

# **Tamil Nadu Motor Vehicles (Special Provision) (Cancellation of Variations of Conditions of Permit) Act, 1996**

TAMILNADU

India

## **Tamil Nadu Motor Vehicles (Special Provision) (Cancellation of Variations of Conditions of Permit) Act, 1996**

### **Act 19 of 1996**

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Tamil Nadu Motor Vehicles (Special Provision) (Cancellation of Variations of Conditions of Permit) Act, 1996(Tamil Nadu Act 19 of 1996)Statement of Objects and Reasons - Tamil Nadu Motor Vehicles (Special Provision) (Cancellation of Variations of Conditions of Permit) Act, 1996 (Tamil Nadu Act 19 of 1996). - An Explanation to rule 4 of Tamil Nadu Motor Vehicles (Special Provisions) Rules, 1995 has been added and published in Tamil Nadu Government Gazette, dated 24th January 1996. A number of variations have been made in respect of the routes and other conditions of permit, by the Regional Transport Authorities based on the said Explanation to the said rule 4, which has resulted in undue hard ships and sufferings to the travelling public.<sup>2</sup> The Government have considered that it is necessary to remove such undue hardships and sufferings to the travelling public. Therefore, an amendment to the said rules has been issued in G.O. Ms. No. 758, Home, dated 25th May 1996 and published in Tamil Nadu Government Gazette, on 25th May 1996 for omitting the said Explanation to the said rule 4. The Government have decided, in the public interest, to cancel the variations of conditions of permit already made based on the said Explanation to the said rule 4, and to restore the conditions of permits, as they stood before such variations. The Government have also decided to empower, the Regional Transport Authorities to review such cancelled variations either suo motu or on an application, and to restore such variation if, in exceptional cases, the variation did not result in undue hardship or suffering to the travelling public.<sup>3</sup> The Bill seeks to give effect to the above decision.Published In Part IV - Section 1 of the Government Gazette Extraordinary, dated the 31st May, 1996.Received the assent of President on 3rd July, 1996, and first published in Part IV -Section 2 of the Government Gazette Extraordinary, dated 4th July, 1996.An Act to cancel certain variations of conditions of permit granted under the Tamil Nadu Motor Vehicles (Special Provision) Act, 1992.Whereas in G.O. Ms. No. 1935, Home (Transport-III) Department, dated 29th day of December 1995, an Explanation to rule 4 of the Tamil Nadu Motor Vehicles (Special Provisions) Rules, 1995, has been added and published in the

Tamil Nadu Government Gazette, dated 24th January, 1996; And Whereas in G.O. Ms. No. 26, Home (Transport-III) Department, dated 6th January 1996, the first proviso to sub-rule (4) of rule 4 of the Tamil Nadu Motor Vehicles (Special Provisions) Rules, 1995, has been substituted and published in the Tamil Nadu Government Gazette, dated 31st January 1996; And Whereas by virtue of the said Explanation and proviso, the Regional Transport Authorities have varied certain conditions of permit of stage carriages under sub-section (2) of section 6 of the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992 (Tamil Nadu Act 41 of 1992); And Whereas such variations of the conditions of permit of stage carriages have resulted in undue hardships and sufferings to the travelling public; And Whereas it is considered necessary to remove such undue hardship and sufferings to the travelling public; And Whereas it is considered necessary in the public interest to cancel such variations of conditions of permit of stage carriages and to restore the conditions of permits, as they stood before the variations; Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-seventh Year of the Republic of India as follows: -

## **1. Short title.**

- This Act may be called the Tamil Nadu Motor Vehicles (Special Provisions) (Cancellation of Variations of Conditions of Permit) Act, 1996.

## **2. Definition.**

- Words and expressions used herein shall have the same meanings respectively assigned to them in the Motor Vehicles Act, 1988 (Central Act 59 of 1988), and the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992 (Tamil Nadu Act 41 of 1992).

## **3. Cancellation of certain variations of conditions of permit.**

- Notwithstanding anything contained in the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992 (Tamil Nadu Act 41 of 1992) or in any other law for the time being in force or in any judgment, decree or order of Court, Tribunal or other authority, any condition of permit of stage carriage of a small operator varied by the Regional Transport Authority during the period commencing on the 24th day of May 1996, based on the Explanation (as it stood prior to the 25th May 1996) to rule 4 of the Tamil Nadu Motor Vehicles (Special Provisions) Rules, 1995 made under the provisions of the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992, (Tamil Nadu Act 41 of 1992) shall stand cancelled and such permit as it stood prior to the 24th day of January 1996, shall have effect as if no such variation has been made.

## **4. Restoration or variation.**

- Notwithstanding anything contained in section 3, the Regional Transport Authority may, on an application, if, in any exceptional case, he is of the opinion that any variation of the conditions of permit of a stage carriage which stands cancelled under section 3, did not result in undue hardship or suffering to the travelling public, he may restore such variation and such variation shall be

deemed to be a variation made under sub-section (2) of section 6 of the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992 (Tamil Nadu Act 41 of 1992).