

LOK SABHA

THE MOTOR VEHICLES
(AMENDMENT) BILL, 1955

(Report of the Joint Committee)



PRESENTED ON THE 20TH NOVEMBER, 1956



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LOK SABHA SECRETARIAT
NEW DELHI
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CONTENTS

	PAGES
1. Composition of the Joint Committee	i-ii
2. Report of the Joint Committee	iii-viii
3. Minutes of Dissent	ix-xvi
4. Bill as amended by the Joint Committee	1-72
APPENDIX I—	
Motion in the Lok Sabha for reference of the Bill to Joint Committee	73-74
APPENDIX II—	
Motion in the Rajya Sabha	75
APPENDIX III—	
List of Associations who rendered their evidence before the Joint Committee	76
APPENDIX IV—	
Statement showing particulars of memo- randa received by the Joint Committee and action taken thereon	77
APPENDIX V—	
Minutes of the sittings of the Joint Committee	78-107

THE MOTOR VEHICLES (AMENDMENT) BILL, 1955.

Composition of Joint Committee

Shri K. S. Raghavachari—*Chairman*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri Fulsinhji B. Dabhi
4. Shri M. L. Dwivedi
5. Shri C. C. Shah
6. Shri T. N. Viswanatha Reddi
7. Shri Amarnath Vidyalkar
8. Shri M. K. Shivananjappa
9. Shri Rohanlal Chaturvedi
10. Shri Krishnatharya Joshi
11. Shri Suriya Prasad
12. Shri Ram Sahai Tiwari
13. Shri Basanta Kumar Das
14. Shri Bhupendra Nath Misra
15. Sardar Iqbal Singh
16. Shri Sitanath Brohmo-Chaudhury
17. Shri T. S. Avinashilingam Chettiar
18. Shri Raghunath Singh
19. Shri Shree Narayan Das
20. Shrimati Sushama Sen
21. Shri Rameshwar Sahu
22. Shri R. R. Morarka
23. Shri T. B. Vittal Rao
24. Shri K. Ananda Nambiar
25. Shri Y. Gadilingana Gowd
26. Shri U. M. Trivedi
27. Shri Girraj Saran Singh
28. Shri Bahadur Singh

29. Shri Uma Charan Patnaik
30. Shri O. V. Alagesan.

Rajya Sabha

31. Shri T. J. M. Wilson
32. Shri K. S. Hegde
33. Shri H. P. Saksena
34. Shri P. D. Himatsingka
35. Sardar Raghbir Singh Panjhazari
36. Shri Deokinandan Narayan
37. Shri Amar Nath Agrawal
38. Dr. Purna Chandra Mitra
39. Dr. R. P. Dube
40. Shri K. P. Madhavan Nair
41. Shri R. P. Sinha
42. Shri S. N. Mazumdar
43. Dr. Radha Kumud Mookerji
44. Shri T. Bhaskara Rao
45. Shri Lal Bahadur Shastri.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

Shri N. Swaminathan, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri P. K. Patnaik, *Under Secretary.*

Report of the Joint Committee

I, the Chairman of the Joint Committee to which the *Bill to further amend the Motor Vehicles Act, 1939 was referred, having been authorised to submit the report on their behalf present this their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 22nd November, 1955. The motion for reference of the Bill to a Joint Committee of the Houses (*Vide* Appendix I) was moved by Shri O. V. Alagesan, on the 11th August, 1956 and was discussed in the House and adopted on the same day.

3. The Rajya Sabha discussed and concurred in the said motion on the 30th August, 1956 (*Vide* Appendix II).

4. The message from the Rajya Sabha was read out to the Lok Sabha on the 1st September, 1956.

5. The Committee held ten sittings in all.

6. The first sitting of the Committee was held on the 10th September, 1956 to draw up a programme of work.

7. At the second and third sittings held on the 5th and 6th October 1956, the Committee heard the evidence tendered by the associations specified in Appendix III.

The Committee have decided to lay the evidence tendered before them on the Table of the House *in extenso*.

8. The Committee held general discussion on the provisions of the Bill at the fourth sitting held on the 24th October, 1956.

9. The Committee considered the Bill clause by clause at their sittings held on the 25th, 26th, 27th and 29th October, and 16th November, 1956.

10. The Committee considered and adopted the Report on the 19th November, 1956.

11. Twelve memoranda on the Bill were received by the Committee from different Associations and public bodies as mentioned in Appendix IV.

*Published before introduction under rule 83, in Part II, section 2 of the Gazette of India Extraordinary, dated the 12th November, 1955.

12. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

13. *Clause 2.*—As it is proposed to set up an Inter-State Transport Commission under the proposed section 63A and as the Commission would be empowered to grant, revoke or suspend permits, the Committee consider it necessary to define the term ‘Commission’ and suitably modify the definition of ‘permit’ so as to include a permit granted by the Inter-State Transport Commission.

Accordingly, a definition of “Commission” has been inserted by introducing new clause (2A) in sub-clause (a) and sub-clause (1) has been inserted to modify the definition of “permit”.

Under section 2 (15) a “motor cab” has been defined to mean a motor vehicle which may carry not more than six passengers excluding the driver. In the proposed clause (18-A), ‘omnibus’ has been defined to mean any motor vehicle which may carry more than seven persons excluding the driver. When a motor vehicle is constructed for carrying seven persons only excluding the driver, it comes neither within the definition of ‘motor cab’ nor within the definition of ‘omnibus’. To remove this defect, the Committee have in the definition of ‘omnibus’ substituted the words “six persons” for “seven persons”.

14. *Clause 5.*—The Committee feel that an applicant for a licence to drive a motor cycle or a light motor vehicle who has previously held a licence should be exempted from Part I of the driving test, in case the period between the date of expiry of that licence and the date of his application does not exceed five years.

The clause has been amended accordingly.

15. *Clauses 9 and 13.*—The changes made in these clauses are merely of a drafting nature.

16. *Clause 18.*—

Section 21 B.—The Committee feel that the fee for a conductor’s licence or for its renewal should not be the same as that for a driving licence but should be only one-half of it. Sub-section (5) of the section has been amended accordingly.

Section 21 D.—The Committee have slightly modified the section to make the intention clear.

Section 21 F.—The period for which the holder of a conductor’s licence may be disqualified for holding or obtaining the licence has been reduced from two years to one year, as the Committee feel that the period of two years appears to be rather high.

17. *Clause 22.*—The Committee have made slight drafting changes in this clause.

18. *Clause 33.*—Under the proposed sub-section (2) of section 38, it was provided that the certificate of fitness should remain effective for a maximum period of one year and a minimum period of three months. The Committee feel that the maximum period should be raised to two years and the minimum period to six months. The clause has been amended accordingly.

19. *Clause 36.*—As the Inter-State Transport Commission has been authorised to issue permits, the Committee have made a consequential amendment in sub-section (1) of section 42 of the Act.

The Committee feel that exemption from taking a permit should be granted to any transport vehicle owned by a manufacturer of automobiles and used solely for such purposes as may be approved by the Central Government. Necessary provision for this purpose has been made.

The other amendment in sub-section (4) has been made to make the intention clear.

20. *Clause 37.*—Where on account of the State transport undertaking taking over any route or area the existing permits are cancelled or the terms thereof are modified, the Committee feel that the holders of such permits should, as far as possible, be granted permits for alternative routes or areas. The Committee are, therefore, of opinion that the State Government should be empowered to give necessary directions in this regard to the State Transport Authority.

The clause has been amended accordingly.

21. *Clause 38.*—The Committee are of the view that the Chairman of a State Transport Authority or Regional Transport Authority should be a person who has had judicial experience and that the number of other members should not be less than two. Section 44 has accordingly been amended.

22. *Clause 41.*—The Committee are of the opinion that while considering applications for stage carriage permits, the Regional Transport Authority should, other conditions being equal, give preference, as far as may be, to registered co-operative societies over individual operators. A suitable proviso has accordingly been inserted.

A similar change has been made in clause 49.

23. *Clause 42.*—The Committee consider that when the Regional Transport Authority wants to vary the conditions of a permit or

attach further conditions to a permit, it should give notice of not less than one month to the permit holder.

The change has accordingly been made in the proposed section 48(3) (xxi).

Similar changes have been made in clauses 45 and 50.

24. *Clause 48.*—In view of the amendment proposed in clause 49, the Committee have amended this clause so as to provide that an application for a public carrier's permit should also contain information as to whether the applicant is a registered co-operative society or an individual owner.

25. *Clause 50.*—The Committee feel that there should not be any mileage restriction in respect of the grant of a public carrier's permit between places connected by railway. The second proviso to sub-section (1) of section 56 has been omitted accordingly. Sub-section (5) of that section (which seeks to define how two places are to be treated as being connected by railway) has thus become unnecessary and has, therefore, been omitted.

26. *Clause 52.*—The Committee are of opinion that goods vehicle permits other than temporary permits should be issued for a period of five years.

They are further of opinion that the existing proviso to section 58 (2) need not be interfered with.

The clause has, therefore, been amended.

27. *Clause 57.*—The Committee consider that instead of two separate authorities, *viz.*, the Inter-State Transport Authority and the Central Transport Authority, there need be only one authority, namely, an Inter-State Transport Commission appointed by the Central Government for the purpose of developing, coordinating and regulating the operation of transport vehicles in respect of areas or routes common to two or more States. The Committee consider that such a Commission should be empowered to associate with itself representatives of the concerned State Governments as and when necessary.

The Committee also feel that the Commission should be empowered to delegate its powers and functions to the Chairman or any member thereof. The Committee have re-drafted the clause accordingly.

28. *Clause 62.*—The Committee consider that a road transport service undertaken by a municipality should also be regarded as a State transport undertaking.

The Committee feel that the rates of compensation provided in the Bill are not adequate. They have accordingly increased the rates of compensation payable.—

- (i) for every complete month or part thereof exceeding 15 days of the unexpired period of a permit from Rs. 100/- to Rs. 200/-;
- (ii) for any part of a month not exceeding fifteen days of such unexpired period, from Rs. 50/- to Rs. 100/-; and
- (iii) the minimum compensation payable to the holder of a permit for each vehicle has been raised from Rs. 200/- to Rs. 400/-.

The clause has been amended accordingly.

29. *Clause 72.*—The Insurance Act, 1938, having been extended to the State of Jammu and Kashmir, with effect from the 1st November, 1956, the reference in this sub-clause to the corresponding law in that State with respect to the registration of insurers has been omitted, as having now become unnecessary.

30. *Clause 80.*—The Committee think that the period within which an application for compensation should be made to the Claims Tribunal under section 100A should be increased from thirty to sixty days. Sub-section (3) of section 110A has accordingly been amended.

The Committee think that courts should be debarred from issuing injunction not only in respect of any action taken or to be taken by the Claims Tribunal but also in respect of any action which may be taken before such tribunal. The Committee have, therefore, inserted the words "or before" after the words "action taken or to be taken by" in section 110F.

31. *Clause 83.*—The Committee think that the amount of fine proposed under this clause may be reduced from Rs. 500/- to Rs. 300/- and have amended the clause accordingly.

32. *Clause 84.*—The Committee feel that in providing a penalty in section 113 of the Act, a distinction should be made between the offence of wilful disobedience of any direction or obstruction on the one hand and the withholding of information or the giving of false information on the other. The Committee are of the view that the punishment in the former case should be restricted to fine, but that in the latter case the punishment may be imprisonment or fine or both as provided in the clause.

The clause has, therefore, been suitably re-drafted.

33. *Clause 85.*—The Committee consider that the punishment provided in section 114(2) in the case of a conductor may be reduced

from imprisonment for three months or fine of Rs. 500/- to imprisonment for one month or fine of Rs. 100/-.

The Clause has accordingly been amended.

34. *Clause 90.*—The Committee have amended this clause so as to provide that the penalty should be one of fine only in the case of a first offence and of imprisonment or fine or both in the case of a subsequent offence committed within three years of the commission of a similar previous offence.

35. *Clause 94.*—The amendments made in this clause are intended to enable the State Government to authorise persons other than police officers, for example officers of the Motor Vehicles Department, to exercise powers under sub-sections (2) and (3) of section 129.

36. *Clause 97.*—On account of the reorganisation of States, Part C States have ceased to exist as such with effect from the 1st November, 1956 and this clause has thus become unnecessary and has been omitted.

The subsequent clauses have been renumbered.

37. *Clause 98 (Original clause 99).*—The Committee have made some slight changes in sub-clauses (e) and (g), in order that the owners of private motor cars may not be put to any inconvenience when they change the colour of the body, wings and front end of their cars.

38. *New Clause 100.*—On account of the reorganisation of States, the names of certain States have also undergone changes. Accordingly it is necessary to make corresponding changes in the letters which indicate the name of a State in the registration mark of a motor vehicle. The Committee have, therefore, substituted a new Schedule for the existing Sixth Schedule.

39. The Joint Committee recommend that the Bill as amended be passed.

K. S. RAGHAVACHARI,
Chairman,
Joint Committee.

NEW DELHI;
The 19th November, 1956.

Minutes of Dissent

I

Clause 62, sub section 68-G.—The Committee have increased the rate of compensation because in its opinion the amount proposed was inadequate. However in the presence of sub clause 3 of this section, 68-G, the private operators will not get the benefit of this increased compensation. It has been stated before the Committee that in the past almost all the State transport undertakings have introduced their buses by refusing to renew the permits of the private operators. In the presence of sub clause 3 it becomes so easy to circumvent the payment of compensation which the Committee is so keen to award.

2. No provision has been made for the acquisition of the assets of the displaced operators. The argument that since the amount of compensation has been increased does not take away the need of taking over the assets, firstly because as has been stated above, in most of the cases compensation will not be actually paid and secondly the discarding of road worthy vehicles and other valuable assets will amount to national waste.

3. Whereas in the case of public carrier permits the period of validity has been fixed at 5 years, in the case of stage carriages it has not been raised. It is difficult to see how in three years the money spent on a bus will be recouped. It should be noted that it now costs ten times than it used to cost in 1939 when the existing provision was enacted.

4. There is no provision except rule making powers for the State Government, to license the goods booking and forwarding agencies. It is feared that in the absence of any definite provision in the Act itself much may not come out of this rule making power.

5. There should be a definite obligation on the part of State transport undertakings to take over the assets of the displaced operators. We have provided for compensation and the taking over the assets in all cases where we have nationalised the Industries. There is no reason why any discrimination should be shown against the private operators. The Planning Commission has said that more than 95% of the persons engaged in the business of Road Transport are small individuals. It is therefore necessary that we should show solicitude for the common man and provide him either with an alternative

permit or in the event of his going out of the business his assets should be taken over at the market value for which purpose a Tribunal may be set up.

NEW DELHI;

The 19th November, 1956.

BAHADUR SINGH.

II

The Joint Committee has improved the provisions of this Bill to a certain extent but still there are certain points on which the Bill needs further improvements. One of the objects of the Motor Vehicles Act, 1939, was to restrict road transport in order to help the railways who were not then getting sufficient freight. The position, however, today is quite different. Under the impact of successive Plans our economy is developing fast and our transport is not keeping pace with our developing economy. The Second Five Year Plan at page 479, para 43, says that "the general growth of economic activity in the country in recent years and the inability of the railways to meet all the traffic demands should provide considerable opportunity for the expansion of road transport" but it has not been forthcoming to the extent required. The proposed legislation has to be viewed against this background.

Secondly, we must keep in view the demands that are likely to be made on our transport system during the Second and the Third Plan periods. During the First Plan period the increase in production of all commodities over that in 1950/51 was estimated to be about 35% and during the Second Plan period it has been estimated to be about 110%. In all probability, during the Third Plan period it may be over 200%. In terms of tonnage different estimates have been made as to what would be the gap between the railways' capacity available in 1960/61 and the requirements of the goods traffic. Railways themselves have estimated that the gap would be 30 million tons. The imperative need of today, therefore, is to develop all modes of transport to meet this yawning gap. Road transport will have to play a prominent role in meeting this gap and the amendments to the Motor Vehicles Act should be such that road transport receives adequate encouragement and facility to come forward to play the requisite role.

Our investment on roads during the First two Plans is estimated to be over Rs. 400 crores and previous to the First Plan the investment was about Rs. 300 crores. The total investment on roads, therefore comes to about Rs. 700 crores. On our roads we have two vehicles per mile including the truck-equivalent of bullock carts, as compared to 17 vehicles per mile in the U.S.A., and over 22 in Great

Britain. Our vehicle density is very poor which does not give an adequate return from the investment on our roads. This also calls for liberalising our policy about motor vehicles in such a manner that more vehicles may be placed on the roads.

The amendment of clause 57 by the Joint Committee and the provision for the creation of an Inter-State Commission is very welcome. This clause, however, needs to be modified in the following respects:—

- (i) Under Section 63A(2)(a), the Commission should have powers to take such measures as it thinks proper to implement the schemes prepared by it. This power has not been specifically mentioned. In the U.S.A. a similar Commission has powers "of the procurement thereof and of the provision of facilities therefor" in respect of "the regulation of the transport of passengers and property by motor carriers in Inter-State or foreign commerce."
- (ii) In clause 63C, the Central Government should be empowered to make rules on the following as well:
 - (1) Periods of permits and the conditions on which they should be issued.
 - (2) Safety measures.
 - (3) Fares and freights.
 - (4) System of accounting and submission of returns by the operating units.

These are the powers which have been given to the Inter-State Commission of the U.S.A. under the Motor Carrier Act of 1935, and which we feel should also be possessed by our Commission. In our opinion, it is absolutely necessary to specify these powers in the proposed Section 63C, and also to empower the Commission to take steps to implement their schemes of development. Further it is necessary to provide that the reports to be furnished by the Commission under Section 63C(a) in clause 57 should be placed on the Table of the two Houses of Parliament.

It has been estimated that about 25,000 trucks and an equal number of truck-trailer combinations estimated to cost about Rs. 150 crores will be required for our estimated gap in transport of 30 million tons. It is obvious that it will be impossible to attract capital on this scale on permits for the proposed period of 5 years for goods vehicles and on the proposed restricted laden weights of vehicles. In the U.S.A. permits are for an indefinite period "unless

suspended or revoked for wilful violation of the Act etc.”, which is obviously a correct approach in a long-term scheme, heavy vehicles and truck-trailer combinations are freely allowed within the carrying capacity of roads, which fact makes for an expeditious turnover of goods at cheap rates and generally speaking the background is such as to create confidence amongst operating units.

In the case of Intra-State traffic, which also will be increased proportionately, it is necessary to liberalize certain provisions. They are:

- (i) An encouragement to articulated vehicles and truck-trailor combinations for all types of vehicles within the carrying capacity of our roads.
- (ii) A longer period of permits.
- (iii) Provision for the issue of permits for alternative routes, for compulsory acquisition of assets, and compensation for acquisition and loss of business, in the case of nationalisation.

In the 1939 Act a vehicle was defined in terms of both its laden weight and its axle-load [Section 2(9)] as is done in other countries also. In the amending Bill it is being defined in terms of its laden weight only without reference to its axle-load. The disadvantage of this procedure is that articulated vehicles employing three axles and truck-trailor combinations employing four axles will come in law in a higher category of vehicles, and, therefore, subject to the restrictions of that category because of their higher laden weight although the maximum load on their axles will be the same as in the case of the vehicle itself, and, therefore, relating to a lower category. This will act as a deterrent against the use of such combinations with loss to the community since within the carrying capacity of a road the greater the load carried by a vehicle in combination with a trailer the quicker is the turnover of goods and the cheaper the cost of transportation. The Eighth Schedule of the Bill specifies lower speed-limits if vehicles carry trailers. Hence, from the speed point of view there can be no objection to allowing truck-trailor combination in each category of vehicles without imposing restrictions on them of a higher category. Again where bridges are not sufficiently strong, States have powers under Section 74 of the Principal Act to prohibit trailers “either generally in a specified area or on a specified road”. Hence, there is no point in omitting the axle-load from the definition of vehicles since omission will create an impression that truck-trailer combinations are intended to be subjected to the restrictions of a higher category of vehicles. Witnesses appearing before the Joint

Committee pressed for the adoption of the maximum axle-load of trucks produced in the country, but the Joint Committee were in favour of specifying the minimum, hence that figure should be adopted. We understand that the minimum laden weight of trucks produced in the country, and actually in use, is 18,500 lbs., and its axle-load is 14,000 lbs., and we are of opinion that it will be both correct and fair to include these figures in Section 2(9). Further, this is close to the limit of 18,000 lbs., of laden weight specified in Section 2(9) of the Bill and therefore, there should be no objection to accept it along with its axle-load.

The period of permits in the 1939 Act was 3 to 5 years with a proviso that other conditions being equal an application for renewal shall be given preference over new applications. The period now proposed is the same as before for passenger vehicles and 5 years for goods vehicles. To our mind this is not satisfactory. The price of a truck in 1939 was around Rs. 4,000/- which it was possible to recoup in a short period. Now the prices of vehicles are around Rs. 25 to 30 thousand hence to expect operators to recoup this heavy initial cost in the same period as before is to deliberately raise the cost of operation. This is not a desirable procedure from the point of view of the consumer. We are of the opinion that in today's condition it is essential to double the period of permits and retain the original proviso. This will not interfere with schemes of nationalisation since the new Section 68F(2) gives powers to Regional Transport Authorities to cancel any permit or to modify its terms when a scheme of nationalisation is approved. The step is solely necessary in the interests of the consumer and not of an operator who, in any case, is bound to recoup his investment during the period of his permit, but it will create confidence among operators without interfering with nationalisation.

In regard to nationalisation, it will be in the interests of the community to offer permits to displaced operators for alternative routes, since demand for transport is increasing and it should be our endeavour to encourage the operation of more vehicles on our roads. This will be particularly necessary in the case of Intra-State passenger services to relieve overcrowding in the railways, and to open up new areas.

In respect of acquisition of assets the Joint Committee's decision not to acquire assets and not to pay compensation for them does not seem fair to us. We also do not agree either that there should be no compensation for non-renewals of permits or that the amount payable for the cancellation of permits or the modification of their terms should be fixed without any reference to individual earnings. The majority of our operators are small people who invariably have to raise the necessary capital at heavy rates of interest to earn a

living and who invariably have to struggle, at least initially, to keep them going. In a country like ours having a limited scope for employment it is not good for our economy either that people already employed should be displaced or that when displaced they should be paid no compensation for the loss of their business to enable them to start a new line. In the case of cancellations the earnings of every operator cannot be the same; hence to fix their amount at so much per vehicle p.m. uniformly for all, cannot be an equitable measure.

We suggest that in matters of payment of compensation we should follow the principle laid down in Section 47 of the U.K. Transport Act of 1947. The Select Committee of our Parliament on Road Transport Corporation Bill 1949 in their report stated as follows:—

“We note that this clause does not specify the principles which should be taken into account in assessing compensation to be paid when an undertaking is acquired under this Act. Such principles have been laid down in Section 47 of the U.K. Transport Act, 1947.

We, however, feel that the matter is of such importance that the Central Government should take necessary steps to lay down the principles of compensation either by rules under this Act or by separate legislation.

There may also be cases in which certain routes at present operated by private parties may be handed over to a Corporation by refusal to renew their permits. We feel that even in such cases, fair compensation is due to the displaced operators. We note that such a provision exists in the U.K. Transport Act, 1947. We recommend that the Government should take necessary steps to examine this question with a view to see that such cases are suitably dealt with and that no unfair use is made of the Motor Vehicles Act, 1939.”

We particularly like to invite attention to the last line *viz.*, “that no unfair use is made of the Motor Vehicles Act, 1939”, since to our mind that is exactly what is happening in the amending Bill.

When air transport was nationalised, we acquired their assets and paid compensation for them on the basis of the book value. In the case of the nationalisation of the Imperial Bank, compensation was paid at the market value of the shares. Hence to our mind there appears to be no reason why fair and adequate compensation should not be paid to motor transport operators a majority of whom are small people depending for their living solely on the earnings from vehicles.

NEW DELHI,
The 19th November, 1956.

RAJENDRA PRATAP SINHA.
P. D. HIMATSINGKA.

III

1. I hold that the scale of compensation should be that of U.K. Act of 1947.
2. The period of Permit should be from 5 to 10 years.

NEW DELHI,
The 19th November, 1956.

RADHA KUMUD MOOKERJI

IV

We tried our best to avoid writing this dissent note. But after reading this report we could not avoid it.

At the outset we record our difference on the non-inclusion of the working conditions, *viz.*, hours of employment, security of service, rest and other facilities of the Road Transport workers in the scope of the Bill though a new chapter has been included on the employment and licensing of "conductors". The explanation given by the Hon. Minister that a separate legislation would be forthcoming on this matter is unconvincing while amendments to the original Act are introduced here and now to increase the penalties on the drivers and conductors for certain omissions and commissions. This amendment Bill seeks to tighten up the disciplinary measures on the workers while it ignores to improve their lot, whatever be the excuses.

We are of the opinion that nationalisation of the Road Transport is not favoured by the Central Government on the plea that private sector could well be given the opportunity to develop this industry when Government are preoccupied with other still more urgent matters. That is why the new chapter on "State Undertaking" is not provided in a manner that would help expansion and further nationalisation of Transport except that of evolving a formula for payment of compensation in case of nationalisation. This policy was made clear by the Deputy Minister in his speech on the floor of the House at the time of referring the Bill to the Joint Committee. The provision stipulating prior approval of the Central Government while nationalising any inter-State route covering more than one hundred and fifty miles is a proof of the check that the Central Government want to put on nationalisation particularly when inter-State Transport Commissions are being set up to settle disputes, if any, that may arise between States in normal course. We strongly differ with this approach by the Government and stress the urgent need for more and more nationalisation of the transport during the Second Five Year Plan considering the need of the country and the profits the Government can earn out of it.

Coming to the compensation to be paid to the operators, we feel that the Committee was too generous to increase it by doubling the formula in the original Bill. In our opinion, this is an industry wherein maximum profit is available for the investment and any operator may have a grievance when he loses the routes but that cannot be the reason why the community at large should pay him exorbitantly for taking over the route.

We welcome the improvements made such as the abolition of the preference so far enjoyed by the existing permit-holders in the matter of renewals and the appointment of men with Judicial experience as the Chairman of the Transport Authority as a good beginning.

In conclusion, we strongly urge that further improvements on the lines suggested above are essential to meet the situation.

NEW DELHI,
The 19th November, 1956.

K. ANANDA NAMBIAR.
S. N. MAZUMDAR.

THE MOTOR VEHICLES (AMENDMENT) BILL, 1955.

(AS AMENDED BY THE JOINT COMMITTEE)

(Words side-lined or under-lined indicate the amendments suggested by the Committee; asterisks indicate omissions)

BILL

further to amend the Motor Vehicles Act, 1939.

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

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

Short title and commencement.

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

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

Amendment of section 2.

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

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

15 (2B) ‘conductor’, in relation to a stage carriage, means a person engaged in collecting fares from passengers, regulating their entrance into, or exit from, the stage carriage and performing such other functions as may be prescribed;

20 (2C) ‘conductor’s licence’ means the document issued by a competent authority under Chapter IIA authorising the person specified therein to act as a conductor;”;

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

(c) clause (4) shall be omitted;

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

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

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

“(9) ‘heavy motor vehicle’ means a transport vehicle or omnibus the registered laden weight of which, or a motor car or tractor the unladen weight of which, exceeds 18,000 pounds avoirdupois;”;

(f) clause (11) shall be omitted;

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

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

“(13) ‘light motor vehicle’ means a transport vehicle or omnibus the registered laden weight of which, or a motor car or tractor the unladen weight of which, does not exceed 6,000 pounds avoirdupois;

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

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

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

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

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

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

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

“(26) ‘registered axle weight’ means, in respect of the axle of any vehicle, the axle weight certified and registered by the registering authority as permissible for that axle;”;

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

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

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

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

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

Amendment
of section
3.

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

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

Amendment
of section
6.

5. In section 7 of the principal Act,—

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

Amendment
of section
7.

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

"Provided that, where the application is for a licence to drive a motor cycle or a light motor vehicle, the licensing authority shall exempt the applicant from Part I of the test specified in the Third Schedule, if the licensing authority is satisfied—

(a) that the applicant has previously held a licence to drive and that the period between the date of expiry of that licence and the date of such application does not exceed five years; or

(b) that the applicant holds a driving licence issued by a competent authority of any country outside India:"

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

"(7) The test of competence to drive shall be carried out in a vehicle of the type to which the application refers, and, for the purposes of Part I of the test,—

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

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

(d) in sub-section (8),—

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

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

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

“Provided further that the licensing authority shall not issue a new driving licence to the applicant, if he had previously held a driving licence issued under this Act, unless it is satisfied that there is good reason for his inability to obtain a duplicate copy of his former licence.”

Amendment
of section
8.

6. In section 8 of the principal Act,—

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

(b) in sub-section (2),—

(i) for the words ‘public service vehicle’, the words ‘transport vehicle’ shall be substituted;

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

“(b) invalid carriage,

(c) light motor vehicle,

(d) medium motor vehicle,

(e) heavy motor vehicle,

(f) road roller,

(g) motor vehicle of a specified description.”

Insertion
of new sec-
tion 8A.
Additions
to driving
licence.

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

“8A. (1) Any person holding a driving licence issued under this Chapter who is not for the time being disqualified for holding or obtaining a driving licence may apply in Form AA as set forth in the First Schedule, to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business or, if the application relates to a licence to drive as a paid

employee, in which the employer resides or carries on business, for the addition of another class of motor vehicle to the licence.

5 (2) The provisions of section 7 shall apply to an application under this section as if the application were for the grant of a licence under that section to drive the class of motor vehicle which the applicant desires to be added to his licence:

10 Provided that the provisions of sub-sections (3) and (4) of that section shall not apply where the applicant is the holder of a licence to drive as a paid employee or to drive a transport vehicle.

(3) No fee other than a fee for the test of competence to drive shall be charged for an addition to a driving licence under this section.”.

8. In section 9 of the principal Act,—

Amendment
of section
9.

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

(b) in sub-section (2),—

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

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

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

(c) in sub-section (3),—

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

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

(iii) clause (c) shall be omitted;

35 (d) in sub-section (4),—

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

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

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

Substitution
of new
section for
section 10.

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

Currency
of driving
licence.

"10. A driving licence issued or renewed under this Act shall, subject to the provisions contained in this Act as to the cancellation of driving licences and the disqualification of holders of driving licences for holding or obtaining driving licences, be effective without renewal for a period of three years only, from the date of the issue of the licence * * * or, as the case may be, * * * from the date with effect from which the licence is renewed under section 11; and the driving licence shall be deemed to continue to be effective for a period of thirty days after the date of its expiry."

Amendment
of section
11.

10. In section 11 of the principal Act,—

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

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

"(1) Any licensing authority may, on application made to it, renew a licence issued under the provisions of this Act with effect from the date of its expiry:

Provided that in any case where the application for the renewal of a licence is made more than thirty days after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal."

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

"(3) Where an application for the renewal of a driving licence is made previous to, or not more than thirty days after, the date of its expiry, the fee payable for such renewal shall be nine rupees.

(3A) Where an application for the renewal of a driving licence is made more than thirty days after the date

of its expiry, the fee payable for such renewal shall be eleven rupees:

5 Provided that the fee referred to in sub-section (3) may be accepted by the licensing authority, if it is satisfied that the applicant was prevented by good cause from applying within the time specified in that sub-section:

10 Provided further that if the application is made more than five years after the driving licence has ceased to be effective, the licensing authority may refuse to renew the driving licence, unless the applicant undergoes and passes to its satisfaction the test of competence to drive specified in the Third Schedule."

11. In section 12 of the principal Act,—

Amendment
of section
12.

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

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

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

20 (d) * * * * the words "and where the authority revoking a driving licence is not the authority which issued the same, it shall intimate the fact of revocation to the authority which issued that licence" shall be inserted at the end.

12. In section 13 of the principal Act,—

Amendment
of section
13.

25 (a) in sub-section (1), for the words "the licensing authority refuses to issue or revokes, or refuses to renew any licence", the words "a licensing authority refuses to issue or renew, or revokes, any driving licence, or refuses to add a class of motor vehicle to any driving licence" shall be substituted;

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

35 "(2) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority making the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority making the order.";

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

Amendment
of section
14.

13. In section 14 of the principal Act,—

(a) in sub-section (1),—

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

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

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

Amendment
of section
15.

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

Amendment
of section
16.

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

Amendment
of sections
17, 18, 19
and 20.

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

Amendment
of section
21.

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

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

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

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

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

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

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

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

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

Insertion
of new
Chapter
IIA.

10

“CHAPTER IIA

LICENSING OF CONDUCTORS OF STAGE CARRIAGES

21A. (1) No person shall act as a conductor of a stage carriage unless he holds an effective conductor's licence issued to him authorising him to act as such conductor; and no person shall employ or permit any person who is not so licensed to act as a conductor of a stage carriage.

Necessity
for new
conductor's
licen .

15

(2) A State Government may prescribe the conditions subject to which sub-section (1) shall not apply to a driver of a stage carriage performing the functions of a conductor or to a person employed to act as a conductor for a period not exceeding one month.

20

21B. (1) Any person who is not disqualified under sub-section (1) of section 21C and who is not for the time being disqualified for holding or obtaining a conductor's licence may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business for the issue to him of a conductor's licence.

Grant of
conductor's
licence.

25

(2) Every application under sub-section (1) shall be in such form as may be prescribed and shall be signed by, or bear the thumb impression of, the applicant in two places, and shall contain the information required by the form.

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(3) Every application for a conductor's licence shall be accompanied by a medical certificate in such form as may be prescribed, signed by a registered medical practitioner and shall also be accompanied by two clear copies of a recent photograph of the applicant.

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(4) A conductor's licence issued under this Chapter shall be in such form and contain such particulars as may be prescribed.

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(5) The fee for a conductor's licence and for each renewal thereof shall be one-half of that for a driving licence.

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

21C. (1) No person under the age of eighteen years shall hold, or be granted, a conductor's licence.

(2) The licensing authority may refuse to grant a conductor's licence—

(a) if the applicant does not possess the prescribed 5
qualifications;

(b) if the medical certificate produced by the applicant discloses that he is physically unfit to act as a conductor; and

(c) if any previous conductor's licence held by the 10
applicant was revoked.

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

21D. A conductor's licence may at any time be revoked by any licensing authority or any Regional Transport Authority constituted under Chapter IV, if the authority has reasonable grounds to believe that the holder of the licence is suffering 15
from any disease or disability which is likely to render him permanently unfit to hold such a licence and where the authority revoking a conductor's licence is not the authority which issued the same, it shall intimate the fact of revocation to the authority which issued that licence. 25

Orders re-
fusing, etc.,
conductor's
licences
and ap-
peals there-
from.

21E. (1) Where a licensing authority refuses to issue or re-
new, or revokes any conductor's licence, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or re-
vocation. 25

(2) Any person aggrieved by an order made under sub-
section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall de-
cide the appeal after giving such person and the authority making the order an opportunity of being heard and the deci- 30
sion of the appellate authority shall be binding on the autho-
rity making the order.

Power of
licensing
authority and
Regional
Transport
Authority to
disqualify.

21F. (1) If any licensing authority or any Regional Trans-
port Authority constituted under Chapter IV is of opinion that it is necessary to disqualify the holder of a conductor's 35
licence for holding or obtaining such a licence on account of his previous conduct as a conductor, it may, for reasons to be recorded, make an order disqualifying that person for a specified period, not exceeding one year, for holding or obtaining a con-
ductor's licence. 40

(2) Upon the issue of any such order, the holder of the conductor's licence shall forthwith surrender the licence to the authority making the order, if the licence has not already been surrendered, and the authority shall keep the licence until the disqualification has expired or has been removed.

(3) Where the authority disqualifying the holder of a conductor's licence under this section is not the authority which issued the licence, it shall intimate the fact of such disqualification to the authority which issued the same.

(4) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority making the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority making the order.

21G. (1) Where any person holding a conductor's licence is convicted of an offence under this Act, the court by which such person is convicted may, in addition to imposing any other punishment authorised by law, declare the person so convicted to be disqualified for such period as the court may specify for holding a conductor's licence.

Power of Court to disqualify.

(2) The court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made by the court below, and the court to which appeals ordinarily lie from the court below, may set aside or vary any order of disqualification made by that court, notwithstanding that no appeal lies against the conviction in connection with which such order was made.

21H. The provisions of sub-section (2) of section 6, sub-section (1) of section 9, sections 10, 11 and 18, sub-section (1) of section 19 and section 20 shall, so far as may be, apply in relation to a conductor's licence, as they apply in relation to a driving licence.

Certain provisions of Chapter II to apply to conductor's licence.

21I. If any licence to act as a conductor of a stage carriage (by whatever name called) has been issued by any State Government and is effective immediately before the commencement of this Chapter in that State, it shall continue to be effective, notwithstanding such commencement, for the period for which it would have been effective, if the Motor Vehicles (Amendment) Act, 1956, had not been passed, and every such licence shall be deemed to be a licence issued under this Chapter as if

Savings.

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

Power to
make rules

21J. (1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

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

(a) the appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities under this Chapter;

(b) the conditions subject to which drivers of stage 10 carriages and persons temporarily employed may be exempted from the provisions of this Chapter;

(c) the form of application for conductor's licences or for renewal of such licences and the particulars it may contain; 15

(d) the form in which conductor's licences may be issued or renewed and the particulars it may contain;

(e) the minimum qualifications of conductors; their duties and functions and the conduct of persons to whom conductor's licences are issued; 20

(f) the issue of duplicate licences to replace licences lost, destroyed or mutilated, the replacement of photographs which have become obsolete and the fees to be charged therefor;

(g) the conduct and hearing of appeals that may be 25 preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees:

Provided that no fee so fixed shall exceed two rupees;

(h) the badges and uniform to be worn by conductors of stage carriages and the fees to be paid in respect of such 30 badges;

(i) the granting by registered medical practitioners of the certificates referred to in sub-section (3) of section 21B and the form of such certificates;

(j) the communication of particulars of conductor's 35 licences from one authority to other authorities; and

(k) any other matter which is to be, or may be, prescribed."

Amendment
of section
22.

19. Sub-section (2) of section 22 of the principal Act shall be omitted. 40

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

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

10 "Provided that where a motor vehicle is jointly owned by more persons than one, the application shall be made by one of them on behalf of all the owners and such applicant shall be deemed to be the owner of the motor vehicle for the purposes of this Act."

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

15 "24A. (1) Where an application for registration of a motor vehicle is made under sub-section (1) of section 24 by or on behalf of any diplomatic officer or consular officer, then, notwithstanding anything contained in sub-section (2) or sub-section (3) of that section, the registering authority shall register the vehicle in such manner and in accordance with such procedure as may be provided by rules made in this behalf by the Central Government under sub-section (3) and shall assign to the vehicle for display thereon a special registration mark in accordance with the provisions contained in those rules and shall issue a certificate * * * * * that the vehicle has been registered under this section; and any vehicle so registered shall not, so long as it remains the property of any diplomatic officer or consular officer, require to be registered otherwise under this Act. Special provision for registration of motor vehicles of diplomatic officers, etc.

20 (2) If any vehicle registered under this section ceases to be the property of any diplomatic officer or consular officer, the certificate of registration issued under this section shall also cease to be effective, and the provisions of section 23 shall thereupon apply.

25 (3) The Central Government may * * * * * make rules for the registration of motor vehicles belonging to diplomatic officers and consular officers regarding the procedure to be followed by the registering authority for registering such vehicles, the form in which certificates of registration of such vehicles are to be issued, the manner in which certificates of registration are to be sent to the owners of the vehicles and the special registration marks to be assigned to such vehicles.

40 (4) For the purposes of this section, 'diplomatic officer' or 'consular officer' means any person who is recognised as such by the Central Government and if any question arises as to

whether a person is or is not such an officer, the decision of the Central Government thereon shall be final.”.

Amendment
of section
25.

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

Amendment
of section
26.

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

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

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

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

Amendment
of section
28.

25. In section 28 of the principal Act,—

(a) in sub-section (2),—

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

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

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

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

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

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

(c) in sub-section (5),—

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

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

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

Amendment
of section
29.

10 “When a motor vehicle—

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

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

15 for a period exceeding twelve months.”

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

Amendment
of section
31.

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

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

25 (b) the transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he resides, and shall forward the certificate of registration to that registering authority together with the prescribed fee and a copy of the report received by him from the transferor in order that * particulars of the transfer of ownership may be entered in the certificate of registration.”

30

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

Alteration in motor vehicle.

“32. (1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are no longer accurate, unless—

5

(a) he has given notice to the registering authority within whose jurisdiction he resides of the alteration he proposes to make; and

(b) he has obtained the approval of the registering authority to make such alteration:

10

Provided that it shall not be necessary to obtain such approval for making any change in the unladen weight of the motor vehicle consequent on the addition or removal of fittings or accessories, if such change does not exceed two per cent. of the weight entered in the certificate of registration.

15

(2) Where a registering authority has received notice under sub-section (1), it shall, within seven days of the receipt thereof, communicate, by post, to the owner of the vehicle its approval to the proposed alteration or otherwise:

20

Provided that where the owner of the motor vehicle has not received any such communication within the said period of seven days, the approval of such authority to the proposed alteration shall be deemed to have been given.

(3) Notwithstanding anything contained in sub-section (1), a State Government may, by notification in the Official Gazette, authorise, subject to such conditions as may be specified in the notification, the owners of not less than ten transport vehicles to alter any vehicle owned by them so as to change its engine number by replacing the engine thereof without the approval of the registering authority.

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(4) Where any alteration has been made in a motor vehicle either with the approval of the registering authority given or deemed to have been given under sub-section (2) or by reason of any change in its engine number without such approval under sub-section (3), the owner of the vehicle shall, within fourteen days of the making of the alteration, report the alteration to the registering authority within whose jurisdiction he resides and shall forward the certificate of registration to that authority together with the prescribed fee in order that particulars of the alteration may be entered therein.

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(5) A registering authority other than the original registering authority making any such entry shall communicate the details of the entry to the original registering authority.

5 32A. Where a State Government is of opinion that particulars relating to the colour or colours of the body, wings and front end of any class of motor vehicles registered before the commencement of the Motor Vehicles (Amendment) Act, 1956 should be entered in the certificates of registration relating to such vehicles, the State Government may, by notification in the Official Gazette, require the owners of such class of motor vehicles to produce their certificates of registration before the registering authority within such time as may be specified in the notification." Power of State Government to require the production of certificates of registration in certain cases.

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

15 "(1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction—

20 (a) is in such a condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirements of Chapter V or of the rules made thereunder, or

(b) has been, or is being, used for hire or reward without a valid permit for being used as such,

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

30 (i) in any case falling under clause (a), until the defects are remedied to its satisfaction; and

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

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

35 (a) after the words "wish to make", the brackets and words "(by sending to the owner a notice by registered post acknowledgment due at his address entered in the certificate of registration)" shall be inserted; Amendment of section 34.

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

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

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

Special provisions in regard to transport vehicles.

“36. (1) Having regard to the number, nature and size of the tyres attached to the wheels of a transport vehicle, other than a motor cab, and its make and model and other relevant considerations, a State Government may, with the approval of the Central Government, by notification in the Official Gazette, specify in relation to each make and model of a transport vehicle the maximum safe laden weight of such vehicle and the maximum safe axle weight of each axle of such vehicle. 5

(2) A registering authority, when registering a transport vehicle other than a motor cab, shall enter in the record of registration and shall also enter in the certificate of registration of the vehicle the following particulars, namely:— 15

(a) the unladen weight of the vehicle;

(b) the number, nature and size of the tyres attached to each wheel;

(c) the registered laden weight of the vehicle and the registered axle weights pertaining to the several axles thereof; and 20

(d) if the vehicle is used or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided; and the owner of the vehicle shall have the same particulars exhibited in the prescribed manner on the vehicle. 25

(3) There shall not be entered in the certificate of registration of any such vehicle any laden weight of the vehicle or a registered axle weight of any of its axles in excess of that specified in the notification under sub-section (1) in relation to the make and model of the vehicle and to the number, nature and size of the tyres attached to its wheels: 30

Provided that where it appears to a State Government that heavier weights than those specified in the notification under sub-section (1) may be permitted in a particular locality for vehicles of a particular type, the State Government may, by order in the Official Gazette, direct that the provisions of this sub-section shall apply with such modifications as may be specified in the order. 35

5 (4) When by reason of any alteration in such vehicle, including an alteration in the number, nature or size of its tyres, the registered laden weight of the vehicle or the registered axle weight of any of its axles no longer accords with the provisions of sub-section (3), the provisions of section 32 shall apply and the registering authority shall enter in the certificate of registration of the vehicle revised registered weights which accord with the said sub-section.

10 (5) In order that the registered weight entered in the certificate of registration of a vehicle may be revised in accordance with the provisions of sub-section (3), the registering authority may require the owners of transport vehicles in accordance with such procedure as may be prescribed to produce the certificates of registration within such time as may be specified by the registering authority.”.

15

33. In section 38 of the principal Act,—

Amendment
of section
38.

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

20 “(2) Subject to the provisions of sub-section (3), a certificate of fitness shall remain effective for such period, not being in any case more than two years or less than six months, as may be specified in the certificate by the prescribed authority under sub-section (1).”;

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

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

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

35

Amendment
of section
39.

Amendment
of section
41.

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

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

“(c) the issue of certificates of registration and fitness and duplicates of such certificates to replace the certificates lost, destroyed or mutilated; 5

(cc) the production of certificates of registration before the registering authority for the revision of entries therein of particulars relating to the registered weight or the colour or colours of the body, wings and front end of vehicles;” 10

(b) clause (i) shall be omitted;

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

Amendment
of section 42.

36. In * * * section 42 of the principal Act,—

(a) in sub-section (1) after words “State Transport Authority”, the words “or the Commission” shall be inserted; 15

(b) in sub-section (3)—

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

“(a) to any transport vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise;” 20

(ii) after clause (e), the following clause shall be inserted, namely:— 25

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

(iii) in clause (h), for the words “or any French or Portuguese Settlement bounded by India” the word “and” shall be substituted; 30

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

“(i) except as may otherwise be prescribed, to any goods vehicle which is a light motor vehicle and does not ply for hire or reward, or to any two wheeled trailer with a registered laden weight not exceeding 1700 pounds avoirdupois drawn by a motor car.” 35

(c) in sub-section (4), for the word “passengers”, the word “persons” shall be substituted.” 40

37. In section 43 of the principal Act,—

Amendment
of section

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

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

10 (i) regarding the fixing of fares and freights for stage carriages, contract carriages and public carriers;

15 (ii) regarding the prohibition or restriction, subject to such conditions as may be specified in the directions, of the conveying of long distance goods traffic generally, or of specified classes of goods, by private or public carriers;

20 (iii) regarding the grant of permits for alternative routes or areas, to persons in whose cases the existing permits are cancelled or the terms thereof are modified in exercise of the powers conferred by clause (b) or clause (c) of sub-section (2) of section 68F;

25 (iv) regarding any other matter which may appear to the State Government necessary or expedient for giving effect to any agreement entered into with the Central Government or any other State Government or the Government of any other country relating to the regulation of motor transport generally, and in particular to its co-ordination with other means of transport and the conveying of long distance goods traffic:

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

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

Amendment
of section 44

38. In section 44 of the principal Act,—

(a) in sub-section (2)—

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

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

10

“Provided that nothing in this sub-section shall be construed as debarring an official (other than an official connected directly with the management or operation of a transport undertaking) from being appointed as or continuing as a member of any such Authority merely by reason of the fact that the Government employing the official has, or acquires, any financial interest in a transport undertaking.”;

(b) in sub-section (3), after the words “State Transport Authority”, the words and figures “shall give effect to any directions issued under section 43, and subject to such directions and save as otherwise provided by or under this Act” shall be inserted;

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

Substitution
of new section
for section 45.

General provision
as to applications
for permits.

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

“45. Every application for a permit shall be made to the Regional Transport Authority of the region in which it is proposed to use the vehicle or vehicles:

30

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

35

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

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

Substitution of new section for section 46.

“46. An application for a permit in respect of a service of stage carriages or to use a particular motor vehicle as a stage carriage (in this Chapter referred to as a stage carriage permit) shall, as far as may be, contain the following particulars, namely:—

Application for stage carriage permit.

(a) the route or routes or the area or areas to which the application relates;

(b) the number of vehicles it is proposed to operate in relation to each route or area and the type and seating capacity of each such vehicle;

(c) the minimum and maximum number of daily services proposed to be provided in relation to each route or area and the time-table of the normal services;

(d) the number of vehicles intended to be kept in reserve to maintain the service and to provide for special occasions;

(e) the arrangements intended to be made for the housing and repair of the vehicles, for the comfort and convenience of passengers and for the storage and safe custody of luggage;

(f) such other matters as may be prescribed.”.

41. In section 47 of the principal Act,—

Amendment of section 47.

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

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

(a) the interests of the public generally;

(b) the advantages to the public of the service to be provided, including the saving of time likely to be effected thereby and any convenience arising from journeys not being broken;

(c) the adequacy of other passenger transport services, operating or likely to operate in the near future, whether by road or other means, between the places to be served;

(d) the benefit to any particular locality or localities likely to be afforded by the service; 10

(e) the operation by the applicant of other transport services, including those in respect of which applications from him for permits are pending;

(f) the condition of the roads included in the proposed route or area; 15

and shall also take into consideration any representations made by persons already providing passenger transport facilities by any means along or near the proposed route or area, or by any association representing persons interested in the provision of road transport facilities recognised in this 20 behalf by the State Government, or by any local authority or police authority within whose jurisdiction any part of the proposed route or area lies:

Provided that other conditions being equal, an application for a stage carriage permit from a co-operative society registered 25 or deemed to have been registered under any enactment in force for the time being shall, as far as may be, be given preference over applications from individual owners.”;

(b) after sub-section (2), the following sub-section shall be inserted, namely:— 30

“(3) A Regional Transport Authority may, having regard to the matters mentioned in sub-section (1), limit the number of stage carriages generally or of any specified type for which stage carriage permits may be granted in the region or in any specified area or on any specified route 35 within the region.”.

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

Substitution
of new
section for
section 48.

“48. (1) Subject to the provisions of section 47, a Regional Transport Authority may, on an application made to it under section 46, grant a stage carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit:

Grant of
stage carriage
permits.

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

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

(3) The Regional Transport Authority, if it decides to grant a stage carriage permit, may grant the permit for a service of stage carriages of a specified description or for one or more particular stage carriages, and may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely:—

(i) that the service or any specified part thereof shall be commenced with effect from a specified date;

(ii) the minimum and maximum number of daily services to be maintained in relation to any route or area generally or on specified days and occasions;

(iii) that copies of the time table of the service or of particular stage carriages approved by the Regional Transport Authority shall be exhibited on the vehicles and at specified stands and halts on the route or within the area;

(iv) that the service shall be operated within such margins of deviation from the approved time table as the Regional Transport Authority may from time to time specify;

(v) that within municipal limits and such other areas and places as may be prescribed, passengers or goods shall not be taken up or set down except at specified points;

(vi) the maximum number of passengers and the maximum weight of luggage that may be carried on any specified vehicle or on any vehicle of a specified type, either generally or on specified occasions or at specified times and seasons;

(vii) the weight and nature of passengers' luggage that shall be carried free of charge, the total weight of luggage that may be carried in relation to each passenger, and the arrangements that shall be made for the carriage of luggage without causing inconvenience to passengers; 5

(viii) the rate of charge that may be levied for passengers' luggage in excess of the free allowance;

(ix) that vehicles of specified types fitted with bodies conforming to approved specifications shall be used;

Provided that the attachment of this condition to a permit shall not prevent the continued use, for a period of two years from the date of publication of the approved specifications, of any vehicle operating on that date;

(x) that specified standards of comfort and cleanliness shall be maintained in the vehicles; 15

(xi) the conditions subject to which goods may be carried in any stage carriage in addition to or to the exclusion of passengers;

(xii) that fares shall be charged in accordance with the approved fare table; 20

(xiii) that a copy of, or extract from, the fare table approved by the Regional Transport Authority and particulars of any special fares or rates of fares so approved for particular occasions shall be exhibited on every stage carriage and at specified stands and halts; 25

(xiv) that tickets bearing specified particulars shall be issued to passengers and shall show the fares actually charged and that records of tickets issued shall be kept in a specified manner;

(xv) that mails shall be carried on any of the vehicles authorised by the permit subject to such conditions (including conditions as to the time in which mails are to be carried and the charges which may be levied) as may be specified; 30

(xvi) the reserve of vehicles to be kept by the holder of the permit to maintain the service and to provide for special occasions; 35

(xvii) the conditions subject to which any vehicle covered by the permit may be used as a contract carriage;

(xviii) that specified arrangements shall be made for the housing, maintenance and repair of vehicles;

(xix) that any specified bus station or shelter maintained by Government or a local authority shall be used and that any specified rent or fee shall be paid for such use;

(xx) that the conditions of the permit shall not be departed from, save with the approval of the Regional Transport Authority;

(xxi) that the Regional Transport Authority may, * * * after giving notice of not less than one month,—

(a) vary the conditions of the permit;

(b) attach to the permit further conditions;

(xxii) that the holder of a permit shall furnish to the Regional Transport Authority such periodical returns, statistics and other information as the State Government may from time to time prescribe;

(xxiii) any other conditions which may be prescribed.”.

43. In section 49 of the principal Act,—

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

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

Amendment
of section 49.

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

Amendment
of section 50.

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

Substitution
of new
section for
section 51.

“51. (1) Subject to the provisions of section 50, a Regional Transport Authority may, on an application made to it under section 49, grant a contract carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit:

Grant of
contract
carriage
permits

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

(2) The Regional Transport Authority, if it decides to grant a contract carriage permit, may, subject to any rules that may

be made under this Act, attach to the permit any one or more of the following conditions, namely:—

(i) that the vehicle or vehicles shall be used only in a specified area or on a specified route or routes;

(ii) that except in accordance with specified conditions, no contract of hiring, other than an extension or modification of a subsisting contract, may be entered into outside the specified area;

(iii) the conditions subject to which goods may be carried in any contract carriage in addition to or to the exclusion of passengers;

(iv) that, in the case of motor cabs, specified fares or rates of fares shall be charged and a copy of the fare table shall be exhibited on the vehicle;

(v) that, in the case of vehicles other than motor cabs, specified rates of hiring not exceeding specified maxima shall be charged;

(vi) that, in the case of motor cabs, a specified weight of passengers' luggage shall be carried free of charge, and that the charge, if any, for any luggage in excess thereof shall be at a specified rate;

(vii) that, in the case of motor cabs, a taxi-meter shall be fitted and maintained in proper working order, if prescribed;

(viii) that the Authority may, * * * after giving notice of not less than one month,—

(a) vary the conditions of the permit;

(b) attach to the permit further conditions:

(ix) that the conditions of permit shall not be departed from save with the approval of the Authority;

(x) any other conditions which may be prescribed.”.

Amendment
of section 52.

46. In section 52 of the principal Act,—

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

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

47. In section 53 of the principal Act,—

Amendment
of section 53.

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

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

"(1A) Subject to the provisions of sub-section (1), the Regional Transport Authority may, on an application made to it under section 52, grant a private carrier's permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit:

Provided that no such permit for any area in any other region or regions within the same State shall be granted except with the approval of the State Transport Authority.";

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

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

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

Substitution
of new
section for
section 54.

"54. An application for a permit to use one or more motor vehicles for the carriage of goods for hire or reward (in this Chapter referred to as a public carrier's permit), shall as far as may be, contain the following particulars, namely:—

Application
for public
carrier's
permit.

(a) the area or the route or routes to which the application relates;

(b) the number of vehicles it is proposed to operate in relation to each area or route and the type and seating capacity of each such vehicle;

(c) the nature of the goods it is proposed to carry;

(d) the manner in which it is claimed that a public need will be served by the vehicle;

(e) the arrangements intended to be made for the housing of the vehicles and for the storage and safe custody of the goods to be carried;

(f) particulars as to whether the applicant is a co-operative society registered or deemed to have been registered under any enactment in force for the time being, or is an individual owner;

(g) such particulars as the Regional Transport Authority may require with respect to any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application, and of the rates charged by the applicant;

(h) particulars of any agreement, or arrangement, affecting in any material respect the provision within the region of the Regional Transport Authority of facilities for the transport of goods for hire or reward, entered into by the applicant with any other person by whom such facilities are provided, whether within or without the region;

(i) any other particulars which may be prescribed.”.

Substitution
of new section
for section 55.

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

Procedure in
considering
application
for public
carrier's
permit.

“55. (1) A Regional Transport Authority shall, in considering an application for a public carrier's permit, have regard to the following matters, namely:—

(a) the interests of the public generally;

(b) the advantages to the public of the service to be provided and the convenience afforded to the public by the provision of such service and the saving of time likely to be effected thereby;

(c) the adequacy of other goods services, operating or likely to operate in the near future, whether by road or other means, between the places to be served;

(d) the operation by the applicant of other transport services, including those in respect of which applications from him for permits are pending;

(e) the benefit to any particular locality or localities likely to be afforded by the service;

(f) the condition of the roads included in the proposed area or route;

(g) the nature of the goods to be carried with special reference to any of a fragile or perishable nature;

(h) the volume of traffic and the existence of marketing centres in the proposed area or along or near the proposed route;

and shall also take into consideration any representations made by persons already providing goods transport facilities by any

means, whether by road or otherwise, in the proposed area or along or near the proposed route, or by any local authority or police authority within whose jurisdiction any part of the proposed area or route lies:

5 Provided that other conditions being equal, an application for a public carrier's permit from a co-operative society registered or deemed to have been registered under any enactment in force for the time being shall, as far as may be, be given preference over applications from individual owners.

10 (2) A Regional Transport Authority may, having regard to the matters mentioned in sub-section (1), limit the number of transport vehicles generally or of any specified type for which public carrier's permits may be granted in the region or in any specified area or on any specified route within the region."

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

Substitution
of new
section for
section 56.

20 "56. (1) Subject to the provisions of section 55, a Regional Transport Authority may, on an application made to it under section 54, grant a public carrier's permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit:

Grant of
public
carrier's
permits.

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

* * * *

25 (2) The Regional Transport Authority, if it decides to grant a public carrier's permit, may grant the permit for one or more goods vehicles of a specified description and may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely:—

30 (i) that the vehicle or vehicles shall be used only in a specified area, or on a specified route or routes;

(ii) that the laden weight of any vehicle used shall not exceed a specified maximum;

(iii) that goods of a specified nature shall not be carried;

36 (iv) that goods shall be carried at specified rates;

(v) that specified arrangement shall be made for the housing, maintenance and repair of vehicles and the storage and safe custody of the goods carried;

(vi) that the holder of the permit shall furnish to the Regional Transport Authority such periodical returns, statistics and other information as the State Government may, from time to time, prescribe;

(vii) that the Regional Transport Authority may * * * 5
after giving * notice of not less than one month—

(a) vary the conditions of the permit;

(b) attach to the permit further conditions;

(viii) that the conditions of the permit shall not be departed from save with the approval of the Regional 10
Transport Authority;

(ix) any other conditions which may be prescribed.

(3) Where there is any free zone along or contiguous to the area or route for which a public carrier's permit is granted, the Regional Transport Authority shall include in such permit, 15
wherever possible, an authorisation to carry any goods other than those prohibited by any law for the time being in force, anywhere in that free zone.

(4) For the purposes of this section, 'free zone' means such municipal limits of a town or such other area as the State 20
Transport Authority may, subject to any rules that may be made under section 68 and having regard to the volume of traffic in the area and other circumstances, declare to be a free zone within which goods may be carried anywhere by any motor vehicle covered by a public carrier's permit." 25

* * * *

Amendment.
of section 57.

51. In section 57 of the principal Act,—

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

"Provided that, if the grant of any permit in accordance with the application or with modifications would 30
have the effect of increasing the number of vehicles operating in the region, or in any area or on any route within the region, under the class of permits to which the application relates, beyond the limit fixed in that behalf under sub-
section (3) of section 47 or sub-section (2) of section 55, 35
as the case may be, the Regional Transport Authority may

summarily refuse the application without following the procedure laid down in this sub-section.”;

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

5 “(8) An application to vary the conditions of any permit, other than a temporary permit, by the inclusion of a new route or routes or a new area or, in the case of a stage carriage permit, by increasing the number of services above
10 the specified maximum, or in the case of a contract carriage permit or a public carrier’s permit, by increasing the number of vehicles covered by the permit, shall be treated as an application for the grant of a new permit:

15 Provided that it shall not be necessary so to treat an application made by the holder of a stage carriage permit who provides the only service on any route or in any area to increase the frequency of the service so provided, without any increase in the number of vehicles.

20 (9) A Regional Transport Authority may, before such date as may be specified by it in this behalf, replace any stage carriage permit, contract carriage permit or public carrier’s permit granted by it before the said date by a fresh permit conforming to the provisions of section 48 or section 51 or section 56, as the case may be, and the fresh permit shall be valid for the same route or routes or the
25 same area for which the replaced permit was valid:

30 Provided that no condition other than a condition which was already attached to the replaced permit or which could have been attached thereto under the law in force when that permit was granted shall be attached to the fresh permit except with the consent in writing of the holder of the permit.

35 (10) Notwithstanding anything contained in section 58, a permit issued under the provisions of sub-section (9) shall be effective without renewal for the remainder of the period during which the replaced permit would have been so effective.”

52. In section 58 of the principal Act,—

Amendment
of section 58

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

40 “(1) (a) A stage carriage permit or a contract carriage permit other than a temporary permit issued under section

62 shall be effective without renewal for such period, not less than three years and not more than five years, as the Regional Transport Authority may specify in the permit.

(b) A private carrier's permit or a public carrier's permit other than a temporary permit issued under section 62 shall be effective without renewal for a period of five years.":

(b) in sub-section (2),—

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

“Provided that the application for the renewal of 10 a permit shall be made,—

(a) in the case of a stage carriage permit or a public carrier's permit, not less than sixty days before the date of its expiry; and

(b) in any other case, not less than thirty days 15 before the date of its expiry:

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

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

“(3) Notwithstanding anything contained in the proviso to sub-section (2), the Regional Transport Authority may entertain an application for the renewal of a permit after the last date specified in the said proviso for the making of such an appli- 25 cation, if the application is made not more than fifteen days after the said last date and is accompanied by the prescribed fee.”.

Insertion of
new section
59A.

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

30

General form
of permits.

“59A. Every permit other than a temporary permit issued under section 62 shall consist of two parts, Part A of which shall be complete in itself and shall contain all the necessary particulars of the permit and the conditions attached thereto, and Part B of which shall be a summary of the permit containing 35 such particulars as may be prescribed; and where a permit covers more than one vehicle, there shall be issued to the

holder of the permit as many copies of Part B as there are vehicles authorised by the permit to be in operation at any one time.”.

54. In section 60 of the principal Act,—

Amendment
of section
60.

5 (a) in sub-section (1),—

(i) at the end of clause (d), the word “or” shall be inserted;

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

10 “(e) if the holder of the permit, not being a private carrier’s permit, fails without reasonable cause to use the vehicle or vehicles for the purposes for which the permit was granted; or

15 (f) if the holder of the permit acquires the citizenship of any foreign country:”;

(iii) in the proviso, for the word “submit”, the word “furnish” shall be substituted;

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

20 “(1A) The transport authority which granted a permit may, after giving the holder thereof an opportunity to furnish his explanation, reduce either permanently or for such period as it thinks fit, the number of vehicles or the route or area covered by the permit on any of the grounds mentioned in sub-section (1).”;

25

(c) in sub-section (2),—

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

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

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

35 “(3) Where a permit is liable to be cancelled or suspended under clause (a) or clause (b) or clause (e) of sub-

section (1) and the transport authority is of opinion that having regard to the circumstances of the case, it would not be necessary or expedient so to cancel or suspend the permit if the holder of the permit agrees to pay a certain sum of money, then, notwithstanding anything contained in sub-section (1), the transport authority may, instead of cancelling or suspending the permit, as the case may be, recover from the holder of the permit the sum of money agreed upon.”

Amendment
of section 62.

55. In section 62 of the principal Act,—

10

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

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

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

“(d) pending decision on *an application for the re-15
newal of a permit;”;

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

“Provided that a temporary permit under this section shall, in no case, be granted in respect of any route or area 20 specified in an application for the grant of a new permit under section 46 or section 54 during the pendency * * * of the application:

Provided further that a temporary permit under this section shall, in no case, be granted more than once in res- 25 pect of any route or area specified in an application for the renewal of a permit during the pendency of * * * such application for renewal.”.

Amendment
of section 63.

56. In section 63 of the principal Act,—

(a) to sub-section (1), the following proviso shall be added, 30
namely:—

“Provided that a private carrier’s permit, granted by the Regional Transport Authority of any one region with the approval of the State Transport Authority, for any area in any other region or regions within the same State shall 35 be valid in that area without the counter-signature of the Regional Transport Authority of the other region or of each of the other regions concerned.”;

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

5 “Provided that it shall not be necessary to follow the procedure laid down in section 57 for the grant of counter-signatures of permits, where the permits granted in any one State are required to be countersigned by the State Transport Authority of another State or by the Regional Transport Authority concerned as a result of any agreement arrived at between the States.”;

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

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

20 (6) Notwithstanding anything contained in sub-section (1), but subject to any rules that may be made under this Act, the Regional Transport Authority of any one region may, for the convenience of the public, grant a special permit in relation to a public service vehicle for carrying a passenger or passengers for hire or reward under a contract, express or implied, for the use of the vehicle as a whole without stopping to pick up or set down along the line of route passengers not included in the contract, and in every case where such special permit is granted, the Regional Transport Authority shall assign to the vehicle, for display thereon, a special distinguishing mark in the form and manner specified by the Central Government and such special permit shall be valid in any other region or State without the countersignature of the Regional Transport Authority of the other region or of the State Transport Authority of the other State, as the case may be.”.

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

40 “63A. (1) * * * * The Central Government may by notification in the Official Gazette, constitute an inter-State Transport Commission consisting of a Chairman and such other members, not being less than two, as it thinks fit to appoint for the purpose

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

Inter-State Transport Commission

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

5

(2) The Commission shall perform throughout an inter-State region all or such of the following functions as it may be authorised to do by the Central Government by notification in the Official Gazette, namely:—

(a) to prepare schemes for the development, coordina- 10
tion or regulation of the operation of transport vehicles and
in particular of goods vehicles in an inter-State region;

(b) to settle all disputes and decide all matters on which
differences of opinion arise in connection with the develop- 15
ment, coordination or regulation of the operation of trans-
port vehicles in an inter-State region;

(c) to issue directions to the State Transport Authori-
ties or Regional Transport Authorities interested regarding
the grant, revocation and suspension of permits and of
countersignatures of permits for the operation of transport 20
vehicles in respect of any route or area common to two or
more States; * * *

(d) to grant, revoke or suspend any permit or counter-
sign any permit for the operation of any transport vehicle
in respect of such route or area common to two or more 25
States as may be specified in this behalf by the Central Gov-
ernment.

(e) to perform such other functions as may be prescrib-
ed by the Central Government under section 63C.

(3) For the purpose of assisting the Commission in the per- 30
formance of its functions in relation to any area or route com-
mon to two or more States * the Commission shall associate with
itself for such purposes as may be determined by rules made
under section 63C, a representative of each of the Governments
interested, who shall be chosen by the Government concerned; 35
and a person so associated shall have the right to take part in
the discussions relevant to that purpose, but shall not have a
right to vote at a meeting of the Commission and shall not be a
member of the Commission for any other purpose.

(4) Where the Commission, in the exercise and discharge of its powers and functions under clause (c) of sub-section (2), issues directions to any State Transport Authority or Regional Transport Authority interested, the State Transport Authority or the Regional Transport Authority, as the case may be, shall give effect to, and be guided by, such directions.

(5) Where, by a notification issued by the Central Government, the Commission is authorised to perform the functions specified in clause (d) of sub-section (2) in respect of any route or area common to two or more States then, on the issue of such a notification,—

(a) the Regional Transport Authorities or State Transport Authorities interested shall cease to exercise and discharge any powers and functions in respect of such route or area;

(b) the powers and functions of the Regional Transport Authorities and State Transport Authorities interested in respect of such route or area shall be exercised and discharged by the Commission; and any permit granted or countersigned by the Commission for any such route or area shall be valid for that route or area, notwithstanding anything contained in this Chapter;

(c) subject to any rules that may be made under section 63C, the provisions of this Chapter relating to the grant, revocation and suspension of permits and of counter-signatures of permits by a State Transport Authority or Regional Transport Authority shall, as far as may be, apply to the grant, revocation and suspension of permits and of counter-signatures of permits by the Commission;

(d) any permit granted in respect of any such route or area before the issue of the notification shall, notwithstanding such issue, continue to be effective for the period specified in the permit and shall be deemed to have been granted by the Commission under this section as if this section were in force on the day on which the permit was granted.

(6) Nothing in this section shall be construed to preclude the State Transport Authority or any Regional Transport Authority in a State from exercising and discharging its powers and functions in respect of any route or area in the inter-State region which lies wholly within that State.

(7) For the purposes of this section, the expression "Governments interested", "State Transport Authorities interested" or "Regional Transport Authorities interested", in relation to the Commission, means the Governments of such States, such State

Transport Authorities or such Regional Transport Authorities, as the case may be, as are likely to be interested in, or affected by, the functioning of the Commission under this section.

Delegation
of powers,
etc.

63B. (1) The Commission may, by general or special order in writing, delegate to the Chairman or any other member, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under sub-section (2) of section 63A as it may deem necessary for the efficient discharge of its functions. 5

(2) All orders, decisions and other instruments issued by the Commission shall be authenticated by the signature of the Chairman or any other member or any officer of the Commission authorised by the Commission in this behalf.

Power of
Central
Government
to make
rules.

63C. The Central Government may make rules to provide for all or any of the following matters, namely:— 15

(a) the period of appointment and the terms of appointment of the member of the Commission, the manner of filling vacancies among members, the conduct of business by the Commission and the reports to be furnished by it;

(b) the powers and functions of the Commission; 20

(c) the purposes for which representatives of the State Governments may be associated with the Commission under sub-section (3) of section 63A;

(d) the form and manner in which an application for a permit or counter-signature of a permit may be made; 25

(e) the fees, if any, to be levied by the Commission.

(f) the procedure to be followed in considering an application for a permit or counter-signature of a permit;

(g) the grant of a permit and the counter-signature of a permit and the conditions which may be attached to a permit; 30

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

(i) any other matter which has to be, or may be, prescribed." 35

Amendment
of section
64.

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

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

(h) aggrieved by a reduction under sub-section (1A) of section 60 in the number of vehicles or routes or area covered by a permit, or

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

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

Insertion of
new section
64A.

10 “64A. The State Transport Authority may, either on its own motion or on an application made to it, call for the record of any case in which an order has been made by a Regional Transport Authority and in which no appeal lies, and if it appears to the State Transport Authority that the order made by the Regional Transport Authority is improper or illegal, the State Transport Authority may pass such order in relation to the case as it deems fit:

Revision.

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

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

60. In section 67 of the principal Act,—

Amendment
of section
67.

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

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

30 “(ff) require a passenger to abstain from doing anything which is likely to obstruct or interfere with the working of the vehicle or to cause damage to any part of the vehicle or its equipment or to cause injury or discomfort to any other passenger;

(fff) require a passenger not to smoke in any vehicle on which a notice prohibiting smoking is exhibited;”

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

Amendment
of section
68.

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

(b) clause (f) shall be omitted;

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

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

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

“(hh) the conditions subject to which, and the extent to which, a permit granted in another State shall be valid in the State without counter-signature;” 5

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

“(i) the conditions subject to which, and the extent to which, a permit granted in one region shall be valid in another region within the State without counter-signature; 10

(ii) the conditions to be attached to permits for the purpose of giving effect to any agreement such as is referred to in clause (iv) of sub-section (1) of section 43;”;

(f) in clause (o), for the words “prohibiting the painting or marking of a stage or a contract carriage”, the words “regulating 15 the painting or marking of transport vehicles and the display of advertising matter thereon, and in particular prohibiting the painting or marking of transport vehicles” shall be substituted;

(g) for clause (s), the following clauses shall be substituted, namely:— 20

“(s) the requirements which shall be complied with in the construction or use of any duly notified stand or halting place, including the provision of adequate * * * equipment and facilities for the convenience of all users thereof, the fees, if any, which may be charged for the use of such 25 facilities, the records which shall be maintained at such stands or places, the staff to be employed thereat, and the duties and conduct of such staff, and generally for maintaining such stands and places in a serviceable and clean condition; 30

(ss) the regulation of motor-cab ranks;”;

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

“(tt) authorising specified persons to enter at all reasonable times and inspect all premises used by permit holders 35 for the purposes of their business;”;

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

“(ww) the licensing of agents engaged in the business of collecting, forwarding and distributing of goods carried 40 by public carriers;”;

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

5 “(yy) the specification of the municipal limits of a town or of any other area as a free zone within which goods may, subject to the prescribed conditions, be carried anywhere by a motor vehicle covered by a public carrier’s permit;”.

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

Insertion of
new Chapter
IVA.

“CHAPTER IVA

10 SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

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

Definitions.

(a) “road transport service” means a service of motor vehicles carrying passengers or goods or both by road for hire or reward;

15 (b) “State transport undertaking” means any undertaking providing road transport service, where such undertaking is carried on by,—

(i) the Central Government or a State Government;

20 (ii) any Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950;

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

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

30 68B. The provisions of this Chapter and the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in Chapter IV of this Act or in any other law for the time being in force or in any instrument having effect by virtue of any such law.

Chapter IVA
to override
Chapter IV
and other
laws.

35 68C. Where any State transport undertaking is of opinion that for the purpose of providing an efficient, adequate, economical and properly co-ordinated road transport service, it is necessary in the public interest that road transport services in general or any particular class of such service in relation to any area or route or portion thereof should be run and operated by the State transport undertaking, whether to the exclusion, com-

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

plete or partial, of other persons or otherwise, the State transport undertaking may prepare a scheme giving particulars of the nature of the services proposed to be rendered, the area or route proposed to be covered and such other particulars respecting thereto as may be prescribed, and shall cause every such scheme to be published in the Official Gazette and also in such other manner as the State Government may direct. 5

Objection to the scheme.

68D. (1) Any person affected by the scheme published under section 68C may, within thirty days from the date of the publication of the scheme in the Official Gazette, file objections thereto before the State Government. 10

(2) The State Government may, after considering the objections and after giving an opportunity to the objector or his representatives and the representatives of the State transport undertaking to be heard in the matter, if they so desire, approve or modify the scheme. 15

(3) The scheme as approved or modified under sub-section (2) shall then be published in the Official Gazette by the State Government and the same shall thereupon become final and shall be called the approved scheme and the area or route to which it relates shall be called the notified area or notified route: 20

Provided that no such scheme which relates to any inter-State route [***] shall be deemed to be an approved scheme unless it has been published in the Official Gazette with the previous approval of the Central Government. 25

Cancellation or modification of scheme.

68E. Any scheme published under sub-section (3) of section 68D may at any time be cancelled or modified by the State transport undertaking and the procedure laid down in section 68C and section 68D shall, so far as it can be made applicable, be followed in every case where the scheme is proposed to be modified as if the modification proposed were a separate scheme. 30

Issue of permits to State transport undertakings.

68F. (1) Where, in pursuance of an approved scheme, any State transport undertaking applies in the manner specified in Chapter IV for a stage carriage permit or a public carrier's permit or a contract carriage permit in respect of a notified area or notified route, the Regional Transport Authority shall issue such permit to the State transport undertaking, notwithstanding anything to the contrary contained in Chapter IV. 35

(2) For the purpose of giving effect to the approved scheme in respect of a notified area or notified route, the Regional Transport Authority may, by order,—

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

(b) cancel any existing permit;

(c) modify the terms of any existing permit so as to—

(i) render the permit ineffective beyond a specified date;

(ii) reduce the number of vehicles authorised to be used under the permit;

(iii) curtail the area or route covered by the permit in so far as such permit relates to the notified area or notified route.

(3) For the removal of doubts, it is hereby declared that no appeal shall lie against any action taken, or order passed, by the Regional Transport Authority under sub-section (1) or sub-section (2).

68G. (1) Where, in exercise of the powers conferred by clause (b) or clause (c) of sub-section (2) of section 68F, any existing permit is cancelled or the terms thereof are modified, there shall be paid by the State transport undertaking to the holder of the permit compensation the amount of which shall be determined in accordance with the provisions of sub-section (4) or sub-section (5), as the case may be.

Principles and method of determining compensation.

(2) Notwithstanding anything contained in sub-section (1), no compensation shall be payable on account of the cancellation of any existing permit or any modification of the terms thereof, when a permit for an alternative route or area in lieu thereof has been offered by the Regional Transport Authority and accepted by the holder of the permit.

(3) For the removal of doubts, it is hereby declared that no compensation shall be payable on account of the refusal to renew a permit under clause (a) of sub-section (2) of section 68F.

(4) Where, in exercise of the powers conferred by clause (b) or sub-clause (i) or sub-clause (ii) of clause (c) of sub-section (2) of section 68F, any existing permit is cancelled or the terms thereof are modified so as to prevent the holder of the permit from using any vehicle authorised to be used thereunder

for the full period for which the permit would otherwise have been effective, the compensation payable to the holder of the permit for each vehicle affected by such cancellation or modification shall be computed as follows:—

(a) for every complete month or part of a month exceeding fifteen days of the unexpired period of the permit; $\frac{\text{Two hundred}}{\text{rupees}}$ 5

(b) for part of a month not exceeding fifteen days of the unexpired period of the permit: $\frac{\text{One hundred}}{\text{rupees}}$ 10

Provided that the amount of compensation shall, in no case, be less than four hundred rupees.

(5) Where, in exercise of the powers conferred by sub-clause (iii) of clause (c) of sub-section (2) of section 68F, the terms of an existing permit are modified so as to curtail the area or route of any vehicle authorised to be used thereunder, the compensation payable to the holder of the permit on account of such curtailment shall be an amount computed in accordance with the following formula, namely:—

$$\frac{Y \times A}{R} \quad 20$$

Explanation.—In this formula,—

(i) “Y” means the length or area by which the route or area covered by the permit is curtailed;

(ii) “A” means the amount computed in accordance with sub-section (4); 25

(iii) “R” means the total length of the route or the total area covered by the permit.

Payment of
compensation.

68H. The amount of compensation payable under section 68G shall be paid by the State transport undertaking to the person or persons entitled thereto within one month from the date on which the cancellation or modification of the permit becomes effective: 30

Provided that where the State transport undertaking fails to make the payment within the said period of one month, it shall pay interest at the rate of 3½ per cent. per annum from the date on which it falls due. 35

Power to
make rules.

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

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

5 (a) the form in which any scheme or approved scheme may be published under section 68C or sub-section (3) of section 68D;

(b) the manner in which objections may be filed under sub-section (1) of section 68D;

10 (c) the manner in which objections may be considered and disposed of under sub-section (2) of section 68D;

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

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

63. In section 71 of the principal Act,—

15 (a) in sub-section (2),—

Amendment
of section
71.

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

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

25 “Provided that where any restriction under this section is to remain in force for not more than one month, notification thereof in the Official Gazette shall not be necessary.”;

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

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

64. In section 72 of the principal Act,—

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

Amendment
of section
72.

(b) in sub-section (3),—

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

(ii) clause (c) shall be omitted.

Amendment
of section
73.

65. Section 73 of the principal Act shall be re-numbered as sub- 5
section (1) thereof and—

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

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:— 10

“(2) Where any excess goods are removed from any goods vehicle or trailer for storage under sub-section (1), such person as may be authorised in this behalf by the State Government shall cause a notice in writing to be served on the owner of the vehicle or trailer, as the case may be, re- 15
quiring him to remove the goods within the time to be specified in the notice and if the owner of the vehicle or trailer refuses or fails to remove the goods within the time specified, the authorised person may sell the goods by public auction and the balance of the sale proceeds, after deducting 20
therefrom the charges for the storage of the goods and the costs incidental to the sale, shall be paid to the owner of the vehicle or trailer, as the case may be:

Provided that where the excess goods removed are of a perishable nature, the sale can be held immediately after 25
causing the notice to be served on the driver of the vehicle or trailer.”.

Amendment
of section
74.

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

“and when any such prohibition or restriction is imposed, 30
shall cause appropriate traffic signs to be placed or erected under section 75 at suitable places:

Provided that where any prohibition or restriction under this section is to remain in force for not more than one month, notification thereof in the Official Gazette shall not be necessary, 35
but such local publicity as the circumstances may permit, shall be given of such prohibition or restriction.”.

Amendment
of section
75.

67. In section 75 of the principal Act,—

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

words, brackets and figures "bringing to public notice any speed limits fixed under sub-section (2) of section 71 or any prohibitions or restrictions imposed under section 74, or generally for the purpose of" shall be inserted;

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

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

10 (6) If any person accidentally causes such damage to a traffic sign as renders it useless for the purpose for which it is placed or erected under this section, he shall report the circumstances of the occurrence to a police officer or at a police station as soon as possible, and in any case within
15 twenty-four hours of the occurrence.

(7) For the purpose of bringing the signs set forth in the Ninth Schedule in conformity with any international convention relative to motor traffic to which the Central Government is for the time being a party, the Central
20 Government may, by notification in the Official Gazette, make any addition or alteration to any such sign and on the issue of any such notification, the Ninth Schedule shall be deemed to be amended accordingly."

68. In section 86 of the principal Act,—

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

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

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

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

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

71. In section 92 of the principal Act,—

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

"(1A) For the purpose of facilitating and regulating the services of motor vehicles operating between India and any

Amendment of section 92.

other country contiguous to it under any reciprocal arrangement and carrying passengers or goods or both by road for hire or reward, the Central Government may, by notification in the Official Gazette, make rules with respect to all or any of the following matters, namely:—

(a) the conditions subject to which motor vehicles carrying on such services may be brought into India from outside India and possessed and used in India;

(b) the conditions subject to which motor vehicles may be taken from any place in India to any place outside India;

(c) the conditions subject to which persons employed as drivers and conductors of such motor vehicles may enter or leave India;

(d) the grant and authentication of travelling passes, certificates or authorisations to persons employed as drivers and conductors of such motor vehicles;

(e) the particulars (other than registration marks) to be exhibited by such motor vehicles and the manner in which such particulars are to be exhibited;

(f) the use of trailers with such motor vehicles;

(g) the exemption of such motor vehicles and their drivers and conductors from all or any of the provisions of this Act [other than those referred to in sub-section (4)] or of the rules made thereunder;

(h) the identification of the drivers and conductors of such motor vehicles;

(i) the replacement of the travelling passes, certificates or authorisations, permits, licences or any other prescribed documents lost or defaced, on payment of such fee as may be prescribed;

(j) the exemption from the provisions of such laws as relate to customs, police or health with a view to facilitate such road transport services;

(k) any other matter which is to be, or may be, prescribed.”;

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

(c) in sub-section (4),—

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

(ii) for the words, brackets, letters and figure "shall apply to any motor vehicle to which or to any driver of a motor vehicle to whom any rules made under clause (b) or clause (c) of sub-section (1) apply", the following shall be substituted, namely:—

"shall apply—

(i) to any motor vehicle to which or to any driver of a motor vehicle to whom any rules made under clause (b) or clause (c) of sub-section (1) or under sub-section (1A) apply; or

(ii) to any conductor of a motor vehicle to whom any rules made under sub-section (1A) apply."

72. In section 93 of the principal Act,—

Amendment
of section 93.

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

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

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

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

"(c) 'reciprocating country' means any such country as may on the basis of reciprocity be notified by the Central Government in the Official Gazette to be a reciprocating country for the purposes of this Chapter;"

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

Amendment
of section 94.

"(2) Sub-section (1) shall not apply to any vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise.

(3) The appropriate Government may, by order, exempt from the operation of sub-section (1) any vehicle owned by any of the following authorities, namely :—

(a) the Central Government or a State Government, if the vehicle is used for Government purposes connected with any commercial enterprise; 5

(b) any local authority;

(c) any State transport undertaking within the meaning of section 68A:

Provided that no such order shall be made in relation to any such authority unless a fund has been established and is maintained by that authority in accordance with the rules made in that behalf under this Act for meeting any liability arising out of the use of any vehicle of that authority which that authority or any person in its employment may incur to third parties. 15

Explanation.—For the purposes of this sub-section, “appropriate Government” means the Central Government or a State Government, as the case may be, and in relation to any local authority or State transport undertaking, means that Government which has control over that local authority or State transport undertaking.” 20

Amendment
of section 95.

74. In section 95 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), after the word “insurer”, the words and figures “or by a co-operative society allowed under section 108 to transact the business of an insurer” shall be inserted; 25

(ii) in the proviso,—

(1) the words, brackets and figure “except as may be otherwise provided under sub-section (3)” shall be omitted; 30

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

“other than a liability arising under the Workmen’s Compensation Act, 1923, in respect of the death of, or bodily injury to, any such employee— 35

(a) engaged in driving the vehicle, or

(b) if it is a public service vehicle, engaged as a conductor of the vehicle or in examining tickets on the vehicle, or 40

8 of 1923.

(c) if it is a goods vehicle, being carried in the vehicle.”;

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

5 “(a) where the vehicle is a goods vehicle, a limit of twenty thousand rupees in all, including the liabilities, if any, arising under the Workmen’s Compensation Act, 1923, in respect of the death of, or bodily injury to, employees (other than the driver), not exceeding six in number, being
10 carried in the vehicle;”;

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

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

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

20 “(4A) Where a cover note issued by the insurer under the provisions of this Chapter or the rules made thereunder is not followed by a policy of insurance within the prescribed time, the insurer shall, within seven days of the expiry of the period of the validity of the cover note, notify the fact to the registering authority in whose records the vehicle to which the cover note relates has been registered or to such other authority as the State Government may prescribe.”.

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

30 “95A. Where, in pursuance of an arrangement between India and any reciprocating country, any motor vehicle registered in the reciprocating country operates on any route or within any area common to the two countries and there is in force in relation to the use of the vehicle in the reciprocating country, a policy of insurance complying with the requirements of the law of insurance in force in that country, then, notwithstanding anything contained in section 95 but subject to any rules which may be
35 made under section 111, such policy of insurance shall be effective throughout the route or area in respect of which the arrangement has been made, as if the policy or insurance had complied with the requirements of this Chapter.”

Insertion of new section 95A.

Validity of policies of insurance issued in reciprocating countries.

76. In section 96 of the principal Act,—

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

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

5

“(2A) Where any such judgment as is referred to in sub-section (1) is obtained from a court in the State of Jammu and Kashmir or in a reciprocating country and in the case of a foreign judgment is, by virtue of the provisions of section 13 of the Code of Civil Procedure, 1908, conclusive as to any matter adjudicated upon by it, the insurer (being an insurer registered under the Insurance Act, 1938, and whether or not he is registered under the corresponding law * * * of the reciprocating country) shall be liable to the person entitled to the benefit of the decree in the manner and to the extent specified in sub-section (1), as if the judgment were given by a court in India:

Provided that no sum shall be payable by the insurer in respect of any such judgment unless, before or after the commencement of the proceedings in which the judgment is given, the insurer had notice through the court concerned of the bringing of the proceedings and the insurer to whom notice is so given is entitled under the corresponding law of the State of Jammu and Kashmir or of the reciprocating country, to be made a party to the proceedings and to defend the action on grounds similar to those specified in sub-section (2).”;

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

(d) in sub-section (6),—

30

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

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

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

Amendment
of section
102.

78. In section 106 of the principal Act,—

Amendment
of section
106.

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

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

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

"(2A) No person shall be liable to conviction under sub-section (1) or sub-section (2) by reason only of the failure to produce the certificate of insurance if, within seven days from the date on which its production was required under sub-section (1), or as the case may be, from the date of occurrence of the accident, he produces the certificate at such police station as may have been specified by him to the police officer who required its production or, as the case may be, to the police officer at the site of the accident or to the officer in charge of the police station at which he reported the accident:

Provided that except to such extent and with such modifications as may be prescribed, the provisions of this sub-section shall not apply to the driver of a transport vehicle."

79. In section 108 of the principal Act,—

Amendment
of section
108.

(a) in sub-section (1),—

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

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

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

"(b) the insurance business of the society shall, except to the extent permitted under clause (cc), be limited to transport vehicles owned by its members, and its liability shall be limited as specified in sub-section (2) of section 95;"

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

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

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

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

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

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

"(h) the society shall, in respect of any business transacted by it of the nature referred to in clause (i) of the proviso to sub-section (1) of section 95, be deemed to be an insurer within the meaning of sub-section (1) of section 10 and sub-section (6) of section 13 of the Insurance Act, 1938;

(i) the provisions of the Insurance Act, 1938, relating to the winding up of insurance companies shall, to the exclusion of any other law inconsistent therewith and subject to such modifications as may be prescribed, apply to the winding up of the society."

Substitution
of new sections for
section 110.

Claims
Tribunals.

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

"110. (1) A State Government may, by notification in the Official Gazette, constitute one or more Motor Accidents Claims Tribunals (hereinafter referred to as Claims Tribunals) for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of motor vehicles.

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

it consists of two or more members, one of them shall be appointed as the Chairman thereof.

(3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he—

- 5 (a) is, or has been, a Judge of a High Court, or
 (b) is, or has been, a District Judge, or
 (c) is qualified for appointment as a Judge of the High Court.

10 (4) Where two or more Claims Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.

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

Application
for compensation.

- 15 (a) by the person who has sustained the injury; or
 (b) where death has resulted from the accident, by the legal representatives of the deceased; or
 (c) by any agent duly authorised by the person injured or the legal representatives of the deceased, as the case may be.
- 20

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, and shall be in such form and shall contain such particulars as may be prescribed.

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

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

35 110B. On receipt of an application for compensation made under section 110A, the Claims Tribunal shall, after giving the parties an opportunity of being heard, hold an inquiry into the claim and may make an award determining the amount of compensation which appears to it to be just and specifying the person or persons to whom compensation shall be paid; and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer.

Award of the
Claims
Tribunal.

Procedure
and powers
of Claims
Tribunals.

110C. (1) In holding any inquiry under section 110B, the Claims Tribunal may, subject to any rules that may be made in this behalf, follow such summary procedure as it thinks fit.

(2) The Claims Tribunal shall have all the powers of a civil court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Claims Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898.

(3) Subject to any rules that may be made in this behalf, the Claims Tribunal may, for the purpose of adjudicating upon any claim for compensation, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry.

Appeals.

110D. (1) Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court:

Provided that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) No appeal shall lie against any award of a Claims Tribunal, if the amount in dispute in the appeal is less than two thousand rupees.

Recovery of
money from
insurer as
arrear of
land revenue

110E. Where any money is due from an insurer under an award, the Claims Tribunal may, on an application made to it by the person entitled to the money, issue a certificate for the amount to the Collector and the Collector shall proceed to recover the same in the same manner as an arrear of land revenue.

Bar of juris-
diction of
civil courts.

110F. Where any Claims Tribunal has been constituted for any area, no civil court shall have jurisdiction to entertain any question relating to any claim for compensation which may be adjudicated upon by the Claims Tribunal for that area, and no injunction in respect of any action taken or to be taken by or before the Claims Tribunal in respect of the claim for compensation shall be granted by the civil court."

Amendment
of section
121.

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

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

(b) in clause (i), after the words "temporary stay therein", the words "or to vehicles registered in the State of Jammu and Kashmir or in a reciprocating country and operating on any route or within any area in India" shall be inserted.

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

Insertion of new section 111A.

"111A. A State Government may make rules for the purpose of carrying into effect the provisions of sections 110 to 110E, and in particular, such rules may provide for all or any of the following matters, namely:—

Power of State Government to make rules.

10 (a) the form of application for claims for compensation and the particulars it may contain; and the fees, if any, to be paid in respect of such applications;

15 (b) the procedure to be followed by a Claims Tribunal in holding an inquiry under this Chapter;

(c) the powers vested in a civil court which may be exercised by a Claims Tribunal;

(d) the form and the manner in which an appeal may be preferred against an award of a Claims Tribunal; and

20 (e) any other matter which is to be, or may be prescribed."

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

Amendment of section 112.

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

Substitution of new section for section 113.

30 "113. (1) Whoever wilfully disobeys any direction awfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence, be punishable with fine which may extend to five hundred rupees.

Disobedience of orders, obstruction and refusal of information.

35 (2) Whoever, being required by or under this Act to supply any information, wilfully withholds such information or gives information which he knows to be false or which he does not believe to be true, shall, if no other penalty is provided for the offence, be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both."

40

Amendment
of section
114.

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

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

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

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

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

"(2) Whoever, being disqualified under this Act, for holding or obtaining a conductor's licence, acts as a conductor of a stage carriage in a public place or applies for or obtains a conductor's licence or, not being entitled to have a conductor's licence issued to him free of endorsement, applies for or obtains a conductor's licence without disclosing the endorsements made on a conductor's licence previously held by him shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both, and any conductor's licence so obtained by him shall be of no effect."

Amendment
of section
115.

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

Insertion of
new section
118A.

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

Punishment
for offences
relating to
accident.

"118A. Whoever fails to comply with the provisions of clause (c) of sub-section (1) of section 87 or of section 88 or section 89 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both or, if having been previously convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

Amendment
of section
121.

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

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

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

5 "123. (1) Whoever drives a motor vehicle or causes or
allows a motor vehicle to be used in contravention of the provi-
sions of section 22 or without the permit required by sub-sec-
tion (1) of section 42 or in contravention of any condition of
10 such permit relating to the route on which or the area in which
or the purpose for which the vehicle may be used, shall be
punishable for a first offence*****with fine which may extend
to one thousand rupees****and for a subsequent offence if
committed within three years of the commission of a previous
15 similar offence, with imprisonment which may extend to six
months or with fine which may extend to two thousand rupees,
or with both:

Provided that no court shall, except for reasons to be
stated in writing, impose a fine of less than five hundred
rupees for any such subsequent offence.

20 (2) Nothing in this section shall apply to the use of a motor
vehicle in an emergency for the conveyance of persons suffer-
ing from sickness or injury or for the transport of materials
for repair or of food or materials to relieve distress or of
medical supplies for a like purpose:

25 Provided that the person using the vehicle reports such
use to the Regional Transport Authority within seven days.

30 (3) Where a person is convicted of an offence under this
section, the court by which such person is convicted may, in
addition to any sentence which may be passed under sub-sec-
tion (1), by order—

(a) if the vehicle used in the commission of the offence
is a motor car, suspend its certificate of registration for a
period not exceeding four months;

35 (b) if the vehicle used in the commission of the offence
is a transport vehicle, suspend its permit for a period not
exceeding six months or cancel it.

(4) The Court to which an appeal lies from any conviction
in respect of an offence of the nature specified in sub-sec-
tion (1) may set aside or vary any order of suspension or can-
cellation made under sub-section (2) by the court below and the

court, to which appeals ordinarily lie from the court below, may set aside or vary any such order of suspension or cancellation made by the court below, notwithstanding that no appeal lies against the conviction in connection with which such order was made.”

Amendment
of section
124.

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

Amendment
of section
125.

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

Insertion of
new section
127 A.

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

Offences by
companies.

“127A. (1) If the person contravening any provision of this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

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

Amendment
of section
129.

94. In section 129 of the principal Act,—

(a) in sub-section (2)—

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

5 (ii) the words, brackets and figure "and the said Court shall, on the first appearance of such driver before it, return the licence to him in exchange for the temporary acknowledgment given under sub-section (3)" shall be inserted at the end;

(b) in sub-section (3)—

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

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

15 "or until such date as may be specified by the police officer or other person in the acknowledgment, whichever is earlier:

20 Provided that if any magistrate, police officer or other person authorised by the State Government in this behalf is, on an application made to him, satisfied that the licence cannot be, or has not been, returned to the holder thereof before the date specified in the acknowledgment for any reason for which the holder is not responsible, the magistrate, police officer or other person, as the case may be, may extend the period of
25 authorisation to drive to such date as may be specified in the acknowledgment."

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

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

* * * * *

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

40 "134. (1) Where an appeal has been preferred or an application for revision has been made against any order passed by an original authority under this Act, the appeal or the application for revision shall not operate as a stay of the order passed by the original authority and such order shall remain in force pending the disposal of the appeal or the application for revision, as the case may be, unless the prescribed appellate authority or revisional authority otherwise directs. Effect of appeal and revision on orders passed by original authority.

(2) No order made by a competent authority under this Act shall be reversed or altered on appeal or revision on account of any error, omission or irregularity in the proceedings unless it appears to the prescribed appellate authority or revisional authority, as the case may be, that such error, omission or irregularity has, in fact, occasioned a failure of justice." 5

Amendment of First Schedule.

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

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

"FORM A

10

[See section 7(2)]

Form of application for licence to drive a motor vehicle.

I

Application

I apply for a licence to enable me to drive *as a paid employee 15
*public service vehicles, *goods vehicles, the vehicles I wish to
drive being of the following class (es)*—

*(a) motor cycles,

*(b) invalid carriages,

20

*(c) light motor vehicles,

*(d) medium motor vehicles,

*(e) heavy motor vehicles,

*(f) road rollers,

*(g) a vehicle of a special type (description attached) constructed or adapted to be driven by me. 25

II

Particulars to be furnished by the applicant.

1. Full name and name of father or husband

2. Permanent address

3. Temporary address

30

4. Age at the date of application.....

5. Have you previously held licence? If so, give particulars of all licences held

6. Has any licence held by you been endorsed? If so, give particulars and the date of each endorsement

7. Have you been disqualified for obtaining a licence to drive? If so, for what reason

5 8. Have you been subjected to driving test as to your fitness or ability to drive a vehicle in respect of which a licence to drive is applied for? If so, give date, testing authority and result of test.....

III

10 *Declaration as to physical fitness of applicant and knowledge of driving regulations and traffic signs.*

The applicant is required to answer "Yes" or "No" in the space provided opposite each question.

15 (a) Do you suffer from epilepsy, or from sudden attacks of disability, giddiness or fainting?

20 (b) Are you able to distinguish with each eye at a distance of 25 yards in good daylight (with glasses, if worn) a motor car number plate containing seven letters and figures?

(c) Have you lost either hand or foot or are you suffering from any defect in movement, control or muscular power of either arm or leg?

25 (d) Can you readily distinguish the pigimentary colours red and green?

(e) Do you suffer from night blindness?

(f) Are you so deaf as to be unable to hear the ordinary sound signals?

30 (g) Do you suffer from any other disease or disability likely to cause your driving of a motor vehicle to be a source of danger to the public?

35 (h) Are you cognisant of the provisions of sections 81, 82, 83, 84 and 85 of, and the Tenth Schedule to, the Motor Vehicles Act, 1939?

40 (i) Do you know the meaning of the traffic signs specified in the Ninth Schedule to the Motor Vehicles Act, 1939?

I declare that to the best of my knowledge and belief the particulars given in Section II and the declaration made in Section III hereof are true.

NOTE 1.—An applicant who answers “yes” to any of the questions (a), (c), (e), (f) and (g), or “no” to either of the questions (b) and (d) should amplify his answer with full particulars, and may be required to give further information relating thereto. 5

NOTE 2.—An applicant who answers “yes” to questions (b), (c), (d), (h) and (i) in the declaration and “no” to the other questions may claim to be subjected to a test as to his competency to drive vehicles of a specified class or classes. 10

NOTE 3.—The provisions of the Motor Vehicles Act, 1939, referred to in question (h) are reproduced on the attached sheet, which should be detached and kept for subsequent guidance.

Dated 19 . 15

Signature or thumb impression of applicant.

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

Certificate of test of ability to drive

The applicant has passed/failed in the test specified in the Third Schedule to the Motor Vehicles Act, 1939. The test was conducted on a (here enter description of vehicle): 20

on date

Signature of Testing Authority

Duplicate signature or thumb impression of applicant.”; 25

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

“FORM AA

(See section 8A)

Form of application for the addition of a new class of vehicle to a driving licence. 30

I hereby apply for the addition of the following class/classes of motor vehicle to the attached licence:

(a) Motor cycles,

(b) invalid carriages, 35

(c) light motor vehicles, ,

- (d) medium motor vehicles,
 (e) heavy motor vehicles,
 (f) road rollers,
 (g) a vehicle of a special type (description attached) constructed or adapted to be driven by me.

*I enclose,

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

*Required only where the applicant is not entitled to drive as a paid employee or to drive a transport vehicle and now wishes to do so. Strike out if not applicable.

Dated

19

Signature or thumb impression of applicant.

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

Certificate of test of ability to drive

The applicant has passed/failed in the test specified in the Third Schedule to the Motor Vehicles Act, 1939. The test was conducted on a (here enter description of vehicle).

20

on date

Signature of Testing Authority.
Duplicate signature or thumb impression of applicant;

25

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

“FORM B

[See section 11(2)]

Form of application for the renewal of driving licence.

I hereby apply for the renewal of my driving licence which is attached, and particulars of which are as follows:—

- (a) Number.
 (b) Date of issue.
 (c) Licensing Authority by which licence was issued.

My present address is

If this address is not entered on the licence I do/do not wish that it should be so entered.

If the licence is not attached, reasons why it is not available.

If the licence was not renewed within 30 days of the date of expiry, full reasons for the delay.

The renewal of the licence has not been refused by any licensing authority. 5

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

Dated 19

Signature or thumb impression of applicant. 10
Address

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

(Reverse)

Renewal of
driving licences.

11. (1) Any licensing authority may, on an application made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry: 15

Provided that in any case where the application for the renewal of a driving licence is made more than thirty days after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal. 20

(2) An application for the renewal of a driving licence shall be made in Form B as set forth in the First Schedule and shall contain the declaration required by that form: provided that where the applicant does not or is unable to subscribe to the said declaration, the provisions of sub-section (5) of section 7 shall apply. 25

(3) Where an application for the renewal of a driving licence is made previous to, or not more than thirty days after, the date of its expiry, the fee payable for such renewal shall be nine rupees.

(3A) Where an application for the renewal of a driving licence is made more than thirty days after the date of its expiry, the fee payable for such renewal shall be eleven rupees: 30

Provided that the fee referred to in sub-section (3) may be accepted by the licensing authority, if it is satisfied that the holder of the driving licence was prevented by good cause from applying within the time specified in that sub-section: 35

Provided further that if the application is made more than five years after the licence has ceased to be effective, the licensing authority may refuse to renew the driving licence, unless the applicant undergoes and passes to its satisfaction the test of competence to drive specified in the Third Schedule.

(4) When the authority renewing the driving licence is not the authority which issued the driving licence, it shall intimate the fact of renewal to the authority which issued the driving licence.”;

(d) in Form D,—

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

“(b) invalid carriages,

(c) light motor vehicles,

(d) medium motor vehicles,

15 (e) heavy motor vehicles,

(f) road rollers,

(g) a motor vehicle hereunder described:—

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

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

“Authorisation to drive a transport vehicle.”

(e) in Form E,—

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

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

30 1A. Age of the person to be registered as registered owner..... ;

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

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

35 “13A. I hereby declare that this vehicle has not been registered in any State in India.

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

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

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

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

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

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

(f) Form F shall be omitted;

(g) in Form G,—

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

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

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

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

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

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

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

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

Amendment
of Fourth
Schedule.

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

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

Substitution
of new Schedule for
Sixth Schedule.

"THE SIXTH SCHEDULE

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

REGISTRATION MARKS

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

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

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

- | | | |
|----|--|------------------------------|
| 35 | 1. In the case of transport vehicles. | In black on a white ground. |
| | 2. In the case of temporary registrations (section 25). | In red on a yellow ground. |
| | 3. In the case of registration marks allotted to dealers [section 41(2)(k)]. | In white on a red ground. |
| | 4. In other cases. | In white on a black ground." |

- Omission of Seventh Schedule. 101. The Seventh Schedule to the principal Act shall be omitted.
- Substitution of new Schedule for Eighth Schedule. 102. For the Eighth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

“THE EIGHTH SCHEDULE

[See section 71]

LIMITS OF SPEED FOR MOTOR VEHICLES

Class of vehicles	Maximum speed per hour. <i>Miles</i>	
(1) If all the wheels of the vehicle are with pneumatic tyres and the vehicle is not drawing a trailer :—		10
(a) if the vehicle is a light motor vehicle or a motor cycle	No limit	
(b) if the vehicle is a medium motor vehicle.	35	
(c) if the vehicle is a heavy motor vehicle and a public service vehicle	30	15
(d) if the vehicle is a heavy motor vehicle but not a public service vehicle	25	
(2) If the vehicle is drawing not more than one trailer (or in the case of artillery equipment, not more than two trailers) and all the wheels of the drawing vehicle and the trailer are fitted with pneumatic tyres :—		20
(a) if the vehicle is a light motor vehicle and the trailer being two-wheeled has a laden weight not exceeding 1,700 pounds avoirdupois	35	25
(b) if the vehicle is a light motor vehicle and the trailer has more than two wheels or a laden weight exceeding 1,700 pounds avoirdupois	30	
(c) if the vehicle is a medium motor vehicle	25	
(d) if the vehicle is a heavy motor vehicle	20	
(3) Any case not covered by entry (1) or entry (2).	15”.	30

APPENDIX I

(Vide para 2 of the Report)

Motion in the Lok Sabha for reference of the Bill to Joint Committee

"That the Bill further to amend the Motor Vehicles Act, 1939 be referred to a Joint Committee of the Houses consisting of 45 Members; 30 from this House, namely:-

1. Shri K. L. More
2. Shri Fulsinhji B. Dabhi
3. Shri M. L. Dwivedi
4. Shri C. C. Shah
5. Shri T. N. Viswanatha Reddy
6. Shri Amarnath Vidyalankar
7. Shri M. K. Shivananjappa
8. Shri Rohanlal Chaturvedi
9. Shri Krishnacharya Joshi
10. Shri Suriya Prashad
11. Shri Ram Sahai Tiwari
12. Shri Basanta Kumar Dass
13. Shri Bhupendra Nath Mishra
14. Sardar Iqbal Singh
15. Shri Sitanath Brohmo-Chaudury
16. Shri T. S. Avinashilingam Chettiar
17. Shri Raghunath Singh
18. Shri Shree Narayan Das
19. Shrimati Sushama Sen
20. Shri Rameshwar Sahu
21. Shri R. R. Morarka
22. Shri T. B. Vittal Rao
23. Shri K. Ananda Nambiar
24. Shri K. S. Raghavachari
25. Shri Y. Gadilingana Gowd
26. Shri U. M. Trivedi
27. Shri Giraj Saran Singh
28. Shri Bahadur Singh

29. Shri Uma Charan Patnaik, and

30. Shri O. V. Alagesan

and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 20th Nov. 1956;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and:

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

APPENDIX II

(Vide para 3 of the Report)

Motion in the Rajya Sabha

“That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Motor Vehicles Act, 1939, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee—

1. Shri T. J. M. Wilson
2. Shri K. S. Hegde
3. Shri H. P. Saksena
4. Shri P. D. Himatsingka
5. Sardar Raghbir Singh Panjhazari
6. Shri Deokinandan Narayan
7. Shri Amar Nath Agrawal
8. Dr. Purna Chandra Mitra
9. Dr. R. P. Dube
10. Shri K. P. Madhavan Nair
11. Shri R. P. Sinha
12. Shri S. N. Mazumdar
13. Dr. Radha Kumud Mookerji
14. Shri T. Bhaskara Rao
15. Shri Lal Bahadur Shastri.”

APPENDIX III

(Vide para 7 of the Report)

List of Associations who tendered their evidence before the Joint Committee.

S. No.	Name of the Association	Date on which the evidence was taken.
1.	The Indian Roads and Transport Development Association Limited, Bombay	5-10-1956
2.	The Motor Vehicles and Allied Merchants Association, Madras	5-10-1956
3.	The Regional Motor Operators' Union, Kanpur	5-10-1956
4.	The All India Motor Unions' Congress, New Delhi	6-10-1956
5.	The Western India Automobile Association, Bombay	6-10-1956
6.	The Automotive Manufacturers' Association of India, Calcutta	6-10-1956
7.	The West Bengal Lorry Syndicate, Calcutta	6-10-1956

APPENDIX IV

(Vide para 11 of the Report)

Statement showing particulars of memoranda received by the Joint Committee and the action taken thereon

S. No.	Nature of document	From whom received	Action taken.
1	Memorandum .	The Western India Automobile Association, Bombay.	Circulated to Members and evidence of the Association taken on the 6th October, 1956.
2	Do.	The Indian Roads and Transport Development Association Limited, Bombay.	Circulated to Members and evidence of the Association taken on the 5th October, 1956.
3	Do.	All India Motor Union's Congress, New Delhi.	Circulated to Members and evidence of the Association taken on the 6th October, 1956.
4	Do.	Negotiation Committee of the Motor Operators and Workers First Joint Convention, Jaipur-Jodhpur.	Circulated to Members.
5	Do.	Fédération of Motor Transport Associations, Bombay.	Circulated to Members.
6	Do.	Motor Vehicles and Allied Merchants Association, Madras.	Circulated to Members and evidence of the Association taken on the 5th October, 1956.
7	Do.	West Bengal Lorry Syndicate, Calcutta.	Circulated to Members and evidence of the Syndicate taken on the 6th October, 1956.
8	Do.	Automobile Manufacturers Association of India, Calcutta.	Circulated to Members and evidence of the Association taken on 6th October, 1956.
9	Do.	The Regional Motor Operators' Union, Kanpur.	Circulated to Members and evidence of the Association taken on the 5th October, 1956.
10	Do.	The Insurance Association of India.	Circulated to Members.
11	Do.	The Kolhapur Motor Malak Sangh, Kolhapur.	Placed in the Parliament Library and Members informed.
12	Do.	The Bengal National Chamber of Commerce, Calcutta.	Circulated to Members.

APPENDIX V

MINUTES OF THE SITTINGS OF THE JOINT COMMITTEE ON
THE MOTOR VEHICLES (AMENDMENT) BILL, 1955.

I

First Sitting

The Committee met from 10 A.M. to 10-25 A.M. on Monday, the
10th September, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri Fulsinhji B. Dabhi
4. Shri M. K. Shivananjappa
5. Shri Krishnacharya Joshi
6. Shri Basanta Kumar Das
7. Sardar Iqbal Singh
8. Shri Sitanath Brohmo-Chaudhury
9. Shri T. S. Avinashilingam Chettiar
10. Shri Shree Narayan Das
11. Shrimati Sushama Sen
12. Shri Uma Charan Patnaik

Rajya Sabha

13. Shri K. S. Hegde
14. Shri H. P. Saksena
15. Sardar Raghbir Singh Panjhzari
16. Shri Amar Nath Agrawal
17. Dr. Purna Chandra Mitra
18. Dr. R. P. Dube
19. Shri K. P. Madhavan Nair
20. Shri R. P. Sinha
21. Shri S. N. Mazumdar
22. Dr. Radha Kumud Mookerji
23. Shri Lal Bahadur Shastri.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri N. M. Ayyar, *Secretary, Ministry of Transport.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee held a preliminary discussion on the programme to be adopted by them.

3. The Committee considered whether any evidence would be taken by them. The Chairman informed the Committee that request in this regard had so far been received in Lok Sabha Secretariat from only one Transport Company.

4. It was decided that a press communique be issued advising Associations, Public Bodies and Companies who are desirous of presenting their suggestions or views before the Committee in respect of the Bill to send written memoranda thereon to the Lok Sabha Secretariat by the 25th September, 1956.

5. The Committee authorised the Chairman to decide, after examining the memoranda, which of the Associations, Public Bodies and Companies should be called to give oral evidence before the Committee.

6. The Committee further decided that evidence might be taken from the 5th to 7th October, 1956. Thereafter the Committee would sit from day to day from the 24th October, 1956 to consider the clauses of the Bill.

7. The Committee desired that copies of the following documents should be circulated to members:—

- (1) The Motor Vehicles Act, 1939.
- (2) Report of the Motor Vehicles Taxation Enquiry Committee (1950).
- (3) Report of the Technical Sub-Committee to the Subject Committee on Transport on the Future of Road Transport and Road Rail Relations.
- (4) Report of the Study Group on Transport Planning.

8. The Committee then adjourned to meet again at 10 A.M. on Friday, the 5th October, 1956.

II

Second Sitting

The Committee met from 10 A.M. to 1 P.M. and 3-30 P.M. to 5-40 P.M. on Friday, the 5th October, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri Fulsinhji B. Dabhi
4. Shri M. L. Dwivedi
5. Shri C. C. Shah
6. Shri Amarnath Vidyalkar
7. Shri Suriya Prasad
8. Shri Ram Sahai Tiwari
9. Shri Basanta Kumar Das
10. Shri Bhupendra Nath Misra
11. Sardar Iqbal Singh
12. Shri Raghunath Singh
13. Shri Shree Narayan Dass
14. Shri Rameshwar Sahu
15. Shri T. B. Vittal Rao
16. Shri Girraj Saran Singh
17. Shri Bahadur Singh

Rajya Sabha

18. Shri T. J. M. Wilson
19. Shri H. P. Saksena
20. Shri Amar Nath Agrawal
21. Dr. Purna Chandra Mitra
22. Dr. R. P. Dube
23. Shri K. P. Madhavan Nair
24. Shri R. P. Sinha

25. Dr. Radha Kumud Mookerji
26. Shri Lal Bahadur Shastri.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri N. M. Ayyar, *Secretary, Ministry of Transport.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri P. K. Patnaik, *Under Secretary.*

WITNESSES

I. *The Indian Roads and Transport Development Association Limited, Bombay:*

1. Shri E. A. Nadirshah
2. Shri B. V. Vagh
3. Dr. J. M. Rane
4. Shri A. S. Irani
5. Shri Durga Das
6. Shri C. S. Nair.

II. *The Motor Vehicles and Allied Merchants Association, Madras:*

1. Shri T. S. Santhanam.

III. *The Regional Motor Operators' Union, Kanpur:*

1. Sardar Manohar Singh.
 2. The Committee heard the evidence tendered by the representatives of the three associations named above.
 3. A verbatim record of the evidence tendered was taken down.
 4. The Committee then adjourned to meet again at 10 A.M. on Saturday, the 6th October, 1956.
-

III

Third Sitting

The Committee met from 10 A.M. to 1-30 P.M. and 3 P.M. to 4-40 P.M. on Saturday, the 6th October, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri Fulsinhji B. Dabhi
4. Shri M. L. Dwivedi
5. Shri C. C. Shah
6. Shri Amarnath Vidyalankar
7. Shri Suriya Prashad
8. Shri Ram Sahai Tiwari
9. Shri Basanta Kumar Das
10. Shri Bhupendra Nath Misra
11. Sardar Iqbal Singh
12. Shri Shree Narayan Das
13. Shri Rameshwar Sahu
14. Shri T. B. Vittal Rao
15. Shri Girraj Saran Singh
16. Shri Bahadur Singh.

Rajya Sabha

17. Shri T. J. M. Wilson
18. Shri H. P. Saksena
19. Shri Amar Nath Agarwal
20. Dr. Purna Chandra Mitra
21. Dr. R. P. Dube
22. Shri K. P. Madhavan Nair
23. Shri R. P. Sinha
24. Dr. Radha Kumud Mookerji
25. Shri Lal Bahadur Shastri.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri N. M. Ayyar, *Secretary, Ministry of Transport.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

WITNESSES

I. *The All India Motor Unions' Congress, New Delhi:*

1. Shri Kundan Lal
2. Shri Harbhajan Singh
3. Shri A. Williams.

II. *The Western India Automobile Association, Bombay:*

1. Shri M. B. Madgavkar
2. Shri K. G. Subramaniam.

III. *The Automotive Manufacturers' Association of India, Calcutta:*

1. Shri L. P. Misra.

IV. *The West Bengal Lorry Syndicate, Calcutta:*

1. Shri S. K. Banerjee
2. Shri S. K. Chatterjee
3. Shri Ajit Singh Dhamrait.

2. The Committee heard the evidence tendered by the representatives of the four associations named above.

3. A verbatim record of the evidence tendered was taken down.

4. The Committee decided that the evidence tendered before them should be laid on the Table of the House *in extenso*.

5. The Committee decided to adhere to their earlier decision regarding the programme for their next sitting i.e. to sit from day to day from the 24th October, 1956 to consider the clauses of the Bill.

6. The Committee then adjourned to meet again at 2 P.M. on Wednesday, the 24th October, 1956.

IV

Fourth Sitting

The Committee met from 2 P.M. to 4-40 P.M. on Wednesday, the 24th October, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri M. K. Shivananjappa
4. Shri Suriya Prashad
5. Shri Ram Sahai Tiwari
6. Shri Basanta Kumar Das
7. Shri Bhupendra Nath Misra
8. Shri T. S. Avinashilingam Chettiar
9. Shri Raghunath Singh
10. Shri Shree Narayan Das
11. Shri Rameshwar Sahu
12. Shri T. B. Vittal Rao
13. Shri Bahadur Singh.

Rajya Sabha

14. Shri H. P. Saksena
15. Shri P. D. Himatsingka
16. Shri Amar Nath Agrawal
17. Dr. Purna Chandra Mitra
18. Dr. R. P. Dube
19. Shri K. P. Madhavan Nair
20. Shri R. P. Sinha
21. Dr. Radha Kumud Mookerji.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS
 Shri N. M. Ayyar, *Secretary, Ministry of Transport.*
 SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee decided to have a general discussion on the provisions of the Bill in respect of the following matters:—

- (1) Period of permits.
- (2) Restrictions on distance.
- (3) Laden weight and Axle Weight.
- (4) Viable units to function as operators.
- (5) Composition of the Boards etc.
- (6) Punishments.
- (7) Compensation.

3. The Committee then discussed the above points *seriatim*.

4. As regards point (1), the opinion of the Committee was that the minimum period for a permit should be raised to five years.

5. As regards point (2), the Committee felt that there should be no limit put on the distance a vehicle should be allowed to ply.

6. As regards point (4), the Committee were of the view that there should be scope for individual operators also to function.

7. As regards point (5), the Committee were of the view that—

- (i) the Road Transport Authority, the State Transport Authority, Inter-State Transport Board etc., should be composed of not less than 3 members;
- (ii) the boards should, subject to rules and regulations laid down by Government, be autonomous bodies.
- (iii) there should be provision for appeal against the decision of the above boards.
- (iv) it is not necessary to give representation to operators on these Boards.

8. As regards point (6), the Committee felt that the punishments proposed in the Bill might be examined on merits when the respective clauses are considered.

9. As regards point (7), the Committee felt that so far as refusal of renewal was concerned operators who were compelled to go out of business should be given some compensation. The Committee also felt that compensation should be paid to the operators for taking over their assets.

10. The Committee then adjourned to meet again at 3 P.M. on Thursday, the 25th October, 1956.

V

Fifth Sitting

The Committee met from 3 P.M. to 5-25 P.M. on Thursday, the 25th October, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri M. L. Dwivedi
4. Shri Amarnath Vidyalkar
5. Shri M. K. Shivananjappa
6. Shri Ram Sahai Tiwari
7. Shri Basanta Kumar Das
8. Shri Bhupendra Nath Misra
9. Sardar Iqbal Singh
10. Shri Raghunath Singh
11. Shri Shree Narayan Das
12. Shri Rameshwar Sahu
13. Shri T. B. Vittal Rao
14. Shri K. Ananda Nambiar
15. Shri Y. Gadilingana Gowd
16. Shri U. M. Trivedi
17. Shri Bahadur Singh

Rajya Sabha

18. Shri H. P. Saksena
19. Shri P. D. Himatsingka
20. Shri Amar Nath Agrawal
21. Dr. Purna Chandra Mitra
22. Dr. R. P. Dube
23. Shri K. P. Madhavan Nair
24. Shri R. P. Sinha
25. Dr. Radha Kumud Mookerji
26. Shri Lal Bahadur Shastri.

DRAFTSMEN

Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

Shri N. Swaminathan, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri N. M. Ayyar, *Secretary, Ministry of Transport.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Committee took up clause by clause consideration of the Bill.

3. *Clause 2.*—The following amendment was adopted:

In page 2, line 34,—
for “seven” substitute “six”.

The draftsman was directed to examine whether any reference should be made to the Inter-State Board also in the definition of ‘permit’ contained in clause 20 of Section 2 of the Principal Act.

Subject to the above, the clause was adopted.

4. *Clauses 3 & 4.*—These clauses were adopted without any amendment.

5. *Clause 5.*—The following amendment was adopted—

In page 3,—
for lines 25 to 28 substitute—

“(a) that the applicant has previously held a licence to drive and that the period between the date of expiry of the last licence and the date of such application does not exceed five years; or”.

6. *Clauses 6 to 8.*—These clauses were adopted without any amendment.

7. *Clause 9.*—The Draftsman stated that he proposed to amalgamate clauses (a) & (b) of new Section 10 and re-cast the same from drafting point of view.

Subject to the above, the clause was adopted.

8. *Clause 10.*—This clause was adopted without any amendment.

9. The Committee then adjourned to meet again at 2-30 P.M. on Friday, the 26th October, 1956.

VI

Sixth Sitting

The Committee met from 2-30 P.M. to 5-30 P.M. on Friday, the 26th October, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri Fulsinhji B. Dabhi
4. Shri M. L. Dwivedi
5. Shri Amarnath Vidyalankar
6. Shri M. K. Shivananjappa
7. Shri Suriya Prashad
8. Shri Ram Sahai Tiwari
9. Shri Basanta Kumar Das
10. Shri Bhupendra Nath Misra
11. Shri Raghunath Singh
12. Shri Shree Narayan Das
13. Shri Rameshwar Sahu
14. Shri T. B. Vittal Rao
15. Shri K. Ananda Nambiar
16. Shri Y. Gadilingana Gowd
17. Shri U. M. Trivedi.

Rajya Sabha

18. Shri H. P. Saksena
19. Shri P. D. Himatsingka
20. Dr. Purna Chandra Mitra
21. Dr. R. P. Dube
22. Shri K. P. Madhavan Nair
23. Shri R. P. Sinha
24. Dr. Radha Kumud Mookerji.

DRAFTSMAN

Shri N. Swaminathan, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri N. M. Ayyar, *Secretary, Ministry of Transport.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clauses 11 and 12.*—These clauses were adopted without any amendment.

4. *Clause 13.*—The following Government amendment was accepted:—

In page 8,—

for lines 6 to 11, *substitute*,—

“(ii) the words ‘and are used for Government purposes unconnected with any commercial enterprise’ shall be inserted at the end.”

The clause as amended was adopted.

5. *Clauses 14 to 17.*—These clauses were adopted without any amendment.

6. *Clause 18.*—The following amendments were accepted:—

(i) In page 9, line 41,—

for “the same as” *substitute*,—

“one half of”

(ii) In page 10, line 16,—

for “any disease” *substitute*,—

“any incurable disease”

(iii) In page 10, line 37,—

for “two years” *substitute*,—

“one year”

(iv) In page 12, line 19,—

for “functions” *substitute*,—

“duties and functions”.

The clause as amended was adopted.

7. *Clauses 19 and 20.*—These clauses were adopted without any amendment.

8. The following amendment was accepted.—

In page 13, line 8—

for “on behalf of” *substitute*,—

“with the written consent of”

The clause as amended was adopted.

9. *Clauses 22 to 27*.—These clauses were adopted without any amendment.

10. *Clause 28*.—The substituted section 32 was adopted.

The proposed section 32A was held over.

11. The *Clauses 29 to 32*.—These clauses were adopted without any amendment.

12. *Clause 33*.—The following amendments were accepted:—

In page 19,—

(i) line 21,—

for “one year” *substitute*,—

“two years”;

(ii) lines 21, 22,—

for “three months” *substitute*,—

“six months”

The Clause as amended was adopted.

13. *Clauses 34 and 35*.—These clauses were adopted without any amendment.

14. The Committee then adjourned to meet again at 2-30 P.M. on Saturday, the 27th October, 1956.

VII

Seventh Sitting

The Committee met from 2-30 P.M. to 6 P.M. on Saturday, the 27th October, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri Fulsinhji B. Dabhi
4. Shri M. K. Shivananjappa
5. Shri Suriya Prashad
6. Shri Ram Sahai Tiwari
7. Shri Basanta Kumar Das
8. Shri Bhupendra Nath Misra
9. Sardar Iqbal Singh
10. Shri Shree Narayan Das
11. Shri Rameshwar Sahu
12. Shri T. B. Vittal Rao
13. Shri K. Ananda Nambiar
14. Shri Y. Gadilingana Gowd
15. Shri Bahadur Singh.

Rajya Sabha

16. Shri H. P. Saksena
17. Shri P. D. Himatsingka
18. Dr. R. P. Dube
19. Shri K. P. Madhavan Nair
20. Shri R. P. Sinha
21. Dr. Radha Kumud Mookerji.

DRAFTSMAN

Shri N. Swaminathan, *Deputy Draftsman, Ministry of Law*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri N. M. Ayyar, *Secretary, Ministry of Transport.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 36.*—The clause was held over.

4. *Clause 37.*—The clause was held over.

5. *Clause 38.*—The Committee decided that the Chairman of a Regional Transport Authority, State Transport Authority or Inter-States Board must be a person who has been a District Judge or is qualified to be a District Judge.

The Draftsman was directed to suitably provide for the same.

6. *Clauses 39 and 40.*—These clauses were adopted without any amendment.

7. *Clause 41.*—The Committee felt that while considering the application for a stage carriage permit the Regional Transport Authority should give preference to application from Co-operatives over individual operators.

The draftsman was directed to make necessary provisions accordingly.

The following amendment was also accepted:

In page 24, line 4,—

for "limit" substitute "increase, decrease or limit."

8. *Clauses 42 to 47.*—These clauses were adopted without any amendment.

9. *Clause 48.*—The Committee felt that the particulars to be given under the new Section 54 should also include information whether the applicant is a Co-operative.

The draftsman was directed to suitably provide for the same.

Subject to the above the clause was adopted.

10. *Clause 49.*—The Committee felt that in the case of applications for public carriers permit, preference should be given to the applications from co-operatives over the applications from individual operators.

The draftsman was directed to make necessary provision accordingly.

The following amendment was also accepted:—

In page 30, line 6,—

for “limit” substitute,—

“increase, decrease or limit”.

11. *Clause 50.*—The following amendment was accepted—

(i) In page 30,—

Omit lines 19 to 22; and

(ii) In page 31,—

Omit lines 24 to 39.

The clause as amended was adopted.

12. *Clause 51.*—The clause was adopted without any amendment.

13. *Clause 52.*—The clause was held over.

14. *Clause 53.*—The clause was adopted without any amendment.

15. *Clause 54.*—Consideration of this clause was taken up but not concluded.

16. The Committee then adjourned to meet again at 9 A.M. on Monday, the 29th October, 1956.

VIII

Eighth Sitting

The Committee met from 9 A.M. to 1-15 P.M. and 3 P.M. to 4-45 P.M. on Monday, the 29th October, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri Amarnath Vidyalkar
4. Shri M. K. Shivananjappa
5. Shri Suriya Prasad
6. Shri Ram Sahai Tiwari
7. Shri Basanta Kumar Das
8. Shri Bhupendra Nath Misra
9. Sardar Iqbal Singh
10. Shri Shree Narayan Dass
11. Shri Rameshwar Sahu
12. Shri T. B. Vittal Rao
13. Shri K. Ananda Nambiar
14. Shri Y. Gadilingana Gowd
15. Shri Bahadur Singh

Rajya Sabha

16. Shri H. P. Saksena
17. Shri P. D. Himatsingka
18. Shri Amar Nath Agrawal
19. Dr. Purna Chandra Mitra
20. Dr. R. P. Dube
21. Shri R. P. Sinha
22. Shri S. N. Mazumdar
23. Dr. Radha Kumud Mookerji
24. Shri Lal Bahadur Shastri.

DRAFTSMAN

Shri N. Swaminathan, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri N. M. Ayyar, *Secretary, Ministry of Transport.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 36.*—(Vide para 3 of the minutes dated the 27th October, 1956) The Committee adopted the following revised clause in substitution of the original clause:—

In page 20,

for lines 14 to 26, *substitute*,—

“36. In section 42 of the Principal Act—

(a) in sub-section (3)—

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

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

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

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

(iii) in clause (h), the words “or any French or Portuguese Settlement bounded by India” shall be omitted; and before the word ‘used’, the word ‘and’ shall be inserted;

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

‘(i) except as may otherwise be prescribed, to any goods vehicle, being a light motor vehicle not plying for hire or reward or to any two wheeled trailer with a registered laden weight not exceeding 1700 pounds avoirdupois drawn by a motor car.’

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

4. *Clause 37.*—(*Vide* para 4 of the minutes dated the 27th October, 1956) The following amendment was accepted:—

In page 21,—

after line 5, *insert*,—

“(iii) regarding the grant of permits for alternative routes or areas, to persons in whose cases the existing permits are cancelled or the terms thereof are modified in exercise of the powers conferred by clause (b) or clause (c) of sub-section (2) of section 68-F.”

The clause as amended was adopted.

5. *Clause 52.*—(*Vide* para 13 of the minutes dated the 27th October, 1956) The Committee felt that in the case of goods carriers permits should be granted for a period not less than five years.

The Committee further felt that other conditions being equal, an application for renewal of permit should be given preference over a new application for permit, for one term.

The Draftsman was directed to recast the clause accordingly.

6. *Clauses 54 to 56.*—These clauses were adopted without any amendment.

7. *Clause 57.*—The Committee decided that instead of two separate authorities, namely, the Inter-State Transport Authority and the Central Transport Authority, there need be only a central Inter-State Transport Commission appointed by the Central Government with powers to co-opt representatives from concerned States in respect of particular matters.

The Committee were further of the view that in the exercise of powers by the above Commission some distinction should be made between passenger traffic and goods traffic.

The Draftsman was directed to place a revised draft of the clause before the Committee.

8. *Clauses 58 to 60.*—These clauses were adopted without any amendment.

9. *Clause 61.*—The Committee felt that some provision should be made in the principal Act empowering State Governments to frame rules regarding the controlling and licensing of booking agencies.

The Draftsman was directed to incorporate suitable amendments in the Bill.

10. *Clause 62.*—The Committee reopened their earlier decision regarding compensation (*Vide* para 9 of the Minutes dated the 24th October, 1956) and arrived at the following decision:—

- (1) No compensation need be paid to operators on account of refusal of renewal of permits.
- (2) It need not be compulsory for the Government to take over the assets of the operators who were compelled to go out of business, in view of the increased rates of compensation now being proposed in the Bill.

The following amendments were also accepted:—

(a) In page 42, line 20,—

for “any Corporation” *substitute*

“any Municipality or any Corporation or any Company”.

(b) In page 45,—

(i) line 5, for “one hundred”

read “two hundred”

(ii) line 8, for “fifty rupees”

read “one hundred rupees”.

(iii) line 12, for “two hundred”

read “four hundred”

The clause as amended was adopted.

11. The Committee rose at 1-15 P.M. and re-assembled at 3 P.M.

12. *Clauses 63 to 71.*—These clauses were adopted without any amendment.

13. *Clause 72.*—The following amendment was accepted:—

In page 50, lines 18-19,—

omit “or of the corresponding law of the State of Jammu and Kashmir”

The clause as amended was adopted.

14. *Clause 73.*—The following amendments were accepted:—

(i) In page 50, for lines 33 to 36, *substitute*,—

“(2) sub-section (1) shall not apply to any vehicle owned by the Central Government or State Government and used for Government purposes unconnected with any commercial enterprise.”

(ii) In page 51, lines 5-6,—

for “a commercial purpose or for the purposes of a commercial department” *substitute*,—

“Government purposes unconnected with any commercial enterprise.”

The Clause as amended was adopted.

15. *Clauses 74 and 75.*—These clauses were adopted without any amendment.

16. *Clause 76.*—The following Government amendment was accepted—

In page 53, lines 13-14,—

omit “of the State of Jammu and Kashmir or”.

17. *Clauses 77 to 79.*—These clauses were adopted without any amendment.

18. *Clause 80.*—The following amendments were accepted:—

(i) In page 56,—

line 26, for “thirty days” *substitute*, “sixty days”; and

line 29, for “thirty days” *substitute*, “sixty days”.

(ii) In page 57, line 36,—

after “taken by” *insert* “or before”

The clause as amended was adopted.

19. *Clauses 81 and 82.*—These clauses were adopted without any amendment.

20. *Clause 83.*—The following amendment was accepted:—

In page 58, line 24,—

for “five hundred rupees” *substitute*,—

“three hundred rupees.”

The clause as amended was adopted.

21. *Clause 84.*—The Committee felt that in Section 113 of the principal Act in providing penalty, a distinction should be made between the offence of wilful disobedience of any direction and withholding or giving false information. The Committee was of the view that for the punishment for the disobedience of any direction should be confined to fine, whereas in the case of the latter category of offences the punishment might be both fine and imprisonment as provided in the said section.

The Draftsman was directed to provide for necessary changes in this clause.

22. *Clause 85.*—The following amendments were accepted:—

In page 59,—

- (i) line 9 for “three months” substitute “one month”.
- (ii) line 10, for “five hundred rupees” substitute “one hundred rupees”

The clause as amended was adopted.

23. *Clauses 86 to 89.*—These clauses were adopted without any amendment.

24. *Clause 90.*—The following amendments were accepted:—

- (i) In page 59, lines 41-42,—
omit “with imprisonment which may extend to three months”
- (ii) In page 60, line 1,—
omit “or with both”

The clause as amended was adopted.

25. *Clauses 91 to 93.*—These clauses were adopted without any amendment.

26. *Clause 94.*—The following Government amendments were accepted:—

- (i) In page 61,—
for lines 29 to 32, substitute—
“(a) in sub-section (2)—
 - (i) after the words “authorised on this behalf”, the words “or other person authorised in this behalf” shall be inserted;
 - (ii) the words, brackets and figure “and the said court shall, on the first appearance of such driver before it, return the licence to him in exchange for the temporary acknowledgement given under sub-section (3)” shall be inserted at the end;”
- (ii) In page 61,—
for lines 33 and 34 substitute—
“(b) in sub-section (3)—
 - (i) for the words “A police officer” the words “A police officer or other person” shall be substituted;

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

(iii) In page 61,—

line 36, after "officer" insert "or other person".

(iv) In page 61,—

line 37, for "magistrate or police officer" substitute "magistrate, police officer or other person".

(v) In page 62,—

lines 2 and 3, for "or the police officer" substitute "police officer or other person"

The clause as amended was adopted.

27. *Clauses 95 and 96.*—These clauses were adopted without any amendment.

28. *Clause 97.*—This clause was omitted.

29. *Clause 98.*—This clause was adopted without any amendment.

30. *Clause 99.*—The following Government amendments were accepted:—

(i) In page 66,—

after line 15, insert,—

"Certificate of test of ability to drive.

The applicant has passed/failed in the test specified in the Third Schedule to the Motor Vehicles Act, 1939. The test was conducted on a (here enter description of vehicle).

on date

Signature of
Testing Authority

Duplicate signature or thumb
impression of applicant."

(ii) In page 66,—

after line 31, insert,—

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

(iii) In page 68,—

for lines 17 to 22, substitute,—

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

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

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

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

(iv) In page 69,—

after line 5, insert,—

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

(v) In page 69,—

after line 24, insert,—

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

“THE SIXTH SCHEDULE

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

REGISTRATION MARKS

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

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

Substitution
of new
Schedule
for Sixth
Schedule.

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

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

31. The Committee then adjourned to meet again at 4 P.M. on Friday, the 16th November, 1956.

IX

Ninth Sitting

The Committee met from 4 P.M. to 5-55 P.M. on Friday the 16th November, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri Rohanlal Chaturvedi
4. Shri Krishnacharya Joshi
5. Shri Ram Sahai Tiwari
6. Sardar Iqbal Singh
7. Shri Sitanath Brohmo Chaudhury
8. Shri Raghunath Singh
9. Shri Shree Narayan Das
10. Shrimati Sushama Sen
11. Shri Rameshwar Sahu
12. Shri K. Ananda Nambiar
13. Shri U. M. Trivedi
14. Shri Bahadur Singh
15. Shri O. V. Alagesan

Rajya Sabha

16. Shri T. J. M. Wilson.
17. Shri H. P. Saksena
18. Shri P. D. Himatsingka
19. Sardar Raghbir Singh Panjhazari
20. Shri Amar Nath Agrawal
21. Dr. Purna Chandra Mitra
22. Dr. R. P. Dube
23. Shri K. P. Madhavan Nair
24. Shri R. P. Sinha

25. Shri S. N. Mazumdar
26. Dr. Radha Kumud Mookerji
27. Shri T. Bhaskara Rao
28. Shri Lal Bahadur Shastri

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri N. M. Ayyar, *Secretary, Ministry of Transport.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Committee took up discussion of the clauses which were referred to the Draftsman and the Bill as amended.

3. *Clause 2.*—(Vide para 3 of the minutes of the 5th sitting dated 25th October, 1956).

The following further amendments were accepted:—

- (i) In page 1, of the Bill as amended,—
after line 11, insert,—

“(2A). “Commission” means the Inter-State Transport Commission constituted under section 63A;”

- (ii) In page 2 of the Bill as amended,—
after line 35, insert,—

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

4. *Clause 38.*—(Vide para 5 of the minutes of the 7th sitting dated the 27th October, 1956)

The following amendment was accepted:—

- In page 32 of the Bill as amended,—
in lines 5 to 6,—

for “is, or has been, or is qualified appointment as, a District Judge” substitute,—“has had judicial experience”.

5. *Clause 41.*—(Vide para 7 of the minutes of the 7th sitting dated the 27th October, 1956)

The following amendment was accepted:—

- In page 24 of the Bill as amended,—
lines 32-33,

for “increase, decrease or limit” substitute,—“limit”.

6. *Clause 52.*—(Vide para 5 of the minutes of the 8th sitting dated the 29th October, 1956)

The Committee considered their earlier decision whether an application for the first renewal of a permit should be given preference over a new application and they decided to omit the second proviso to section 58(2) and they were of opinion that the existing proviso to section 58(2) need not be interfered with.

7. *Clause 57.*—(Vide para 7 of the minutes of the 8th sitting dated the 29th October, 1956). The revised draft of this clause, as incorporated in the Bill as amended was adopted.

8. *Clause 61.*—(Vide para 9 of the minutes of the 8th sitting dated the 29th October, 1956) regarding the Committee's decision that some provision should be made in the Act empowering the State Government to frame rules for regulating the controlling and licensing of booking agencies. After some discussion it was felt that necessary powers already existed under the proposed clause (ww) to section 68(2) of the principal Act and the Committee did not think it necessary to move any further provision in this respect.

9. *Clause 21.*—The Committee reopened discussion on this clause. They revised their earlier decision and decided that in the case of Joint owners of motor vehicles the written consent of all the owners is not necessary for registering the vehicle in the name of one of the owners.

The clause in the Bill as introduced was adopted without any amendment.

10. *Clause 36.*—The following amendment was accepted:—

In page 20 of the Bill as amended,—

after line 14, insert,—

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

11. *Clause 1.*—The clause was adopted.

12. The Bill as amended was then adopted.

13. The Committee decided to consider the draft Report at their next sitting.

14. The Committee also decided that minutes of dissent, if any, be submitted by 6 P.M. on Monday, the 19th November, 1956.

15. The Committee then adjourned to meet again at 4 P.M. on Monday, the 19th November, 1956.

X

Tenth Sitting

The Committee met from 4 P.M. to 4-15 P.M. on Monday the 19th November, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

Lok Sabha

2. Shri K. L. More
3. Shri C. C. Shah
4. Shri Ram Sahai Tiwari
5. Sardar Iqbal Singh
6. Shri Shree Narayan Das
7. Shrimati Sushama Sen
8. Shri Rameshwar Sahu
9. Shri U. M. Trivedi
10. Shri Bahadur Singh
11. Shri O. V. Alagesan

Rajya Sabha

12. Shri H. P. Saksena
13. Shri P. D. Himatsingka
14. Sardar Raghbir Singh Panj hazari
15. Shri Amar Nath Agrawal
16. Dr. Purna Chandra Mitra
17. Shri K. P. Madhavan Nair
18. Shri R. P. Sinha
19. Shri S. N. Mazumdar
20. Dr. Radha Kumud Mookerji
21. Shri T. Bhaskara Rao.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri N. M. Ayyar, *Secretary, Ministry of Transport.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Committee considered the draft Report and adopted the same with certain verbal changes.
3. The Committee authorised the Chairman to present the Report on their behalf.
4. The Committee also authorised the Chairman to lay the evidence on the Table of the House on the same day after the presentation of the Report.
5. The Committee authorised Shri Amar Nath Agrawal to lay the Report of the Committee and the evidence on the Table of the Rajya Sabha.
6. The Committee decided that Minutes of Dissent, if any, should be sent to the Lok Sabha Secretariat so as to reach them by 10 A.M. on Tuesday, the 20th November, 1956.
7. The Committee then adjourned at 4-15 P.M.