. Certain drivers to keep ready for hire.**—The drivers of the first two taxi cars or cabs on a stand must stay beside their vehicles and must be ready to be hired at once by any person;

Provided that a hirer wishing to hire any particular car or cab on the stand may do so;

**76. Cars on stand to move up as vacancies occur.**—Every taxi car or cab on a stand must move up as vacancies occur.

**77. Cars on stand: how to be kept.**—Every taxi car or cab on the stand shall be kept as near as possible to the kerb or near side of the stand. No taxi car or cab shall be kept at the stand at a greater distance than one foot from the motor vehicle next in front or remain with its front wheels off the straight or at an angle to the sides of the stand.

**78. Taxi car on stand must accept hire.**—No taxi car or cab engaged for some future time shall remain on the stand unless the driver is willing to accept any intermediate hiring that may be offered.

**79. No disabled taxi car to remain on stand.**—No disabled taxi car or cab shall remain on the stand unless such disablement is strictly temporary and can be and is remedied at once. If the disablement is not of such a nature, the vehicle shall at once, be removed for repair.

**80. Taxi car not to stand at certain Places.**—No taxi car or cab shall be suffered to stand opposite the entrance of any street or carriageway or in any street or thoroughfare except at the side or part thereof.

**81. When driver bound to accept fare and to ply for hire.**—No driver shall, without reasonable excuse, refuse to accept a fare when the flag is in a vertical position, or without sufficient reason fail to cause his motor vehicle to ply for hire when required to do so by a police officer.

**82. Starting and stopping of taxi-meter.**—The driver of every taxi car or cab shall, as soon as he is hired and no sooner, set the taxi-meter in motion and upon the termination of the hiring shall immediately stop the same. If he neglects or fails to do so, he shall be deemed to have committed a breach of this rule

*Note.*—A taxi car or cab shall be considered to be hired from the time it has been engaged or, if called from a distance, from the time of such call.

**83. Driver to proceed by the shortest and quickest route.**—The driver shall, in the absence of reasonable cause to the contrary, proceed to the destination named by the hirer by the shortest and quickest route.

**84. Flag at Break Down.**—In the event of a taxi car or cab whilst hired being unable to proceed from any mechanical or tyre failure, either temporary or otherwise the driver shall at once lower the flag to "Break Down" and shall not restart the meter until such time as the defect is remedied.

**85. Property left in taxi car.**—The driver of a taxi car or cab immediately after hiring shall carefully search for any property accidentally left in it, and shall take the same within 24 hours, if not sooner claimed by the owner, to the nearest police station.

**86. Driver not to do certain acts.**—No driver of a taxi car or cab shall—

- (a) wilfully obstruct or hinder the driver of any other motor vehicle in taking up or setting down any person into or from such other vehicle ;
- (b) make use of a taxi car or cab in connection with or for the furtherance of prostitution, or act as a habitual procurer for prostitutes or live on the earnings of prostitutes ;
- (c) carry a cleaner or any other attendant ;
- (d) carry any passenger or luggage in excess of the the number of passengers or the quantity of luggage entered on the owner's permit ;
- (e) cover or obscure the face of the taxi meter at any time or under any circumstances.

**87. Special Rules for motor vehicles let for hire.**—Conditions of letting on hire of motor vehicles not fitted with taxi-meters.

Motor Vehicles not fitted with taxi-meters may be licensed to be let on hire on the following conditions:—

- (a) that not less than 6 cars belonging to any one firm shall be licensed;
- (b) that garage accommodation shall be provided by the firm for such cars;
- (c) that such cars and the persons licensed to drive them shall conform to the rules made under the Act except the rule with regard to the fitting of taxi-meters; and
- (d) that cars so licensed shall be let for hire only from garages and shall not ply for hire on public taxi stands or ranks or other public places.

#### MISCELLANEOUS

**88. Injury to a taxi car or cab.**—No person using a taxi car or cab shall wilfully or negligently injure the same.

**89. Refusal to pay fare.**—No person hiring a taxi car or cab shall refuse or omit to pay the legal fare,

**90. Dispute between passenger and driver.**—In case of a dispute between the passenger and the driver either may require the other to proceed to the nearest police officer of rank not below that of Inspector, who shall, if the dispute cannot be settled, obtain the names and addresses of the parties concerned and refer them to the Magistrate having jurisdiction.

**91. Suspension or cancellation of permit.**—The licensing authority may in his discretion suspend or cancel any taxi driver's permit or owner's permit where the holder thereof has committed any breach of these rules.



92. **Power to refuse owner's permit.**—Notwithstanding anything contained in these rules, if there is anything in the construction, working or general appearance of a motor vehicle which, in the opinion of the licensing authority, renders the vehicle unfit for public use, an owner's permit shall not be issued in respect of such vehicle.

**MOTOR OMNIBUS RULES.**

93. All motor omnibuses must be presented for inspection in a thoroughly good condition and no motor omnibus will be certified fit for public use unless it is properly painted and varnished; but proprietors may, if they so desire, apply for preliminary inspection of the chassis.

94. Each motor omnibus intended for licensing must be presented at the Head Police Office for inspection. The proprietor must at the time of inspection produce the certificate of registration, also one from the maker or maker's agent stating that the materials of which all the parts of the vehicle are constructed are good, that the machinery is safe and that the vehicle is in every way fit for use as a public conveyance.

95. A certificate from the proprietor stating that there has been no alteration in the machinery since the previous date of inspection, supported by the maker's certificate, must be presented with each omnibus submitted for renewal of license. Should any alteration be made in the design of the machinery since the last inspection, full particulars of such must be stated and the same procedure may be insisted upon as for a first inspection.

96. (1) When making an application for a motor omnibus to be inspected the proprietor shall specify the route or routes upon which he intends the vehicle to ply and the time-table according to which he is prepared to give a service, and on the route and the time-table being approved, they must not be departed from except with the written permission of the licensing authority. Definite stopping stations whether "regular" shall be specified at the time of application.

(2) The licensing authority may in its discretion limit the number of motor omnibuses plying on a particular route or routes.

97. Every motor omnibus must be so constructed that the following maxima of weight are in no case exceeded:—

Unloaded	...	...	3 tons.
	or if the manufacturer prefer		
Back axle weight laden	...	...	4 tons.
Front axle weight laden	...	...	2 tons.

The total weight shall not exceed 6 tons when the vehicle is in every respect ready for service and has its full lawful load; 126 pounds each shall be allowed for the passengers, the driver and the conductor.

*N.B.*—No motor vehicle of a weight less than 2 tons unladen shall be licensed as a motor omnibus.

98. (1) **Chassis length.**—The length of the chassis of a motor omnibus must not exceed 23 feet and the total length of the vehicle when fitted with body must not exceed 25 feet.

(2) **Overhang behind rear wheels.**—The overhang behind rear wheels measured from the centre of the rear of the axle shall not exceed  $7/24$ th of the overall length of the vehicle.

99. All the under parts of the vehicle inside the pivots of the front axle and steering arms (which must be placed as near as possible to the road wheels) as far back as least as the rear axle must clear the ground by at least 10 inches when the vehicle is fully

loaded, sufficient allowance in addition being made to provide for the wear of the tyres, set of the springs, or other causes of lessened height so that the minimum clearance of 10 inches is at all times maintained.

100. (1) **Chassis springs.**—The springs of the chassis must be properly hung and must be of sufficient strength and flexibility to meet all likely contingencies.

(2) (a) **Rear.**—The rear springs must be attached to or bear upon the back axle or axle casing as near to the road wheels as possible and the distance between the springs from outside to outside must not be less than 50 per cent. of the overall width of the vehicle.

(b) **Front.**—The front springs must be as wide apart as possible and not less than 37 per cent. of the vehicle from outside to outside; provided that if the width or the rear springs from outside to outside is 53 per cent. of the overall width of the vehicle, or more, the minimum width between the front springs as provided above may be reduced by 1 inch.

(c) **Cross springs.**—Cross springs are prohibited.

101. (1) **Wheel base.**—The wheel base should in all cases be so proportionate that skidding or improper movements shall be as far as possible avoided but no more than  $\frac{7}{24}$ th of the total length, including the body, is allowed to overhang the centre of the rear wheel.

(2) If it is found that a vehicle skids badly or cannot be held under proper control the licensing authority may serve a notice on the proprietor "not to use the vehicle" and may refuse to license the vehicle again until the defects have been remedied.

102. **Wheel track.**—The wheel tracks of both front and rear wheels shall coincide and the distance between the centre lines of the tracks of the front wheels shall not be less than 69 per cent. of the overall width of the vehicle.

103. **Road wheels.**—The road wheels must be of sufficient and suitable diameter but must not be made so heavy as to throw an undue strain upon the steering gear or other parts.

104. **Tyres.**—Pneumatic tyres only will be permitted.

105. **Chassis breadth.**—The breadth of the chassis must not be greater than 7 feet 6 inches at any part.

106. Motor-omnibuses which are intended to ply upon routes which have bridges, will be subject to special test and additional brakes or other fittings may be required.

107. Each vehicle must be capable of being readily steered and of turning corners without unduly interfering with other traffic.

108. The steering arms and other connections of the vehicle must be of ample strength, and as far possible protected from damage by collision.

109. The ball and socket joints of steering connections, when such are used, should not be pendent, but the longitudinal or transverse rods must be carried upon the ball.

110. Every motor-omnibus must be submitted whenever required at the Head Police Office, Bombay, to be specially tested in respect of noise and vibration.

111. Suitable and approved appliance for extinguishing fire must be carried in such a position as to be readily available for use.

112. The exhaust pipe must not be laid inside the tray or under-shield or be fixed in such a position that oil or any vaporisable or inflammable material is likely to be dropped upon it.

113. The camber shall not ordinarily be more than 3 inches but may, if the proprietor so desires, be made up to but not exceeding 5 inches provided the outside of roof is so constructed as to give an equivalent in all respect to a 3 inches camber and the maximum height from the ground is not in any way increased.

114. The height inside measured in the centre line of the omnibus from the top of the floor battens to the lower edge of the hoop stick or other projections must not be less than 5 feet 10 inches nor more than 6 feet to the centre line of roof boards. From the ground to the spring of the roof outside or the edge of the drip boards, the height must not be greater than 9 feet nor must the height to the outside centre of the roof be more than 9 feet 3 inches.

115. The width between seat backs must not be less than 56 inches, where the seats are placed lengthwise.

116. At least 15½ inches measured in a straight line must be allowed for each passenger on every seat which seat must be fit and proper and convenient for sitting on. When cross or "garden" seats are fitted inside there must be at least 26 inches clear space between the backs of the seats so that there shall be room for the knees of the passengers.

117. Corner pillars for bodies must be of sufficient strength and the body must be properly ironed and stayed to give the necessary strength for the weight to be carried and to resist the effects of the vibration to which it is liable.

118. (1) No seat will be permitted which, when occupied, is likely to cause obstruction to persons using the landing board or gangways.

(2) The width of the gangway must not be less than 22 inches up to seat level. Above seat level, the width of the gangway must not be less than 14 inches. Any form of seating accommodation across or in the gangway is prohibited.

119. The backs of all seats must be closed to avoid unnecessary risk of the pockets of passengers being picked.

120. When cushions are provided for seats, they must be covered with leather cloth of good quality, rattan or other suitable material.

121. Steps for entrance to the inside must be placed on the near side and at the rear of the vehicle. They must be safe and convenient; suitable and efficient means being provided by rails or bands to assist passengers entering and leaving. The lowest steps shall not be more than 15 inches nor less than 10 inches above the ground. An entrance answering to the above conditions may also be provided on the front near side of the vehicle. The width of such entrances must not be less than 18 inches.

122. The risers of all steps must be closed and the treads fitted with an approved form of tread-plate.

123. There must be proper ventilation without the necessity for opening windows except where small separate ventilating windows are provided, in which case suitable provision must be made for the opening to be adjustable.

124. When the side windows are to be lowered such provision must be made (by means of guard rails or otherwise) that the arms of a passenger cannot be thrust through so as to be endangered by passing vehicles.

125. Effective means must be provided to prevent the rattling of window frames and glasses.

126. The omnibus must be suitably lighted inside and outside. Only electric lighting will be permitted.

127. A box or other approved means must be fitted to the front and to the rear of the vehicle to show the destination to which the vehicle is proceeding. The letters and back-ground must be black and white, respectively, and the letters at least  $4\frac{1}{2}$  inches high and proportionately thick.

128. The termini of routes shall be painted in black and white letters not less than 4 inches high and of proportionate thickness and be exhibited on the front and rear of the vehicle. Route boards showing the principle points of route in geographical sequence according to the direction in which the vehicle is travelling shall be exhibited on the sides of the vehicle.

129. The destination boards shall be illuminated by night in an approved manner for the guidance of intending passengers.

130. The following particulars shall also be suitably painted on the omnibus:—

(a) the weight and rate of speed required by the Motor Vehicles Rules;

(b) fares shall be painted legibly inside;

(c) the number of passengers which the vehicle is licensed to carry shall be painted legibly inside and outside.

131. No passenger shall be allowed to ride alongside the driver.

132. No cans or other receptacles for oil, water, etc.; are to be carried on the driver's footboard nor may anything be placed in such a manner or position as will be likely to hamper the driver or otherwise give cause for complaint.

133. Each motor-omnibus shall be fitted with an approved form of side lifeguards.

134. Though the above conditions may have been complied with, yet if there be any thing in the construction, form or general appearance of the vehicle which, in the opinion of the licensing authority renders it unfit for public use, or if the applicant is unable to provide a regular service at such intervals of time as the licensing authority may consider necessary, the grant of a license may be refused by him.

#### PENALTY

135. **penalty for breach of the rules.**—Any breach of these rules is punishable with fine which may extend to Rs. 100 and in respect of a second conviction up to Rs. 200, under section 16 of Act VIII of 1914.

#### FORM A.

(Vide rule 54.)

#### OWNER'S PERMIT FOR MOTOR VEHICLE LET OR PLYING FOR HIRE

Fee—Five rupees (Rs. 5).

Duplicate—Two rupees, eight annas (Rs. 2-8-0).

#### Number of Permit,

By virtue of the powers vested in me by rule 54 of the Public Conveyance (Motor Vehicles) Rules, 1922, I grant to you, \_\_\_\_\_, residing at

\_\_\_\_\_, this permit on the conditions mentioned in the said Rules\* to let or ply for hire the motor vehicle numbered below from the date hereof till the 31st March 192\_\_\_\_, unless this permit is sooner cancelled or suspended,

No. of Motor Vehicle,

No. of passengers which may be carried,

Quantity of luggage or goods which may be carried,

Date \_\_\_\_\_

Licensing Authority.

\*Copy of the Rules may be printed as an accompaniment to the permit.

FORM B.  
(Vide rule 61),  
DRIVER'S PERMIT.

Renewal fee	Fee—Five rupees (Rs. 5).
Duplicate fee	Two rupees and eight annas.
Photograph of the driver.	(Rs. 2-8-0).

Permit No. \_\_\_\_\_

Badge No. \_\_\_\_\_

By virtue of the powers vested in me by rule 61 of the Public Conveyance (Motor Vehicles) Rules, 1922, I grant to you, \_\_\_\_\_ residing at \_\_\_\_\_, this permit on the conditions mentioned in the said Rules\* to act as driver of motor vehicle No. \_\_\_\_\_ to be let or plied for hire and none other, within the limits of the town and island of Bombay from the date hereof till the 31st March 192 \_\_\_\_\_, unless this permit is sooner cancelled or suspended.

Name of owner of motor vehicle \_\_\_\_\_

Address of owner \_\_\_\_\_

Date \_\_\_\_\_

Licensing Authority.

\*Copy of the Rules may be printed as an accompaniment to the permit.

Revised Rules to Regulate the  
Use of Motor Vehicles plying  
for hire in Public Places out-  
side the City of Bombay

Rules regulating the use of Motor Vehicles let or plying for hire in all Districts in the Presidency Proper outside the City of Bombay as notified in Government Notification, Home Department, No. 8623, dated 10th February 1927 and amended by Government Notifications No. 8623, dated the 29th February 1928, No. 1509/2, dated the 4th May 1928, No. 4503/2, dated the 18th February 1929 and No. 8623, dated the 7th June 1929.

I.—GENERAL RULES.

1. In these rules "Motor Vehicle" shall mean a motor vehicle let or plying for hire, and the term 'owner' includes a person who plies a motor vehicle for hire on contract with the owner.

1A. A motor omnibus means a motor vehicle, not being a taxi-car or cab, plying for hire in which the passengers are charged to pay separate and distinct fares for their respective seats therein.

2. Such of the Bombay Motor Vehicles Rules, 1915, as amended up to 1st April 1925 and subsequently thereto from time to time as are not inconsistent with the provisions of these rules, shall apply to motor vehicles let or plying for hire.

3. (1) Subject to the provisions of rule 7 (5) no motor vehicle shall be let or plied for hire in public places without an owner's permit granted by the District Superintendent of Police. A fee of Rs. 5 shall be charged for the permit and a fee of Rs. 2-8-0 for every renewal or duplicate thereof. Such permit shall be in the form "A" set forth in the schedule appended to this Notification with such variations as the circumstances require. The District Superintendent of Police shall enter on such permit the maximum number of passengers (including driver and also cleaner, conductor, or agent, if any), and the quantity of luggage which may be carried at any one time in such vehicle. In the case of vehicles owned by a Company or a partnership, the name of the Manager or Agent should be shown in the owner's permit.

(2) The seating capacity shall be fixed by the District Superintendent of Police in accordance with the scale of the Bombay Motor Department for various types of standard cars. Extra seats may be given provided the body is radically altered so as to give the necessary passenger and luggage accommodation.

4. Subject to rule 5, such permit shall remain in force from the date on which it is granted until the 31st March following and shall not be transferred to any person without sanction duly endorsed thereon by the District Superintendent of Police.

5. (1) A motor vehicle shall be liable to examination by the District Superintendent of Police or by a Sub-Divisional Gazetted Police Officer specially authorised in that behalf by him, at such times as the District Superintendent of Police or the Sub-Divisional Gazetted Police Officer, where such officer is authorised as aforesaid, may prescribe, and the owner's permit may be suspended or cancelled by him if the

vehicle does not comply with the requirements of these rules or with those of the Bombay Motor Vehicles Rules of 1915, as amended up to 1st April 1925, and subsequently thereto, or is not passed by the District Superintendent of Police or the Sub-Divisional Gazetted Police Officer as fit to ply for hire, or is not produced for examination at the time and place prescribed as aforesaid.

(2) On an "A" permit being suspended or cancelled or ceasing to be in force and not renewed, it shall be surrendered forthwith to the District Superintendent of Police.

6. The owner of a motor vehicle shall maintain regularly a register in the form "C" set forth in the schedule appended to this Notification.

7. (1) A motor vehicle shall not, in any circumstances, be driven by any person other than a driver, who shall carry with him and produce, whenever required by a police officer, a public driver's "B" permit, signed by the District Superintendent of Police that he is a competent and careful driver, that he has a thorough knowledge of the rates for hire sanctioned, and that he is in all respects a fit person to be the driver of a motor vehicle to be let or plied for hire.

(2) A public driver's permit will be granted only to a person who already holds an ordinary license to drive which is for the time being in force.

(3) A public driver's permit shall remain in force from the date on which it is granted until the 31st March following, but shall cease to be in force if the holder's license to drive is suspended or cancelled, or expires and is not renewed.

(4) A fee of Rs. 4 shall be charged for the permit and a fee of Rs. 2 for every renewal or duplicate thereof. Such permit shall be in the form "B" set forth in the schedule appended to this Notification with such variations as the circumstances require.

(5) An owner's permit or a public driver's permit granted by the District Superintendent of Police of one district or the Commissioner of Police, Bombay, shall be valid within the limits of another district provided that it bears the countersignature of the District Superintendent of Police of the latter district. No fee is payable for such countersignature. Such permits may be suspended or cancelled by the latter officer for any breach of the rules or conviction under the Indian Motor Vehicles Act within his district.

(6) The District Magistrate may by order prohibit the driving of motor vehicles or any specified class of motor vehicles on any public road, and no such vehicles shall be driven on any such road while such order is in force.

8. The rates for the fare or hire of a motor vehicle shall be in accordance with a schedule to be approved by the District Magistrate. The driver of a motor vehicle shall be entitled to charge for detention after having been hired and for any package carried in such vehicle in accordance with the rates fixed by the District Magistrate in that behalf. The rates fixed under this rule shall be exhibited on the motor vehicle.

9. Every motor vehicle intended to be let or plied for hire must be taken to the place appointed by the District Superintendent of Police,



or the Sub-Divisional Gazetted Police Officer authorised in that behalf by the District Superintendent of Police, for inspection. The owner or person in charge of such motor vehicle shall at the same time produce a certificate of registration of the motor vehicle under the Bombay Motor Vehicles Rules, 1915, as amended up to 1st April 1925 and subsequently thereto.

10. The brakes shall, so far as possible, be so affixed as to be capable of easy adjustment and at least one brake must be so made as to be applied by the foot of the driver. The brakes will at any time be subject to inspection.

11. All brakes and steering connections secured with bolts must have such bolts secured with nuts and locked or pinned. These parts will, at any time, be subject to inspection.

12. The machinery should be so constructed that no undue noise or vibration is caused, and the vehicles must be fitted with pneumatic tyres.

13. All parts connected by bolts or studs and nuts subject to severe vibration must be fastened by lock nuts or by nuts and approved spring or lock nut washers to prevent their working loose and rattling, and any motor vehicle with lamp brackets, mud-guard brackets and other carriage fittings so loose as likely to cause unnecessary noise will be regarded as unfit for use as a public conveyance.

14. Carburettors must not be placed in close proximity to magnetos or to connections of wires carrying electric current unless they are suitably encased or screened.

15. Effective means must be adopted for preventing the heat of the engine or exhaust pipe connections from injuriously affecting other parts of the motor vehicle or the comfort of the passengers. All wires carrying electric current must be properly insulated and protected from injury and so placed that they cannot be a cause of danger.

16. Tanks for petrol or other liquid fuel must be made of suitable material properly constructed and of sufficient strength. They should be so placed that any overflow shall not accumulate on wood work, or where it can be readily ignited. The filling nozzle or inlet for the petrol or other liquid fuel should, where possible, be brought to the outside of the body.

17. When a guard or tray is fixed underneath, it must be so constructed that any overflow of petrol from the carburettor shall not be retained in the tray.

18. The machinery must be so constructed or placed that oil from the bearings shall not be allowed to drop on the road-way. When trays are fixed to prevent this they must have suitable webs for retaining the oil when ascending or descending hills or be otherwise suitably constructed with that object; the oil must be cleaned out frequently and not allowed to accumulate from day to day.

19. The lubrication of the engine and the carburation of the working mixture must be so controlled that smoke is not ejected with the exhaust or from any other part.

20. The outlet from the silencer should not be so placed as to the exhaust directly on to the road-way, or so placed, or so directed as to alarm animals immediately behind the motor vehicle.

21. Each car must be capable of being readily steered and ab turn on each lock and proceed in a contrary direction within a reasonable space.

22. Provision must be made for the conveyance of a reasonable quantity of luggage and efficient means must be provided for securing it and protecting it against rain. When it is intended to carry luggage on the roof there must also be an approved fixed roof guard rail. The carrying of passengers anywhere except in the seats provided for that purpose is forbidden.

Provided that the District Superintendent of Police may grant exemption from this rule either generally or in particular cases.

The quantity of luggage to be carried free of charge shall not exceed 20 lbs. per passenger.

23. Where acetylene or other gas is used to light the vehicle the cylinders or vessels which contain the gas, or in which it is generated must be fixed outside in such a position as to be removed so far as possible from the danger of accidental ignition.

24. The floor must be covered with mats of rubber, coir or some other suitable material.

25. No printed, written or other matter, other than the sanctioned rates of hire, or these rules, shall appear on the inside or outside of the motor vehicle or be carried by way of advertisement, except such, if any, as may be approved by the licensing authority.

26. Except celluloid windows made in hoods or side curtains, no celluloid or xylonite fittings shall be placed inside or outside the motor vehicle, but this rule does not apply to the inside of the accumulators.

27. The cushions of seats, where such are provided, must be covered and stuffed with suitable material.

28. The doors, windows, seats, roof, springs, cushions, wheels, linings, panels and all furniture and appointments of the motor vehicle must be in proper order and repair, the paint and varnish in good condition, and the inside perfectly clean.

29. Every motor vehicle shall carry in a prominent position a disc of the size and pattern approved by the District Superintendent of Police showing in white figures on a red ground the number of persons, including the driver and cleaner, conductor or agent (if any), which the vehicle is licensed to carry.

The District Superintendent of Police shall indicate the position on the motor vehicle in which the disc should be affixed.

30. The driver when on duty with his motor vehicle shall wear in a conspicuous place on his left breast a metal badge which shall be numbered and supplied to him by the District Superintendent of Police at his cost.

31. The driver shall not transfer or lend his "B" permit or badge to any person, and on his permit being suspended or cancelled or ceasing to be in force the permit and badge shall be surrendered to the District Superintendent of Police.

32. As often as the driver changes his residence, both the owner of the vehicle and also the driver shall give notice thereof at the office of the District Superintendent of Police, in writing, within one week after such change.

33. No vehicle shall be suffered to stand across any street or thoroughfare or opposite the entrance of any street or carriage way.

34. No driver shall, without reasonable excuse, refuse to accept a fare, and no driver or owner, or agent employed on behalf of an owner, shall refuse to sell a ticket to any person on grounds of caste or community or refuse to allot a vacant seat to any ticket-holder on those grounds.

35. The District Magistrate shall have power to appoint stands or places at which motor vehicles may stand to ply for hire.

36. The drivers of the first two motor vehicles on the stand must stay beside their vehicles and must be ready to be hired at once by any person.

✓ Provided that a hirer wishing to hire any particular car on the stand may do so, but buses are not obliged to start until there is a full compliment of passengers.

✓ 37. Every motor vehicle on the stand must move up as vacancies occur.

38. No motor vehicle engaged for some future time shall remain on the stand unless the driver is willing to accept any intermediate hiring that may be offered.

39. No disabled motor vehicle shall remain on the stand unless such disablement is strictly temporary and can be remedied at once. If the disablement is not of such nature the vehicle shall be at once removed for repair.

40. The driver shall be responsible that:—

(a) sufficient petrol is carried on the car for the journey for which it is engaged;

(b) a spare rim or wheel complete with tyre and tube ready for immediate use is carried on the vehicle; and

(i) if the vehicle is licensed to carry more than 7 passengers—  
an additional spare serviceable tyre and tube; or

(ii) if the front and rear wheels are of different dimensions—at least one spare serviceable rim or wheel with tyre and tube of each size.

41. The driver shall, in the absence of reasonable cause to the contrary, proceed to the destination named by the hirer by the shortest and quickest route.

42. No owner or employè and no driver of a motor vehicle shall :—

- (a) be drunk during his employment ;
- (b) make use of insulting of abusive language or gesture ;
- (c) stand (elsewhere than at some stand or other place appointed for the purpose) or loiter for the purpose of being hired, in or upon any public street or road or place ;
- (d) refuse to give way (when he reasonably and conveniently may and should do so) to any other vehicle ;
- (e) wilfully obstruct or hinder the driver of any other motor vehicle in taking up or setting down any person into or from such other vehicle ;
- (f) wrongly prevent, or attempt to prevent, the driver of any other motor vehicle from being hired ;
- (g) terminate the hiring before he has been discharged by the hirer ;
- (h) ply for hire any motor vehicle which is at the time unfit for public use ;
- (i) shout in order to attract the attention of the public or of a possible hirer or, for any other reason, act in such way as to cause inconvenience or annoyance to the public ;
- (j) use the motor vehicle or cause it to be used in connection with or for the furtherance of prostitution, or act as a habitual procurer for prostitutes ;
- √ (k) carry any passenger or luggage in excess of the number of passengers or the quantity of luggage entered on the owner's permit, under the provisions of rule 3 ;
- (l) except at the request of the hirer, have the face of the taximeter, if fitted, covered or obscured at any time or under any circumstances.

43. No driver or owner of a motor vehicle or agent employed on behalf of such owner shall exact or demand more than the proper fare to which he is legally entitled.

43A. If there be no accommodation in the motor vehicle for a passenger from whom the fare has been received, the amount of such fare shall, on demand, be returned to him by the person who has received the same : Provided that a passenger shall not be entitled to demand the return of his fare, if he fails to occupy a seat in the vehicle before the scheduled or actual time of its departure, whichever is later, although the accommodation was available for him.

√ 43B. The owner of every motor vehicle to be let or plied for hire shall intimate to the District Superintendent of Police the name and address of any person appointed on his behalf as agent for the sale of motor tickets to passengers and such person if approved as a suitable person by the District Superintendent of Police shall be given a badge authorizing him to work as an agent. No person other than such recognized agent shall sell motor tickets and such agent shall sell the tickets of such owner or owners only as have engaged him.

44. The driver shall be properly dressed in clean uniform of the description prescribed by the District Superintendent of Police.

45. The District Superintendent of Police may in his discretion suspend or cancel any public driver's permit or owner's permit where the holder thereof or his agent has committed any breach of these rules, or been convicted of an offence under the Indian Motor Vehicles Act.

46. The District Superintendent of Police may in his discretion refuse to license any motor vehicle until the owner has taken out an insurance policy to cover passengers' and third-party risks. The amount of such policy shall not be less than Rs. 300 per seat of the vehicle and not less than Rs. 5,000 for any one vehicle, provided that in the case of vehicles licensed to carry fewer than seven passengers the District Superintendent of Police may fix a smaller amount.

47. Every motor vehicle fitted with a taxi-meter must have a light so fixed as to illuminate the taxi-meter at night.

48. No driver of a car fitted with a taxi-meter shall, without reasonable excuse, refuse to accept a fare when the flag is in a vertical position.

49. The driver of every motor vehicle fitted with a taxi-meter shall, as soon as he is hired and no sooner, set the taxi-meter in motion, and upon the termination of the hiring shall immediately stop the same. If he neglects or fails to do so he shall be deemed to have committed a breach of this rule. But if a motor vehicle is called from a garage or stand to take up a passenger at any place less than 500 yards from the garage or stand, the taxi-meter shall not be set in motion until the motor vehicle shall arrive at such place and be ready to take up the passenger.

50. In the event of a motor vehicle fitted with a taxi-meter being unable while hired to proceed from any mechanical or tyre failure, either temporary or otherwise, the driver shall at once lower the flag to "break down" and shall not restart the meter until such time as the defect is remedied.

## II.—SPECIAL RULES.

### *For the Thana and Bombay Suburban Districts.*

51. (1) Every motor vehicle shall be fitted with an approved style or pattern of taxi-meter to indicate to the hirer the fare chargeable: Provided that the District Superintendent of Police may grant exemption from this rule either generally or in particular cases.

(2) No taxi-meter shall be affixed to any such motor vehicle unless the seal or mark, if any, approved by the District Superintendent of Police be fixed thereto.

(3) No person shall break or in any way tamper with the seal or mark placed on the taxi-meter, or with intent to deceive, tamper with the taxi-meter.

52. Every taxi-meter shall be tested by the Victoria Jubilee Technical Institute.

53. Every taxi-meter which passes the test shall be sealed in such a manner that it cannot be opened without removing the seals.

54. After the taxi-meter is affixed to a motor vehicle and before the vehicle is let or plied for hire the taxi-meter shall be submitted to the Office of the District Superintendent of Police for the purpose of being examined as to correctness of fittings and to be given a practical road test of about 5 miles and a time test of about 15 minutes. If found to be correct, the whole of the fittings shall then be sealed to the motor vehicle in such a manner that they cannot be removed or tampered with without removing the seal.

55. Every taxi-meter shall at least once a year be sent to the Victoria Jubilee Technical Institute to be tested, and as often as the seals are removed for repairs or adjustments or for any other purpose.

56. A fresh road test shall be made by the Motor Vehicles Department each time the meter or transmission gearing is removed or repaired.

*For the Kanara District.*

57. No motor vehicle let or plying for hire shall ordinarily travel by night on any of the roads within the district except with the permission of the District Magistrate or District Superintendent of Police. This rule does not apply to cars under Postal Contract.

*Special rules for the Districts in the Northern and Bombay Suburban Divisions.*

**MOTOR OMNIBUS RULES.**

58. All motor-omnibuses must be presented for inspection in a thoroughly good condition and no motor-omnibus will be certified fit for public use unless it is properly painted and varnished; but proprietors may, if they so desire, apply for preliminary inspection of the chassis.

59. Each motor-omnibus intended for licensing must be presented at the office of the District Superintendent of Police for inspection. The proprietors must at the time of inspection produce the certificate of registration, also one from the maker or maker's agent stating that the materials of which all the parts of the vehicle are constructed are good, that the machinery is safe and that the vehicle is in every way fit for use as a public conveyance.

60. Should any alteration be made in the design of the machinery since the last inspection, full particulars of such must be stated and the same procedure may be insisted upon as for a first inspection.

61. (1) When making an application for a motor-omnibus to be inspected the proprietor shall specify the route or routes upon which he intends the vehicle to ply, and on the routes being approved, they must not be departed from except with the permission of the licensing authority. Definite stopping stations whether "regular" or "request" shall be specified at the time of application.

(2) The licensing authority may in its discretion limit the number of motor-omnibuses plying on a particular route or routes.

62. Every motor-omnibus must be so constructed that the following maxima of weight are in no case exceeded :—

Unloaded	..	..	..	..	3 tons.
or if the manufacturers prefer					
Back axle weight laden	..	..	..	..	4 tons.
Front axle weight laden	..	..	..	..	2 tons.

The total weight shall not exceed 6 tons when the vehicle is in every respect ready for service and has its full lawful load; 126 pounds each shall be allowed for the passengers, the driver and the conductor.

63. (1) *Chassis Length*.—The length of the chassis of a motor-omnibus must not exceed 23 feet and the total length of the vehicle when fitted with body must not exceed 25 feet.

(2) *Overhang behind rear wheels*.—The overhang behind rear wheels measured from the centre if the rear of the axle shall not exceed  $\frac{7}{24}$ ths of the overall length of the vehicle.

64. All the under parts of the vehicle inside the pivots of the front axle and the steering arms (which must be placed as near as possible to the road wheels) as far back at least as the rear axle must clear the ground by at least 10 inches when the vehicle is fully loaded, sufficient allowance in addition being made to provide for the wear of the tyres, set of the springs, or other causes of lessened height so that the minimum clearance of 10 inches is at all times maintained.

65. *Chassis springs*.—The springs of the chassis must be properly hung and must be of sufficient strength and flexibility to meet all likely contingencies.

66. (1) *Wheel base*.—The wheel base should in all cases be so proportioned that skidding or improper movements shall be, as far as possible, avoided but no more than  $\frac{7}{24}$ ths of the total length including the body is allowed to overhang the centre of the rear wheel.

(2) If it is found that a vehicle skids badly or cannot be held under proper control the licensing authority may serve a notice on the proprietor "not to use the vehicles" and may refuse to license the vehicle again until the defects have been remedied.

67. *Wheel track*.—The wheel tracks of both front and rear wheels shall coincide and the distance between the centre lines of the tracks of the front wheels shall not be less than 69 per cent. of the overall width of the vehicle.

68. *Road wheels*.—The road wheels must be of sufficient and suitable diameter but must not be made so heavy as to throw an undue strain upon the steering gear or other parts.

69. *Tyres*.—Pneumatic tyres only will be permitted.

70. *Chassis breadth*.—The breadth of the chassis must not be greater than 7 feet 6 inches at any part.

71. *Motor-omnibuses* which are intended to ply upon routes which have bridges, will be subject to a special test and additional brakes or other fittings may be required.

72. Each vehicle must be capable of being readily steered and of turning corners without unduly interfering with other traffic.

73. The steering arms and other connections of the vehicle must be of ample strength, and as far as possible protected from damage by collision.

74. Every motor-omnibus must be submitted whenever required at the office of the District Superintendent of Police to be specially tested in respect of noise and vibration.

75. Suitable and approved appliances for extinguishing fire must be carried in such a position as to be readily available for use.

76. The exhaust pipe must not be led inside the tray or undershield or be fixed in such a position that oil or any vaporisable or inflammable material is likely to be dropped upon it.

77. No seat will be permitted which, when occupied, is likely to cause obstruction to persons using the landing board or gangways.

78. The backs of all seats must be closed to avoid unnecessary risk of the pockets of passengers being picked.

79. When cushions are provided for seats, they must be covered with leather cloth of good quality, rattan or other suitable material.

80. The omnibus must be suitably lighted inside and outside. Only electric lighting will be permitted.

81. Every motor-omnibus shall carry boards placed at the discretion of the licensing authority indicating clearly the route on which it plies for hire.

82. The following particulars shall also be suitably painted on the omnibus :—

(a) Fares shall be painted legibly inside ;

(b) the number of passengers which the vehicle is licensed to carry shall be painted legibly inside and outside.

83. No passenger shall be allowed to ride alongside the driver except with the written permission of the licensing authority.

84. No cans or other receptacles for oil, water, etc., are to be carried on the driver's foot-board nor may anything be placed in such a manner or position as will be likely to hamper the driver or otherwise give cause for complaint.

85. Though the above conditions may have been complied with, yet if there be anything in the construction, form or general appearance of the vehicle which, in the opinion of the licensing authority, renders it unfit for public use, or if the applicant is unable to provide a regular service at such intervals of time as the licensing authority may consider necessary, the grant of a license may be refused by him.



## SCHEDULE.

## FORM A.

*Owner's permit for motor vehicle let or plying for hire*

Fee five rupees (Rs. 5).

Renewal fee two rupees and eight annas (Rs. 2-8-0).

Number of permit. . . . .

By virtue of the powers vested in me by rule 3 of the Rules published in Government Notification in the Home Department No.

dated the

I grant to you, Mr.\*

residing at

this permit on the conditions mentioned in the said rules to let or ply for hire the motor vehicle numbered below from the date hereof till the 31st March 192 , unless this permit is sooner cancelled or suspended.

(\*If the vehicle belongs to a Company or partnership which is conducted by a manager or agent, the name of the latter should be entered in brackets beside the name of the Company.)

Dated

District Superintendent of Police.

Make of Car.

No. of Car.

Seating capacity ( ) passengers including the driver and also cleaner, conductor or agent, if any, and ( ) lbs. of luggage.

## FORM B.

*Public Driver's Permit.*

Fee four rupees (Rs. 4).

Renewal fee two rupees (Rs. 2).

Photograph of the driver.

Permit and Badge No.

By virtue of the powers vested in me by rule 7 of the Rules published in Government Notification in the Home Department No.

dated the.

I grant to you

Mr.

residing at

this permit on the conditions mentioned in the said rules to act as driver of the Motor Vehicle or vehicles specified below to be let or plied for hire, and none other, within the limits of the District of from the date hereof till the 31st March 192 , unless this permit is sooner cancelled or suspended.

Make of car.  
 Number of car.  
 Name of the owner\*  
 Address of owner :  
 Dated

District Superintendent of Police.

(Countersigned for District  
 District Superintendent of Police.)

(\*If the vehicle belongs to a Company or partnership, which is conducted by a manager or agent, the name of the latter should be entered in brackets beside the name of the Company.)

FORM C.

*Register of Motor Vehicles to be maintained by the owner as per rule 6.*

Date	Car No.	Name of driver	Place of destination	*Hour of		Remarks
				Departure	Return	
1	2	3	4	5	6	7

\*The hours of departure and return should be certified by the initials or thumb impressions of the driver and owner.

# SUPPLEMENT I

## Municipal Acts Affecting Motor Vehicles

### MUNICIPAL TAXES AND TOLLS ON VEHICLES.

#### Sections of Municipal Acts affecting Motor Vehicles in different provinces

Bombay Act III of 1888	Sec 180—9
Bombay Act III of 1901	Sec 59—62
Bengal Act III of 1899	{ Ch XIII (Sec 188—97
	“ XV “ 203—5
	“ XVII “ 508—11
Bengal Act III of 1884	Sec 131—147 B
Madras Act III of 1904	{ Ch XV Sec 150—67
	Ch XVI 158—63
Madras Act IV of 1884	Sec 77—90
N. W. P. Act I of 1900	Sec 59 & 68
C. P. Act XVI of 1903	Sec 35
Punjab Act III of 1911	Sec 61
Burma Act III of 1898	Sec 46

**Keeping a vehicle—meaning of:**—All Municipalities are empowered to levy taxes at certain specified rates on every vehicle including cart and vehicles without springs and used within their local areas for specified period. But merely having possession of carriage with the intention of using it, if and when occasion requires, does not amount to keeping it. The owner begins to keep it as soon as the uses it, but not before,  
LONDON COUNTY COUNCIL VS. FAIR BANK, ( 1 )

Motor cars though brought by chance by visitors into a Municipality and not used in the municipality for more than short periods are not vehicles ' kept ' within the Municipality. Before it can be found that such a vehicle is *kept* within the Municipality it must be established that it is retained within the Municipality for more than short periods. These must be in the nature of permanent retention.

LACHMINATH & ANOTHER VS LUCNOW MUNICIPAL BOARD. (2)

A license is taken out for the vehicle and it runs with the vehicle in other words the license is for particular vehicle and for any vehicle which the licensee may possess.  
MUNICIPAL COMMISSIONER OF MANNARGUDDI V. S. NALLAPPA (3)

**Using a Vehicle within Municipal limits:**—It is a question of fact in each case, whether a vehicle coming from outside the Municipality can be said to be used within the Municipality.

LEGAL REMEMBRANCE VS. SHAMA CHARAN (4)

- (1) 2 K. B. 33.
- (2) 29 Cr. L. J. (1928) 543.
- (3) 8. M. B. 327.
- (4) 1. L. R. 23 Cal. 52.

**Vehicle without and with spring—Question of license and taxation.** A person who has taken out a license for spring vehicle for half a year in Municipality is not liable to obtain for the same period in the same Municipality fresh license merely by reason of the vehicle having been converted into one without springs (Hawink's Municipal Manual P. 143)

A bicycle with Pneumatic tyres having metal springs under the saddle is liable to taxation as a vehicle with springs. The word vehicle is not defined in the Act. It is a vehicle in general acceptance of the word

WILSON VS. MADRAS MUNICIPALITY (1)

**Persons liable to be taxed—Power of President or Chairman of the Municipality.**

The person in possession custody or control of vehicle liable to taxation shall be presumed to be liable to pay the tax (S. Mad. 269) The President or Chairman may call upon the occupier of any building or land to furnish a statement of person liable to tax and the occupier is bound to comply with the said requisition. The President or chairman is also empowered to compound for any period not exceeding one year with persons keeping vehicles for sale or for hire for a certain sum to be paid in lieu of taxes payable by them under the Act.

**Provisions as to exemption—to be strictly construed**  
All the Municipal Act contain a list of vehicles exempted from taxation and provisions relating to the said exemptions should be very strictly construed.

**On payment, license must be granted.** Whenever payments are made for vehicle within Municipal limit the President or Chairman is bound to grant license to the person paying the tax. The President or Chairman has no discretion in the matter.

CHANDI PRASAD V. S. ABDUL REHMAN. (2)

The person holding such license is bound to produce it for inspection of Municipal Officers at all reasonable times during the said period.

**Number and Registration of vehicles for hire—Provisions to be strictly observed.**

The President or Chairman may also in case of vehicles let out on hire within City, give a number and register the same and the same shall be affixed to vehicles and if vehicle is not so registered, the President or Chairman may seize and detain the same except when it is employed in the conveyance of passengers or goods. The provisions of this statute in all these cases should be strictly observed.

Removing the Registration number from one axle and affixing it on another is not an offence, unless affixing is contrary to bye law or direction given by the Municipality.

All the acts contain specified exemptions and the clauses exempting any vehicle should be very strictly construed.

**Vehicle for the conveyance of children.**

A vehicle used for the conveyance of children must be solely for that purpose and if it is used for any other purpose, it is liable to be taxed.

STRATT AND ANOTHER V. S. CLIFF (3)

---

(1) 19 M. 83.  
(2) 22 Cal 131.  
(3) W. N. 212 (1910)

**Plying for hire without license.—Liability of owner and driver** :—Where a motor vehicle is plied for hire in a public road without a license in contravention of the provisions of section 166 of the Madras Local Boards Act, the owner of the car as well as the driver are liable to be convicted.

The responsibility of the driver who plies a car knowingly without a license is not taken away by the mere fact that the master is also liable.

THE PRESIDENT DISTRICT BOARD ANATPÚR VS. ISMAIL SAHIB & ANOTHER (1)

**Requisiton for legal imposition of tax** :—The requirements of this section must be strictly complied with before any tax could be said to be legally imposed. In a case where the Chairman of the managing committee considered the objections of the inhabitants and not the Municipality itself and submitted his report, it was held not sufficient. The provision for forwarding the opinion of the Municipality is an essential part of the machinery provided by the section for the legal imposition of a tax.

MUNICIPALITY OF PATNA VS. MOHONLAL, (2)

**Imposition Of Taxes; Presumption** :—The liability to pay the tax does not arise until after the provision of this section are complied with. A defendant who in answer to a claim for arrears of taxes alleges that the taxes were illegal must prove the defence; and in the absence of such proof the Court will presume that the Municipality has used the regular procedure and that the common course of business has been followed in the particular case.

MUNICIPALITY OF SHOLAPUR VS SHOLAPUR SPINNING & WEAVING CO. (3)

**Taxes when payable**:—A tax can only be made payable from the date of its levy being sanctioned by Government under this section. It is generally payable at the expiration of the period for which it is declared payable unless a rule has been framed specifying the date on which it is payable.

RE. RAMACHANDRA (4)

**Jurisdiction of the Civil Courts to decide as to the validity of any tax or import** :—Though the Government has power to dispose of objections made to a tax by the inhabitants of a town, it is quite consistent with the well established Jurisdiction of the civil courts to decide as to the validity of any fresh tax or import.

JISHI KALIDAS VS. THE LAHORE TOWN MUNICIPALITY, (5)

**Men's rea not necessary**.—Contrary to the General Rule in case of criminal offences, men's rea is not necessary and need not be proved in case of prosecution for not taking out a license.

### Tolls.

While all Municipalities are empowered by statute to levy tolls some are empowered to levy tolls on vehicles only while others are empowered to levy tolls on both vehicles and animals. A Toll is a franchise and is usually created either by Royal grant or by Municipal usage and prescription, which presupposes a former grant by statute.

- 
- (1) 29 Cr. L. J. 251 (1928)
  - (2) L. L. R. 9 B. 51
  - (3) L. L. R. 20 B. 732
  - (4) Un. R. Cr. C 574
  - (5) J. L. R. 7 B 399

# City of Bombay Municipal Act.

Act III of 1888.

As Amended up to 1st Feb. 1926.

(Portion of Sections referring to animal  
is omitted.)

## TAX ON VEHICLES

**Sec. 180.** Except as herein after provided, a tax at rates not exceeding  
Tax on what those specified in schedule G shall be levied on all  
vehicles to be levied. .... which are kept within the city.

The said tax shall not be levied in respect of

**Sec. 181.**  
Exemption from  
the tax.

- (a) any vehicle certified by the Commissioner or the Police Commissioner, as the case may be, to be employed by the owner thereof for Municipal or Police purposes ;
- (b) gun carriages : ordinance carts or wagons ;
- (c) .....
- (d) .....
- (e) vehicles belonging to His Majesty or to the Corporation.
- (f) vehicles which belong to the persons to whom the right of working street-tramways in the city is granted by Bombay Tramways Act 1874 and which are exempted from municipal taxation by the said Act ;
- (g) vehicles kept by the bona-fide dealers in vehicles for sale merely, and not used.
- (h) trucks used exclusively on whay or in or upon any premises apertaining to a factory, workshop, warehouse or railway ;
- (i) hand-barrows having one wheel only, bicycles, tricycles other than motor bicycles and tricycles and children's perambulators.

**Sec 182.** 1. Every person who has owned or had charge of any vehicle  
in respect of which the tax aforesaid is leviable shall, if he owned  
Period by which liability for the tax is determinable. or had charge there of,—

- (a) for not less than thirty days in any quarter, be liable for the whole tax for that quarter ;

- (b) for less than thirty days but more than seven days in any quarter, be liable for one third of the whole tax for that quarter ;
- (c) for not more than seven days in any quarter, be exempt from liability for the tax for that quarter.

2. When a person has owned or had charge of two or more vehicles of the same description, each at different periods in one quarter, he shall for the purpose of this section, be deemed to have owned or had charge of one vehicle only, as the case may be, for the aggregate number of days in the said two or more periods.

If a vehicle has been under repair or standing at a carriage maker's during the whole of any quarter no tax shall be leviable in respect thereof for that quarter.

**Sec. 183.**

Vehicles under repairs or standing at carriage maker's exempt.

The Commissioner may, with the approval of the standing committee compound with any livery-stable keeper or other person keeping vehicles for hire, for payment of a lump sum for any period not exceeding one year at a time in lieu of the taxes, which such livery-stable keeper or other person or dealer would otherwise be liable to pay under section 180.

**Sec. 185.**

Livery stable keeper's and others may be compounded with.

(1) The Commissioner shall keep a book in which shall be entered from time to time

**Sec. 186.**

Vehicle tax book to be kept.

- (a) a list of the persons liable to pay any tax under section 180;
- (b) a specification of the vehicles in respect of which the said persons are, respectively liable to the said tax;
- (c) the amount of tax, payable by each such person and the period for which it is payable;
- (d) particulars of any composition made under section 185

(2) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book free of charge, and shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

(1) In order that the said list may be prepared the Commissioner may require.

**Sec. 186.**

Returns may be called for from owners of premises and persons suppo-

- (a) the owner of any premises let to or occupied by more than one person owning or having the charge of vehi-

sed to be liable to the tax.

cles to furnish him with a written return, signed by such owner, of the name and address of each of the said persons, and of the vehicles owned by or in charge of each of the said persons kept upon such premises ;

(b) Any person supposed to be liable to the payment of any tax on a vehicle to furnish him with a written return, signed by such person and containing such information concerning the vehicles, if any ; owned by or in the charge of such person as the Commissioner shall deem necessary.

(2) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable time as the Commissioner prescribes in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

**Sec. 188.**

Notice to be given to Commissioner by a person not hitherto liable to the tax, who become possessed of a vehicle in respect of which liability arises.

Every person, who, any quarter for which a tax on vehicles is leviable, become possessed of any vehicle in respect of which he will be liable to the payment of the said tax shall, if in the immediately preceding quarter he was not liable to the payment of any such tax, give notice, in writing, to the Commissioner, within 15 days after he has become possessed of such vehicle of the fact of his having become possessed thereof.

(1) The Commissioner may make an inspection of any stable or coach-house or any place wherein he may have reason to believe that there is any vehicle, liable to a tax under this act.

**Sec. 189.**

Power to inspect stables and summon persons liable to the tax.

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles owned by or in the charge of any such person, and every person so summoned shall be bound to attend before the Commissioner and to give true information to the best of his knowledge or belief as to the said matters.

**Sec 190.**

Repealed by Bom, VII of 1921.

**Sec. 191.**

" " " " "



# Bombay District Municipal.

## ACT III OF 1901

### Chapter VII Municipal Taxation.



Only portion affecting Motor Vehicles is included.

#### IMPOSITION OF TAX.

Subject to any general or Special orders which the Governor General in Council may make in this behalf, any Municipality. **Sec. 59** Taxes which may be imposed,

(a) after observing the preliminary procedure required by section 60 and

(b) with the sanction of the Governor General in Council in the case of City Municipalities, and in other cases of the Commissioner, and subject to such modifications and conditions as under section 61, the Governor General in Council or the Commissioner, respectively, in accordance with such sanction, deems fit, may impose for the purpose of this Act, any of the following taxes; that is to say,

(ii) a tax on all or any vehicles,.....kept for use within the said district.

(iii) toll on all vehicles, entering the said district, but not liable to taxation under the clause last preceding;.....

(a) no tax imposed as aforesaid, other than a special sanitary cess or a water rate, shall, without the express consent of the Government, be leviable in respect of.....any vehicle,....., belonging to His Majesty and used solely for public purposes, and not used or intended to be used for purposes of profit, and no toll shall be leviable for the passage of troops, or the conveyance of Government stores, or of any other Government property, or for the passage of military or Police officers on duty, or the passage or conveyance of any person or property in their custody.....

**Sec. 60.**  
 Procedure of  
 municipality preliminary to imposing  
 tax.

Every municipality before imposing a tax shall observe following preliminary procedure;

- (a) They shall, by resolution passed at a general meeting,
  - (i) select for the purpose one or other of the taxes specified in section 59 ;
  - (ii) prepare rules for the purposes of clause (i) of section 46, prescribing the tax selected ; and shall by such resolution and in such rules specify,
  - (iii) the class or classes of persons or of property, or of both, which the municipality desires to make;
  - (iv) the amount for which, or the rate at which, it is desired to make such classes liable ;
  - (v) all other matters which the Governor in Council may so require to be specified.

(b) When such resolution has been passed, the municipality shall publish the form of rules so prepared with a notice in the form of Schedule A prefixed thereto.

(c) Any inhabitant of the municipal district objecting to the imposition of the said tax for the amount or rate proposed or to the class of persons or property to be made liable thereto, or to any exemptions proposed, may within one month from the publication of the said notice send his objection in writing to the municipality, and the municipality shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon, and, unless they decide to abandon or to modify the proposed tax in accordance with such objections, shall submit the same with their opinion thereon, together with the notice and rules aforesaid in the case of a City Municipality to the governor in Council, and in the case of any other municipality to the Commissioner.

**Sec. 61.**

The Governor in Council or the Commissioner, as the case may be, may either refuse to sanction the rules submitted, or may return them to the municipality for further consideration, or if no objection, or no objection which is in his opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

- (a) Without modification, or
- (b) subject

- (i) to such modifications not involving an increase of the amount to be imposed, or
- (ii) to such conditions as to the application within the municipal district to any purpose or purposes of this Act specified in such conditions, as he deems fit.

All rules sanctioned under Section 61 with all modifications subject to which sanction is given, shall be published by the municipality in the district for which they are prescribed, together with a notice receiving the sanctions and the date and the serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipality in accordance with all conditions, if any, subject to which under section 61 the sanction was given.

**Sec. 62.**

Publication of sanctioned rules with notice.

Provided that

- (a) A tax leviable by the year
  - (i) Shall not come into force except on one of the following dates viz. The first day of April—The first day of July—The 1st day of October—The 1st day of January-in any year and
  - (ii) if it comes into force on any day other than the 1st of April, it shall be leviable by the quarter, till the 1st day of April next ensuing,

(b) On or before the day on which a notice is issued under this section, the municipality shall publish such further detailed rules as may be required, and as may have been approved by the Governor in Council or by the Commissioner as the case may be, under the 1st clause of the proviso to section 46, prescribing the mode of levying and recovering the tax therein specified, and the date on which it or the instalments, if any, thereof shall be payable;

(c) If the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during the period.

**For Octroi and tolls on vehicles see Sections 78 and 79.**

# SUPPLEMENT II.

## FEW HINTS ON MOTOR CAR MACHINE & ITS PARTS REFERRED TO IN THE MOTOR VEHICLES LAW.

**Brake Treatment.**—By law the motor car must be provided with two powerful brakes and usually one of these is applied to the rear wheels and other to one of the transmission shafts. Recently custom has arisen of arranging both the brakes directly on the back wheels.

**The adjustment of the brakes.**—Is very important and requires treating according to their individual constructions. Following points should be particularly noted.

1st the pedal lever should not be at the limit of its travel, even when the brake is hard on and,

2nd the breaking surface should not rule anywhere, when the break is off.

It is impossible to urge too strongly the importance of the brakes being kept properly adjusted, as with the brakes out of adjustment (i. e. incapable of their full application) the best car in the world becomes but a death trap to those on the board as well as to users of the road. Nearly all accidents not due to sheer carelessness in driving can be traced to the neglect of the brakes. As a rule adjustment is simplicity itself, merely the turning of a screw for which not even a spanner is required.

**Carburettor.**—In the case of motor vehicles, the function of carburettor is to convert the liquid fuel (petrol in most cases) into a gas and to mix this with air to provide the right mixture and to supply such mixture in the required quantity to the engine.

**Internal Combustion Engine—principle of.** The power in this case is obtained by exploding, or burning, petrol vapour in a number of closed chambers termed cylinders, the explosion acting upon the piston therein; which are consequently pressed downwards, causing a shaft to rotate. This rotation is communicated at will to the wheels driving them at various speeds. The engine requires 4 accessories viz:

- (1) The carburettor which supplies it with vapour.
- (2) the ignition apparatus which presses or ignites the gas.
- (3) the cooling system.
- (4) Lubrication system.

**No Smoke or visible vapour emitted.** There can be no valid reason advanced to justify the emission of smoke that may some times be seen issuing from the exhaust of motor vehicle. It is either due to use of unserviceable lubricating oil or to other carelessness on the part of a driver in using a good lubricating oil in excess which causes the car to smoke. Lubrication is necessary but if properly attended to, it can be effected without the emission of smoke or even "visible vapour."

**Tyres Pneumatic.** One of the greatest advantages of Pneumatic tyres is that their strength of spring can be adjusted to the work they have to do and they could be inflated to such a pressure that they will give only slightly when they rest under the weight of the car and passengers. Pneumatic tyres cost quite enough while doing their work but to drive a car with deflated tyres is ruinous.

**Skidding cause of—remedies.**—One of the worst evils the driver has to contend with is that of *side slip*. The accident is nearly always two fold that is to say the slipping in itself is not dangerous but if the car strikes anything else, that thing will be damaged as well as the car.

It is a well known fact in mechanics that if a sliding movement occurs between two contacting bodies, one that is in motion may be moved at any angle to its path with comparative ease. In driving therefore on slippery surfaces, great care should be taken to avoid any variation from the true rolling motions of the wheels on the road. The variation may occur in many ways. For instance,

(1) by the sudden acceleration of the engine, the driving wheels may tend to spin round instead of merely rolling forward.

(2) Again by sudden application of brakes, road wheels may rotate slower than the progress of the car corresponds to, and indeed they may cease to rotate at all; merely sliding along.

(3) Further in passing over an uneven road the car may bounce, so that the wheels at times are actually out of contact with the road surface.

Under any of these conditions, a very slight disturbing force will be enough to deflect the car from its straight course and cause side slip.

While the road is hard and dry, the friction between the tyres and the road surface will be ample to prevent skidding. But if the hard smooth surface be covered with the mud or if the comparatively soft surface be covered with thick mud, the car will be prevented from obtaining a firm grip and may begin to slide at any moment.

Sometimes side slip is found in connection with tram lines which from ridges tend to prevent the car travelling at an angle thereto. The disturbing effect is greatest when the lines are wet.

To avoid side slip, the novice may take certain precautions. When a greasy stretch is encountered proceed slowly especially in making turns. If the car begins to slip keep your wits about you and begin to steer in the direction of slip, keep clutch out and do not apply the brake unless absolutely necessary. This may be exactly contrary to your inclination, but it will tend to restore the grip of the wheels on the road and so soon as this result is attained you may begin carefully to steer again in the direction you wish to follow.

**Back wheel side slip.**—Some times a car previously travelling along a straight road suddenly slides as regards the rear part into a gutter. This generally occurs on a much rounded road and after the brakes have been forcibly applied but it may arise through taking a corner too fast and through accelerating too quickly. This is termed a *back wheel side slip*. The rule therefore is to disengage the clutch, and release the brakes if applied and to steer in the direction in which the brake wheels are moving.

**Front wheel side slip.**—A front wheel side slip occurs only at corners or at any rate when the front wheels are much turned for steering purposes.

**The Silencer—its use—Reduction of noise.**—If the exhaust gases pass straight from the engine into the air considerable noise is created. To prevent this the gases are led through a silencer some times termed a "muffler". In its simplest form this consists of a box, generally cylindrical in shape formed with a number of small holes, through which the exhaust gas issues in a number of fine streams. As a rule the silencer contains a number of baffle plates or partitions, which are perforated so as still further to split up the gases. In a few cases the gases are first led up to an expansion

chamber which is merely a hollow box, and from this they pass to the silencer. Between the engine and the silencer is sometimes arranged a valve, by which exhaust gases can be turned into the air without passing through the silencer. Such a device is termed a "Out out". A smoky exhaust indicates that an excess of oil has been used or that the mixture is far too rich in petrol and sometimes explosions will take place in the silencer. These explosions do no harm to the engine but are objectionable, not only from the noise and possible damage which may be caused to the silencer, but as indicating irregular running of the engine.

**Steering Gear**—is an extremely important part of motor car mechanism and it deserves far more attention than it generally receives, as slight derangement is liable to result in serious accident. Mechanism of steering gear is simple but it comprises a large number of joints and if any one of these joints carries adrift, the car is naturally unsteerable. In connection with this mechanism of steering gear some facts should be carefully noted. There should be plenty of "lock" for the wheels meaning the wheels shall be quite free to be deflected through a large angle so that one may turn the car in an ordinary road without an inordinate number of reversings.

The joints of the steering gear should be very strong, well secured, adjustable and enclosed against dirt and wet. They should also be provided with proper means of lubrication. The steering column is mounted in a hollow pillar projecting up from the frame. The pillar should be rigidly fixed or it will be liable to vibrate violently when the engine is labouring at all or the road is rough.

**Defect in the steering gear.**—Absence of knowledge of a motor car which has its steering gear by reason of wear, in such imperfect condition that the driver is liable to lose control of the steering is a thing when on a high way, necessarily dangerous to persons using the high way, and to cause it to be driven on a high way amounts to negligence even in the absence of knowledge of defect *Hutchin v.s. Maunder 1920*. 37 T. L. R. 73.

**Taxi meter.**—Taxi meter is one of the most important instrument particularly for passengers who hire the car for travelling purposes and so requires some explanation of its working. The function of this instrument when attached to a motor car, is to record the fare payable on a combined time and distance system.

It consists of two mechanisms.

(1) a clock work arrangement by which a charge for the time occupied for waiting is recorded.

(2) a metal spiral attached to wheel, which transmits driving motion of the wheel to the taxi meter by means of a shaft.

Raising of the flag brings the dial and the mechanism in their zero position and the clock is stopped, but no sooner the flag is lowered the clock is set in motion and the initial fare is recorded. After the travel of one mile, increments are added to the fare shown at the rate of two annas per quarter of a mile. The raising of the flag again restores all dials to zero.

**Taxi meter also records on the back extra number of miles the car has travelled each day, the number of miles over which passengers were carried, the amount of money earned, and the number of initial fares &c.**

**Examination and sealing of meter.**— In Bombay before the vehicle is registered the meter is sent to Victoria Jubilee Technical Institute to examine its mechanism accuracy reliability and and a certificate is granted when the same is found in order. The meters that passed this test are sealed in such a manner that the case can not be opened without breaking the seal to avoid tampering with the instrument.

**Weight of a vehicle**—means the weight of a vehicle unladen exclusive of the weight of any water, fuel, of accumulator used for the purpose of propulsion, but includes the weight of the driver.

**Axle weight** is the aggregate weight transmitted to the ground by wheels attached to any axle. There is therefore the front axle weight and the back axle weight; and the registered axle weight means the weight entered in the register by the Registering Authority.

## **SUPPLEMENT No. III.**

**ADDITIONAL CASE LAW UNDER MOTOR  
VEHICLE LAW (ACT VIII OF 1914)  
BROUGHT UP TO 1930.**

*To be read after page 13*

**Collision between motor car and pedestrian—guiding principle—causing hurt by rash and negligent driving—Sections 279, 337 I. P. C.**

When a foot passenger is injured owing to the rash and negligent driving on a narrow road, there being ample space for the driver to have passed the passenger and after having knocked him down leaves him where he is, the driver is guilty of serious offence punishable under section 279 and 337 of Indian Penal code.

Every case of collision between a motor car and a pedestrian must be judged on its merits. The man after he has knocked down a foot passenger even without blame attached to him goes in his way leaving the passenger injured upon the road, must be looked upon severely.

EMPEROR v/s AGHAN (1)

*To be read after page 38*

**CONDITIONS SUBJECT TO WHICH MOTOR VEHICLES  
MAY BE LET OR PLIED FOR HIRE.**

**Punjab Motor Vehicle Rules. 1922—rr.  
3 & 7—plying for hire—meaning of.**

An owner of certain taxi-cars which were licensed to ply for hire within the limits of the municipality of Lahore, had not obtained a Road Certificate for letting the car on hire outside the limits. On 12th March one of his cars was found outside municipal limits with a passenger. The contention for the accused was that he hired the car for occupant within municipal-limits for Lahore, but it was taken by him to Amritsar and once he had hired the car it was no concern of his to see whether it was taken outside the limits or not.

---

1) 28 cr. L. J. 894.



Held—It appears that merely hiring a vehicle to another does not amount to 'plying for hire'. 'To ply for hire' as used in the Rules and as it is generally understood, ordinarily means to exhibit a vehicle in such a way as to invite those who may desire to do so to hire it or to travel in it on payment of the usual fares and also to offer its use on payment to any member of the public, thereby soliciting custom. Conviction set aside and petitioner acquitted.

SAODULSING v/s EMPEROR (1)

**Motor Vehicle Act 8 of 1914—Clause 16—  
Calcutta Motor Vehicle Rules 28—permit con-  
ditions—construction.**

Object of this appeal is to obtain a construction of R. 28 of the Rules made under Motor Vehicle Act 1914. Clause 16 of the rule runs as follows— "No motor vehicle shall be let or ply for hire in any local area or along any public road in the province unless it possesses a special permit in the form annexed to these rules granted by the District Magistrate and every such vehicle shall be subject to the conditions presented in the permit".

Held—conditions of the permit apply to the licensed vehicles for the period of the license, irrespective of whether it was in use at the time as a carriage standing or plying for hire, or the use was gratuitous. (Hawkins's v/s Edwards 2 K. B. 166ref.)

EMPEROR v/s RAMTAHALSING (2)

**Motor Vehicle Act VIII of 1914— U. P.  
Rules rr 32 "Words" "If any person is injured  
in rule 32" govern whole clause.**

Rule 32 was made in order to provide for cases where people are injured and the words "if any person is injured", in R. 32 govern whole of the rest of the clause. In the other construction of R. 32 viz on the occurrence of any accident, if there is any police officer present, the driver or person in charge of the motor vehicle shall report the accident without delay to the nearest Police-Station though possible cannot be accepted as correct.

Interpretation of statute construction:—where there are two possible constructions, it is the duty of the court to use the common sense construction.

MANSASING v/s EMPEROR (3)

---

(1) 30 cr. L. J. 700.  
(2) A. L. B. 1929 Patna 522,  
(3) A. L. B. All 750.

**Section 16-Motor Vehicle Act VIII of 1914  
—Patna Motor Vehicles Rule 41—Condi-  
tion under section 16—Magistrates power to  
cancel permission to ply for hire.**

A Magistrate has no power under Motor Vehicle Act 1914 to cancel a permit to ply for hire, though he has power under r. 41 to cancel a driver's license.

SHEO FUTTORY v/s EMPEROR, (1)

**Minor's responsibility in driving a car—  
driving with permission of person in possession,  
no trespass—mere unskillfulness not  
negligence—liability for independent distinct  
tort.**

The facts of the case were that the appellants were the owners of a motor car which they had given possession of to a person under a hire purchase agreement. The car was in charge of the hirer's driver and with his consent and permission respondent a lad of 16 drove it. He attempted to cross a car in front and then swerved it to the left to avoid a car in front coming from the opposite direction. In consequence he pulled the car upon a heap of latterite. Appellant sued the respondent for the damage. It was found that the respondent was not negligent and drove to the best of his ability but the mishap occurred through his inexperience and want of skill. Held—that the respondent drove the car with the permission of the driver, there was no independent trespass on his part so as to render him liable. His unskillfull driving did not amount to negligence because he was not a licensed driver. Nor was it an independent tort.

(FAWCETT v/s SWETHURST (2) REF.)

MOTOR HOUSE COMPANY LTD. v/s CHARLIE BAKET, (3)

---

(1) 29 Cr. L. J. 771 (1928.)

(2) (1914) 84 L. J. R. B. 473.

(3) I. L.R. 6 Rangoon 763.

**SUPPLEMENT NO. IV.**  
**ADDITIONAL CASE LAW UNDER MOTOR**  
**VEHICLE LAW (ACT VIII OF 1914 )**  
**BROUGHT UPTO 1931.**

*( To be read after Para I Page 10 )*

**Police Officer's Power to stop Motor car Motor Vehicle Act Section 4**—Under section 4 of the Motor Vehicle Act the driver of a motor vehicle can be stopped even by a Police Officer who is not engaged in traffic, for ascertaining his name and address with a view to prosecution for the purpose of enforcing any of the provisions of the Act such as over-loading of the bus, or inspection for checking license.

Facts of the case in short were as follows. It was alleged that the petitioner drove his bus No.333 and another bus No. 416 came from opposite direction. On seeing this the petitioner failed to stop his bus even though asked by Circle Inspector and drove very fast. Their Lordships observed. There are two separate actions imputed in this charge. 1st being, petitioner failed to stop on seeing bus No. 416. But it has now been admitted by the prosecution that considering the circumstances it was the duty of the driver of bus No. 416 and not 333 to stop. So petitioner can not be held guilty of the charge. The other charge is that he failed to stop when Circle Inspector asked him to do so. It has been contended on behalf of the petitioner that under section 4 of the M. V. A., a driver can only be stopped by a Police Officer who is engaged in regulating traffic. This is so clearly against the language of the section as not to merit further discussion. Part (a) of the section requires that a driver should stop in three sets of circumstances. 1stly that the traffic may be regulated, 2ndly that a name and address may be obtained with a view to a prosecution and thirdly for the purpose of enforcing any other provision of the Act. The allegation by the prosecution is that the bus was overloaded and that the Inspector wished to inspect it and to cheque the license. These I think were the reasons for stopping it coming under the third and last category. *Re. Ramantujam Naidu.*<sup>1</sup>

*( To be read after Para I Page 34 ) Registration*

**U. P. Motor Vehicle Rules rr ii is not applicable to cars Registered outside United Provinces,—Motor Vehicle Act Sec 16.** Facts in brief are as follows.—The petitioner in this case,

( 1 ) 31 Cr. L. J. 639 ( 1930 )

a resident of Calcutta came to Allahabad on a short visit. He brought with him his motor car. A constable on traffic duty demanded the production of the registration certificate. The Line Inspector who acts under the orders of the Superintendent of Police also made a similar demand. The certificate of registration was not produced with the result that the accused was prosecuted for having contravened the provisions of rule II of the United Provinces Motor Vehicle Rules and fined. Held there is nothing in the wordings of these rules to show that rule II applies to cars registered outside United Provinces. It is clear from the definition of "Registering Authority" in rule 3 that this expression, as used in rule II, means the authority who had registered the car under the rules in force in the United Provinces. Where therefore the applicants car is not registered in the United Provinces, but brought there for a short period, rule II has no application in his case. *P. C. Chaudhari vs. Emperor*<sup>1</sup>

*To be read after Page 33 and in continuation of para 1 page 2 of supplement III )*

**The word 'ply' means ply for hire in permit form F—Oudh Government Rules no. 79—Motor Vehicle Act section 16.**—Facts of this case in brief are Mohamad Hanif is a licensed driver of a public motor vehicle which is licensed to ply between Lucknow and Barabanki and Bara Banki to Haidergarh. On a certain date he drove the public vehicle on a road from Bara Banki to Faizabad. He was therefore charged & convicted under section 16 of the Act read with rule 79 for having contravened the condition of his license in plying on a route in respect of which he held no permit. On a reference by the Session Judge their Lordships observed, 'It is to be noted that the word ply standing alone, though used in the license is not used in the definition. In the definition Rule 3 No. (g) 'a public motor vehicle' is stated to mean a vehicle which is let for hire or which stands or "plies for hire" in any public place. I agree with the learned Session judge that the word ply in the permit from F must be read to mean "ply for hire." In this connection it appears to me impossible to hold that it can have any other meaning. *re—Emperor v. Hanif*

**Plying for hire meaning of Motor Vehicle Act section 16.**—Applicant was the owner of a ford bus which is licensed to ply for hire. He holds a general license under section 6. Motor

(1) A. I. R. (1930) All. 34.

(2) A. I. R. 1930 Oudh P. 251.

Vehicle Act. He has a driver who holds a license in form B to drive the bus or a vehicle "let or plying for hire". He also holds a license in the form A under rule 3 (1) which entitled him originally to let or ply the bus for hire on Ratnagiri, Kolhapur Road only. On 28th April 1929 applicant (who was driving) with friends and driver was proceeding in the bus from Ratnagiri to Dapoli to see D. S. P. to obtain extension of permit contained in license form A, for bus to ply for hire throughout Ratnagiri District. Applicant was charged before 1st class Magistrate for contravening the provisions of rule 7 (1) which require that a motor vehicle (meaning a motor vehicle let or plying for hire) shall not in any circumstances be driven by any person other than a driver who shall carry with him and produce whenever required by a Police Officer a public driver's B permit etc. and was convicted and fined. On applying to the High court it was held that the expression 'ply for hire' in rule 7 (1) of the Motor Vehicle Rules, means to exhibit a vehicle in such a way as to invite those who may desire to do so to hire or to travel in it on payment of usual fares and also to offer its use on payment to any member of the public thereby soliciting custom. Under the circumstances the applicant cannot be said to come within the section, so his conviction is set aside, 10 Lahore 505 (1929) Sardulsing vs. Emp. Local Fund Overseer vs. Paskisis 1928 A. I. R. (Mad) 166 followed *Emperor vs. Rajwade*<sup>1</sup>

**Motor Vehicle Act section 16,—owner guilty of offence even though not present in a case of breach of road certificate—Panjab Motor vehicle plying for hire rules 1922 r r 3.**

Facts of the case were as follows.—The petitioner was the owner of a motor lorry plying for hire in Rohtok District. On the day of offence it was found that the lorry is being driven with 17 passengers of whom one was on mudguard. The driver admitted that it contained 17 passengers, while it was licensed to carry only 10 and that carriage of passenger on a mudguard was prohibited. The driver was found guilty and convicted and sentenced to a fine of rupees 50. The owner was prosecuted though he was absent and denied all knowledge and was convicted and sentenced to pay fine of rupees 20.

It was held—when the driver of a motor lorry does not use the lorry in conformity with the conditions specified in the road certificate, the owner of the lorry is guilty of an offence under section 16 of the Act read with rule 3 Panjab Motor Vehicle plying for hire Rules 1922 even though he is not present when the breach of condition takes

place. 38 C 415 followed. 45 C 430, 27 P. R 1918, A. I. R. ( 1924 ) Cal 985, A. I. R. ( 1928 ) Cal 410 A. I. R. (1924) Ran. 73 Dissented  
*Devidayal V. Emperor*<sup>1</sup>

**Madras Local Boards Act XIV of 1929 Sec. 166—Bus-picking passengers within the limits of a municipality journeying over a road belonging to District Local Board whether necessary to take out license under section 166 second part plying for hire meaning of separate fares meaning of**—Where a bus picked up passengers within the limits of a Municipality, and carried them at “separate fares” to another place in another Municipality, but travelled in the course of the journey over a road belonging to a District Board, held that a license from the President of the District Board, under the second part of the section 166 ( 1 ) of the Madras Local Boards Act ( XIV of 1920 ), was necessary for the bus being so run. Although a license may not be necessary under the first part of the section. “ Plying of a Motor Vehicle for hire ” means the act of waiting for or soliciting custom and therefore, so soon as any person has hired vehicle on that road, and that a vehicle cannot be said to ply for hire on a road unless the actual hiring takes place on that road.—cited from Local Fund Overseer, *Mayavaram v. Pakkumami Thevan* ( 1 ) distinguished.”<sup>2</sup>

What is meant by “ separate fares ” is individual fares as distinguished from a fixed amount for the whole vehicle.<sup>3</sup>

**Damage to car—Innkeeper's liability defined.**—A case of great interest to innkeepers and car owners was decided in the King's Bench when Mr. Justice Swift reversed the decision of the Northampton Country Court and decided that the innkeeper was not responsible for any damage done to a motor car belonging to a guest placed in the hotel garage.

The Country Court Judge had awarded damages against the hotel proprietor to Mr. Winkworth an accountant whose car was damaged by frost while in the garage of the Grand Hotel at Northampton. Mr. Justice Swift held that the innkeeper was not an insurer of the person of the goods of the guest and was responsible for negligence as innkeeper. Furthermore the innkeeper had insured that a guest's car would not be stolen, not that it would not be damaged, He was only bound to supply such accomodation as he possessed, It was the business of the car-owner to let water out of the radiator if frost was anticipated. The hotel-keeper, whose appeal was allowed, was awarded costs. *Times of India* 26 Jan. 1931.

( 1 ) A. I. R. ( 1930 ) Lahore P. 865.

( 2 ) 51 Mad. 527 ( 1927 )

( 3 ) 53 M. 439. ( 1930 )

## MOTOR VEHICLE RULES.

Amendments, Additions, Alterations during the year 1930

### I. The Bombay Motor Vehicles Rules, 1915.

A. In first paragraph of rule 3,

✓ (a) for the entry "For a driving licence.....Rs. 10" the entry  
 "For a driving licence.....Rs. 20" shall be substituted;

(b) for the entry "For each renewal of a driving licence, if renewed from the date of its expiry.....Rs. 2" the entry "For each renewal of a driving licence, if renewed from the date of its expiry... Rs. 5" shall be substituted; and

✓ (c) for the words and figures "Rs. 10" and "Rs. 2" occurring in third paragraph "Rs. 20" and "Rs. 5" shall be substituted, respectively.

B. (a) In first paragraph of rule 7, for the words "four rupees for motor cycles, sixteen rupees for motor vehicles of two tons and under, and thirty-two rupees for motor vehicles exceeding two tons" the words "ten rupees for motor cycles, forty rupees for motor vehicles of two tons and under, and eighty rupees for motor vehicles exceeding two tons" shall be substituted;

(b) In the second proviso to rule 7 the word "also shall be deleted and for the first proviso thereto the following paragraph shall be substituted, namely:—

"The annual fees for renewing registration certificates, when such certificates are presented for renewal on or before the date of expiry, shall be eight rupees for motor cycles, thirty-two rupees for motor vehicles of two tons and under, and sixty-four rupees for motor vehicles exceeding two tons. Full registration fee shall be charged for the renewal of registration certificates which are not presented for renewal on or before the date of expiry."

C. (a) In schedule B, for the words and figures "Fee Rs. 10 only", the words and figures "Fee Rs. 20 only" shall be substituted.

(b) In schedule D, for the words and figures—

" Fee Rs. {	4 Motor cycle.
	16 Motor vehicle weighing two tons or under.
	32 Motor vehicle weighing more than two tons."

the words and figures—

✓ " Fee Rs. {	10 Motor cycle.
	40 Motor vehicle weighing two tons and under.
	80 Motor vehicle weighing more than two tons."

shall be substituted.

### **II The Public Conveyance ( Motor Vehicles ) Rules, 1922,**

( A ) For the first sentence of rule 21, the following sentence shall be substituted:—

“ A fee of Rs. 10 shall be charged for each driver's permit, a fee of Rs. 6 for its renewal, and a fee of Rs. 2-8-0 for a duplicate thereof. ”

( B ) For the words and figures “ Rs. 2-8-0 ” and “ Rs. 5 ” occurring in the second sentence of rule 21, the words and figures “ Rs. 6 ” and “ Rs. 10 ” shall be substituted, respectively.

( C ) In form B, for the words and figures “ Fee—five rupees ( Rs. 5 ) ” and “ Renewal fee—Two rupees and eight annas ” the words and figures “ Fee—Ten rupees ( Rs. 10 ) ” and “ Renewal fee Six rupees ” shall be substituted, respectively.

### **III.—The Rules to regulate the use of Motor Vehicles let or plying for hire in all districts in the Presidency Proper, outside the City of Bombay,**

( A ) In rule 3 ( 1 ) for the word and figures “ rule 7 ( 5 ) ” the words and figures “ rules 7 ( 5 ) and 7 ( 5-A ) ” shall be substituted.

( B ) For sub-rule ( 2 ) of rule 7 the following shall be substituted:—

“ A public driver's permit will not be granted to a person unless—

( a ) he already holds a licence to drive a motor vehicle under rule 2 of the Bombay Motor Vehicles Rules, 1915, which is in force at the time;

( b ) he satisfies the licensing authority that he has had at least two years, driving experience, in the case of a driver of a heavy motor vehicle, and, at least one year's driving experience, in the case of a driver of any other motor vehicle, and

( c ) he passes a test in driving, a public motor vehicle over and above the one he has already undergone to get his licence to drive a motor vehicle as required by rule 2 of the Bombay Motor Vehicles Rules, 1915. ”

( C ) For the first sentence of sub-rule ( 4 ) of rule 7 the following sentence shall be substituted, namely:—

“ A fee of Rs. 8 shall be charged for the permit, a fee of Rs. 5 for its renewal, and a fee of Rs. 2 for a duplicate thereof. ”

( D ) In rule 7 of the said rules, after sub-rule ( 5 ), the following sub-rule ( 5-A ) shall be inserted namely:—

“( 5-A ) An owner's permit or a public driver's permit granted by a competent authority of an Indian State, with which Government have entered into a reciprocal arrangement—and which is mentioned



in schedule B—shall be valid within the limits of a British District provided it bears the countersignature of the District Superintendent of Police of that District.”

(E) After rule 7 the following shall be inserted:—

“ 7 A. All cases in which an ‘A’ permit is refused or cancelled, on account of any fault or negligence on the part of the owner, and not on account of the condition of the motor vehicle, shall be reported by the District Superintendent of Police concerned to the Inspector General of Police, with reasons in detail for the refusal or cancellation, and, shall be recorded by the Inspector General of Police in a separate register. When an ‘A’ permit is granted to a person, the fact shall be reported by the District Superintendent of Police concerned to the Inspector General of Police. If the Inspector General of Police finds from the register above referred to that the permit has been granted to a person whose name has been recorded in the register under this rule he shall take steps to have such permit cancelled.”

(F) In rule 22 of the said rules for the words “ provided that in particular cases ” the following shall be substituted:—

“ No passenger shall be carried by the side of the driver except in the case of a motor vehicle in which a seat securely fenced from the driver is provided for the purpose with the approval of the licensing authority. In no circumstances, shall more than one passenger be allowed to be so carried.”

(G) For rule 34 the following shall be substituted:—

“ 34. When a motor vehicle is not hired by one person but fare is charged per seat and according to the distance to be travelled by the passenger concerned, the driver or owner or agent employed on behalf of an owner shall issue tickets to each passenger in token of the receipt of the fare. The ticket shall show the number of the vehicle, the date of issue, the fare charged, and the starting point and the destination of the journey.

No driver shall, without reasonable excuse, refuse to accept a fare. In the case of a breakdown, it is the duty of the driver to communicate with the owner, if possible, and of the driver and owner to take all possible steps to convey passengers to their destination with the least possible delay. If passengers prefer to make their own arrangements, the proportionate charge for the unfinished journey shall be refunded. No driver or owner, or agent employed on behalf of an owner, shall refuse to sell a

ticket to any person on ground of caste or community or refuse to allot a vacant seat to any ticket holder on such grounds."

(H) After Rule 50 the following rule shall be inserted namely. —

"50-A. In exercising the powers conferred on him by these rules the District Superintendent of Police shall be subject to the control of the District Magistrate."

(I) To rule 57/4 the following shall be added namely.

"Whenever a motor vehicle is sold and the current A permit is presented for endorsement of sanction in favour of the purchaser the motor vehicle shall be examined as at the time of the first issue of the said permit and a fee of five rupees (Rs. 5) shall be charged for making the necessary endorsement."

(J) In form B for the words and figures "Fee four rupees (Rs. 4)" and "Renewal fee two rupees (Rs. 2)" the words and figures "Fee eight rupees (Rs. 8)" and "Renewal fee five rupees (Rs. 5)" shall be substituted, respectively.

(K) The existing schedule to the said rules containing forms A B and C shall be called schedule A and the following schedule B shall be inserted.—

"SCHEDULE B. [ See rule 7 (5-A) ]

The following Indian States have been admitted to the reciprocal arrangements contemplated in rule 7 (5-A) of these rules:—

1. Baroda [ so far as the traffic on the following roads is concerned:—

- |   |                        |
|---|------------------------|
| (1) Bilimora to Banada up to Kaveri crossing. | (5) Bardoli to Mota.   |
| (2) Kim to Mandvi.                            | (6) Tajpore to Titwa.  |
| (3) Amalsad station to Dhandaccha.            | (7) Sayan to Kathor.   |
| (4) Kachholi to Khakhawada.                   | (8) Rander to Variav." |

# Motor Vehicles Rules.

## Amendments, additions etc. in the Motor Vehicles International circulation Rules 1915, ending 1929.

In the said Rules, for the lists of 'Principal countries' and 'Colonies and dependencies' specified in (a) Appendix A to the first Schedule, and (b) at the foot of Form C appended to the Second Schedule, the following shall be substituted, namely:—

'United Kingdom of Great Britain, and Northern Ireland (British India, Gibraltar, Malta, Guernsey, Jersey and Alderney), Germany, Belgium, France [Algeria, Tunis, Morocco (French Zone)] and French India, Italy, Monaco, Austria, Hungary, Bulgaria, Spain, The Netherlands, Russia, The Grand Duchy of Luxembourg, Switzerland, Sweden, Portugal, Roumania, Greece, Denmark, The Free City of Danzig, Norway, Czechoslovakia, Finland, Poland, Liechtenstein, The Territory of the Saar, Lithuania, The Irish Free State, The Argentine and Egypt.'

## Amendments, additions, alterations, repeals etc. in Bombay Motor Vehicle Rules, 1915 upto the end of 1929.

(1) Add the following clause to sub-rule 3 of rule 1 of the said rules:—

"Owner"

The hirer of a motor vehicle under the hire purchase system shall be deemed to be the owner for all purposes of these rules."

(2) In paragraph 1 of rule 2 (1) of the said rules, after the words "Commissioner of Police" and "District Magistrate" the following words shall be inserted namely:—

"Or by any officer authorised by him."

(3) At the end of rule 5-A of the said rules add the following:—

"A copy of every order of cancellation or suspension made under this rule shall be endorsed on the license."

(4) For rule 7 of the said Rules the following Rule shall be substituted:—

"7 The fee for registration shall be four rupees for motor cycles, sixteen rupees for motor vehicles exceeding two tons. A fee of Re. 1 shall be charged in any case for the grant of a duplicate registration certificate.

Provided that no fee shall be charged for the renewal of a registration certificate in any case where the application for renewal is received by the registering authority:—

(1) before the expiry of the certificate, or

(2) not later than fifteen days after the expiry of the certificate, or

(3) after the said period of 15 days if good and sufficient cause is shown.

Provided also that traction engines used solely for agricultural purposes shall be registered free of charge and steam rollers, fire-escape tenders need not be registered."

(5) In Rule 8 of the said rules for the words "BOM, BOM-Z or Y for Bombay" substitute the "BOM, BOM-Z, Y or X for Bombay."

In rule 8 of the said rules, below the letters and words "ADN. for Aden" the following shall be inserted, namely:—

To motor vehicles belonging to the Light Motor Patrol, Bombay Battalion, A. F. I., the registering authority shall assign a distinguishing number with letters L. M. P. in front.

(6) For rule 21 of the said rules the following rule shall be substituted:—

"21. A motor vehicle shall not be driven on any footway, nor shall any motor vehicle or a motor vehicle of a specified class or classes of motor vehicles be driven on any road in any public place where such traffic has either temporarily or permanently, been prohibited in the City of Bombay by the Commissioner of Police elsewhere by the District Magistrate."

(7) After rule 22 of the Bombay Motor Vehicles Rules, 1915, the following rules shall be inserted:

22-A. *Use of horn prohibited if motor vehicle is stationary.*—No owner or driver of a motor vehicle shall, if the motor vehicle is stationary, use or allow to be used any horn or mechanical device except for the purpose of preventing an accident.

22-B. *Horn not to be used so as to cause nuisance.*—No owner or driver of a motor vehicle shall use or allow to be used any horn or mechanical device unnecessarily or wantonly in such a manner as to cause nuisance or inconvenience to the public."

(8) Add the following words to Rule 24 (4) (b) of the said rules:—  
'or other suitable devices have been applied for dimming them.'

*Note.*—The revised rule when amended as above will run as follows:—

4" (24). The Commissioner of Police or the District Magistrate may by special notification in two or more local papers or in any other suitable manner prohibit within any local limits:—

(a) The use of acetylene or electric lamps of any description giving a powerful and intense light, or,

(b) The use of such lamps unless the glasses have been thickly ground or painted white or other suitable devices have been applied for dimming them.

(9) For rule 27-A of the said rules substitute the following rule:—

"No driver of a private motor vehicle shall be drunk while in charge thereof."

(10) In rule 28-A of the said rules for the word "driver" substitute the words "person in charge."

(11) After rule 32 of the said rules, the following rule shall be added, namely:—

"32-A. No speed trial nor any attempt to set up or break a speed record shall be permitted on any public road without the previous sanction of Government."

(12) For Rule 34 (3) (c) of the said rules the following rule shall be substituted:—

- (c) All new road signs, and old ones, if and when required to be replaced, shall be made of enamel or of semisteel plates.

In rule 34:—

for "Notice boards on roads," substitute "road signs" and for "Notice boards and "signals" substitute "signs."

(13) After rule 63 of the said rules, the following rule shall be added, namely:—  
"63-A. The District Magistrate may, by a special or general, order delegate the power, vested in him by rule 63 of the said rules, to issue an emergency certificate for night travel on a ghat road, to any magistrate or to any police officer not lower in rank than an officer in charge of a police station."

(14) In schedule B of the said rules for the words

"Commissioner of Police

Superintendent of Police, Karachi Headquarters

District Magistrate

and

"Commissioner's

Superintendent of Police, Karachi Headquarters' Signature,"

District Magistrate's

the words "Signature of the Licensing Authority," shall be substituted.

(15) Item No. 9 in Schedule D to the said Rules shall be deleted.

In H of the Schedule Schedules appended to the said rules the following entries shall be added:—

46. Feudatory States of Chhuikhadane and Kawardha in the Central Provinces
47. Feudatory State of Hindol in Orissa.
48. Feudatory State of Raigarh in the Central Provinces.
49. Indore.
50. Feudatory State of Daspalla in Orissa.
51. Feudatory States of Athgarh, Khandpara, Baramba and Narsinghpur in Bihar and Orissa
52. Rewa State.
53. Junagadh State.
54. Bhopal State.

**Amendments, additions etc. in Public Conveyance (Motor Vehicles) Rules, 1922 up to the end of 1929.**

(1) "In Rule 72 of the Public Conveyance (Motor Vehicles) Rules 1922, in clause (h) after the word 'shout' the words 'or make use of the horn or any mechanical device' shall be inserted."

(2) "Rule 114 of the said Rules shall be renumbered as rule 114 (a) and the following rule 114 (b) shall be added—

114. (b) In the case of an omnibus fitted with a collapsible canvas roof or hood the height from the floor boards to the roof or hood must not be less than 5' 4" at any point."

## INDEX.

NUMBERS REFER TO PAGES.

Abetment of offence.	19, 48, 53	Cognisance of offences	54
Do. Owner's liability	34, 35, 36, 42	Collision—Suit for damages.	19
Accident in case of duty to stop.	7	Contributory negligence.	
Accident, master's liability.	42	" Injury to pedestrians	15
Action for damages English Law.	19	" Interference by children.	40
Act. rash and negligent.	12	" " third parties	40
Act. II of 1904 Bombay.	4, 57	Control of traffic, meaning of.	27
" IV of 1890	27	Conviction, endorsement on license.	55
" XV of 1924 (Imperial).	4	" Legality of.	36
" XXVII of 1920 (Imperial).	4, 55	" and Release with admonition	
" I of 1907. (Mad).	4	whether allowed.	53
Afganistan M. V. Brought in to		Criminal liability for act of servants	
Br. India from	49	and others.	47
Age limit for drivers.		Criminal negligence.	12
Amendments.	33, 50, 55	Cri. Pr. Code Sec.	68
Allow—meaning of	6	" " " "	135
Annually, meaning of	37	" " " "	403
Arrest without warrant	24	" " " "	562
At a Speed—meaning of	17, 18	Criminal Rashness.	12
Autrifois Acquit Plea of	52, 53	Damages—Action for.	19
Bengal M. V. R. No. 19	44	" Suit for	20
Baby car-driving of at 25 miles		Danger, negligence gross.	21
an hour—no offence	18A	Danger to public, meaning of.	46
Best way to stop reckless driving	24	Defective light.	34
Bombay Act. IV of 1890	27	Definition of British India	3
" II of 1904	4	" High-way	5
Bombay M. V. R. No. 27A,		" Motor Vehicle	3, 4
6, 7, 34 (1)	37, 38	" Prescribed	3, 5
" " Appendix D.		" Public Place	3, 5
" " Public Conveyance		" Road	4, 5
" " Rules Appendix E.		" Street	4, 5
British India meaning of	2, 3	" Way	4, 5
Burma G. Notification	49	Demand of driving license on ..	
Burma M. V. R.	26B, 46.—35, 45	private place	29
Calcutta M. V. R. 3, 10, 13, 16, 24.	42, 44, 45	Demand upon, meaning of	9, 16
Cancellation of license—sentence		Deviating from line of traffic	14
too severe.	23	Deviation from Rule of the Road	34
Cancellation and suspension		Dirty number plate	54
of license	23, 54	Disqualification for obtaining license	30
Cancellation, mere—is no sentence.	57	Driver, meaning of	30
Causing or permitting to be driven,		" licensing of	30
meaning of.	44	Drives any vehicle—caution to be	
Certificate, registration of.	38	observed	11
" time limit in motor	38	Driving at speed (dangerous)	17

**CHECKED**

2 **0003-04**

Index

Driving in a manner dangerous to public	16, 17	Indian Penal Code Sec. 279, 338,	13, 13, 2
Driving M. V. Prohibition of		Injury to pedestrian, contributory negligence of.	1
" by person under 18	5	Interference by children if contributory negligence.	40
" Negligent and dangerous	12	Interference by 3rd party, if contributory negligence.	40
" On road closed to traffic	12	Intoxicated meaning of.	37
" On wrong side	12	Knows or has reason to believe	8
" Person receiving instructions in.	26	Lamp affixed on each side, meaning of.	35
" Recklessly and negligently	12	Liability of master.	
" Reckless	10	" For accident	42
" " Eug. Law	10, 11	" Nonlighting	35, 36
" Best way to stop	24	" Servants acts.	47, 48
" Measure and kind of punishment	23	Liability of user, failure to fix number plate	34
" White intoxicated	37, 51	License, cancellation of.	54
Duty to stop for regulating traffic and in case of accident	7	" Cancellation of, sentence too severe.	23
Emission of smoke.	4	License, disqualification for obtaining.	54
Endorsement of conviction on license.	55	License, endorsement of conviction.	
Endorsement of conviction on license Eng. Law.	55	" Not on chauffeurs persons.	29
Enhancement of sentence	55	" Non-production of.	29
Evidence nature of in case of defective light.	34	" Renewal of.	37
Evidence resgestial.	34	" Suspension of.	
" sufficiency of.	18	" To drive, extent and validity of.	31
Extent and commencement of M.V.A.	2	" Transfer of.	28
Extent and validity of license to drive.	31	Licensing of drivers	26
Failure to fix number plates.	34	Limit of age for drivers	5, 6
Failure to produce permit no offence	24	" of time in certificate ultra varis	38
Fine not to be excessive.	35	Local G. power of excluding areas from operation of this Act	48
Front portion meaning of,	35	Local Govt. power to make rules	31
General Clauses Act.	3	Local Rule Patna	34
G. G. in Council, power to make rules	49	Local and Special Law	31
Gross negligence	21	Madras M. V. R. No. 9, 16, 18, 27 (c), 30.	36, 37, 46
High Courts power of intervention—cancellation of license.	58	Masters liability for	
Highway—def. of	4, 5	" Abetment	48, 53
Horn, blowing of	36	" Accidents	42
Identification and production of license.	55	" Acts of servant, others	42, 45, 47
Illegal, subsequent prosecution on same facts.	52	" Excessive speed	44
In a manner dangerous to the public meaning of.	17	" Non-lighting	35, 36

Meaning of,		Non-lighting of car	36
Accident	46	Non reduction of license on demand,	
Allow	6	technical nature of offence.	29
Annually	37	Notice posting of	48
Control of traffic	8	Number plate dirty	34
Causing or permitting		" failure to fix	34
to be driven	44	Objects and reasons	1
Danger to public	46	" of clause 2 Sec. 18	56
Driver	30	Obstruction to traffic meaning of	47
Front portion	35	Offence—abetment of	19, 63
May or shall presume	6	Cognizance of	54
Obstruction to traffic	8	No. Failure to produce permits	30
Recklessly and negligently	12	Non-cognizance of	53
Regulation of traffic	27	Omission to specify section or rule	53
Measure and kind of punishment	23	" to blow horn	36
Mere cancellation of license		Overlooking—on suspension of permit.	56A
no offence	56, 57	Owner, responsibility of	26, 34, 35, 44
Military M. V.	48	Panjab M. V. R. 10, 17,	35
Motor car.		Particulars of offence—Summons	
Act (Eng.) 3 E. D. W. 7c	36, 3	to contain	24
Defective illumination	34, 35	Passengers carried in excess in mail	
Left unattended	39, 40, 41	car—not a mail car	38
Motor car, carrying mails and		Passing tram car on right	35
passengers in excess—not a		Patna M. V. R.	41, 34, 56A
mail car.	38, 39	Penal code—Sec. 279, 338,	13, 50
Motor car driven at excessive—		Person—	
speed.	44	in charge of animal	7
Motor car driven without owner's		in charge of car to whose orders	
knowledge by unlicensed driver.	26	driver is submitting	9
Motor Vehicle.		Receiving instructions	26
Act (India) in force from	2	Plea of autrefois acquit	
Act extension of	2	Posting of notices	48
Brought temporarily into Br. I.		Power of court of suspending and	
from Afganistan	42	cancelling licenses	56
Motor Vehicle.		Power of G. G. in council to make rules.	49
International Cir. Rules	App. B	Power of L. Govt. of excluding certain	
Native States Rules	App. C	areas from operation of the Act.	48
Prohibition of driving by persons		Power of L. Govt. to make rules	31
under 18.	5	Preamble	1
Registration of	31	Prescribed, definition of	3
Municipalities out side Calcutta		Procedure	24
tax on M. V.	44	Production of license	28
Municipalities Bye Law and		" Eng. Law	28
M. V. Act.	42	Prohibition of driving by persons	
Native States M. V. R.	App. C.	under 18	5
Negligence Criminal	12	Prosecution for trivial offences, to	
" Gross	21	be discouraged	35, 50
Negligently	12	Prosecution when car in private	
No offence, failure to produce permit	30	premises	29



*Index.*

Provincial rules—certificate of		Rule of the Road—not an inflexible	
Registry	38	or invariable rule	14
Public place	3, 5, 11, 26	" Eng. Law	15
Punishment.		" Reckless driving	14, 15
Approximate maximum	13	" Disobedience of	45
measure and kind	28	Rules Power of G. G. in Council	
Reckless driving	23	to make	49
Too severe, cancellation		" Power of L. Govt. to make	31
of license	23, 52	Rules vagueness of	47
Rash and negligent driving	25	Schedule	57
Rashness criminal	12	Scope. Sec. 5.	13
Reckless driving	10	Sentence of fine not to be excessive	24
" " Best way to stop	24, 55	Separate prosecutions on same facts	
" " Crowded thoroughfare	15	whether illegal	52
" " English Law	10, 11	Speed—dangerous driving	17
" " Measure and kind of		" English Law	17
punishment	23	Stop—Watch evidence of,	
" " Rule of the road	14	Stopping vehicle for regulation	
Recklessly and negligently	12	of traffic	43
Registration of certificate	38	Street—def. of.	
" of motor vehicle	31	Sufficiency of evidence	18
Regulation of traffic	27	Suit for damages	20
Release with admonition and Sec. 562		Summons to contain particulars	
Criminal Procedure code.	53	of offence	24
Renewal of license	37	Suspension of license object of	
Repeal of enactments	57	clause 2. (18)	56
Res gestae, Evidence of	22	High courts power of intervention	56
Responsibility of owner.	26, 35	Suspension of permit for overloading	
Road. closed to traffic		—cannot be made	56A
" Def. of.	4, 5	Tax on M. V. by municipalities.	44
" Rule of, deviation from	16	Technical nature of offence non-	
" Wrong side driving of		production of license	29
" Roadway—def. of	5	Traffic—line of deviation from	16, 9
Rules motor vehicle		" meaning of	8
Bengal 19	44	" regulating	27
Bom. 6, 7, 27A, 34(1)	37, 38	Transfer of license	28
Bur. 26, (3) 46.	35, 45	Trivial offences, prosecution to be	
Cal. 3, 10, 13, 16, 24.	42, 44, 45	discouraged	35, 50
Mad. 9, 16, 18, 27c, 30.	36, 37, 46	Ultravires-time limit in certificates.	38
Panj. 10, 17.	35	Under influence of liquor	37
Pat. 41	56A, 34	U. P. M. V. R. 22 and 24	30
U. P. 12 (1), 15 (1).	35	" Upon demand " meaning of	2, 9
Rules made by G. G. in Council	49	Vagueness of rules	47
		Validity of license	31
		Way—Def. of	5

# 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.