

THE MOTOR VEHICLES ACT, 1988

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THE MOTOR VEHICLES ACT, 1988

(Act 59 of 1988)

[14th October 1988]

An Act to consolidate and amend the law relating to motor vehicles

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement: --

(1) This Act may be called the Motor Vehicles Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the official Gazette, appoint; and different dates may be appointed for different States and any reference in this Act to the commencement of this Act shall, in relation to a State, be construed as a reference to the coming into force of this Act in that State.

1. Came into force on 1-7-1989. Vide S.O. 436 (E), dated 12th June 1989, published in the Gazette of India, Extra. Pt.II, Sec. 3(ii), dated 12th June 1989.

2. Definitions: -- In this Act, unless the context otherwise requires, --

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

- (2) “Articulated vehicle” means a motor vehicle to which a semi trailer is attached;**
- (3) “Axle weight” means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface on which the vehicle rests;**
- (4) “Certificate of registration” means the certificate issued by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter IV;**
- (5) “Conductor”, in relation to a stage carriage, means a person engaged in collecting fares from passengers, regulating their entrance into or exit from, the stage and performing such other functions as may be prescribed;**
- (6) “Conductor’s licence” means the licence issued by a competent authority under Chapter III authorizing the person specified therein to act as a conduct;**
- (7) “Contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum—**

(a) On a time basis, whether or not with reference to any route or distance: or

(b) From one point to another,

And in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes—

(i) A maxi cab; and

(ii) A motorcar notwithstanding that separate fares are charged for its passengers;

(8) “Dealer” includes a person who is engaged—

(a) 1 [* * *]

(b) In building bodies for attachment to chassis; or

(c) In the repair of motor vehicles; or

- (d) In the business of hypothecation, leasing or hire-purchase of motor vehicle**
- (9) “Driver” includes, in relation to a motor vehicle which is drawn by another motor vehicle, the person who acts as a steersman of the drawn vehicle;**
- (10) “Driving license” means the licence issued by a competent authority under Chapter II authorizing the person specified therein to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified class or description;**
- (11) “Educational institution bus” means an omnibus, which is owned by a college, school or other education institution and used solely for the purpose of transporting students or staff of the educational institution in connection with any of its activities;**
- (12) “Fares” includes sums payable for a season ticket or in respect of the hire of a contract carriage;**
- (13) “Goods” includes livestock, and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to a motor car or the personal luggage of passengers travelling in the vehicle;**

(14) “Goods carriage” means any motor vehicle constructed or adapter for use solely for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods;

(15) “Gross vehicle weight” means in respect of any vehicle the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle;

(16) “Heavy goods vehicle” means any goods carriage the gross vehicle weight of which, or a tractor or a road-roller the unladen weight of either of which, exceeds 12,000 Kilograms;

(17) “Heavy passenger motor vehicle” means any public service vehicle or private service vehicle or educational institution bus or omnibus the gross vehicle weight of any of which, or a motor car the unladen weight of which, exceeds 12,000 Kilograms;

(18) “Invalid carriage” means a motor vehicle specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person;

(19) “Learner’s licence” means the licence issued by a competent authority under Chapter II authorizing the person specified therein to drive as a learner, a motor vehicle or a motor vehicle of any specified class or description;

(20) “Licensing authority” means an empowered to issue licences under Chapter II or, as the case may be, Chapter III;

(21) “Light motor vehicle” means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed ²[7.500] kilograms;

³[(21-A)“manufacture” means a person who is engaged in the manufacture of motor vehicles;]

(22) “Maxi cab” means any motor vehicle constructed or adapted to carry more than six passengers, but not more than twelve passengers, excluding the driver, for hire or reward;

(23) “Medium goods vehicle” means any goods carriage other than a light motor vehicle or a heavy goods vehicle;

(24) “Medium passenger motor vehicle” means any public service vehicle or private service vehicle, or educational institution bus other than a motor cycle, invalid carriage, light motor vehicle or heavy passenger motor vehicle;

(25) “Motor cab” means any motor vehicle constructed or adapted to carry not more than six passengers excluding the driver for hire or reward;

(26) “Motor car” means any motor vehicle other than a transport vehicle, omnibus, road-roller, tractor, motor cycle or invalid carriage;

(27) “Motor cycle” means a two-wheeled motor vehicle, inclusive of any detachable side-car having an extra wheel, attached to the motor vehicle;

(28) “Motor vehicle” or “vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding ⁴[twenty-five cubic centimeters] ;

(29) “Omnibus” means any motor vehicle constructed or adapted to carry more than six person excluding the driver;

(30) “Owner” means a person in whose name a motor vehicle stands registered, and where such person is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;

(31) “Permit” means a permit issued by a State or Regional Transport Authority or an authority prescribed in this behalf under this Act authorizing the use of a motor vehicle as a transport vehicle;

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

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

(34) “Public place” means a road, street, way or other place, whether a thorough-fare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage;

(35) “Public service vehicle” means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a maxi cab, a motor cab, contract carriage, and stage carriage;

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

(37) “Registering authority” means an authority empowered to register motor vehicles under Chapter IV;

(38) “Route” means a line of travel which specifies the highway which may be traversed by a motor vehicle between one terminus and another;

5[(39) “semi- trailer” means a vehicle not mechanically propelled (other than a trailer), which is intended to be connected to a motor vehicle and which is so constructed that a portion of it is super-imposed on, and a part of whose weight is borne by that motor vehicle;]

(40) “Stage carriage” means a motor vehicle constructed or adapted to carry more than six passengers excluding the driver for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey;

(41) “State Government” in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution;

(42) “State transport undertaking” means any undertaking providing road transport service, where such undertaking is carried on by, --

(i) The Central Government or a State Government;

(ii) Any Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950 (64 of 1950);

(iii) Any municipality or any corporation or company owned or controlled by the Central Government or one or more State Governments, or by the Central Government and one or more State Governments.

⁶[(iv) Zila Parishad or any other similar local authority.]

Explanation: -- For the purpose of this clause, “road transport service” means a service of motor vehicles carrying passengers or goods or both by road for hire or reward;

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

(44) “Tractor” means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion); but excludes a road-roller;

(45) “Traffic signs” includes all signals, warning sign posts, direction posts, and markings on the road or other devices for the information, guidance or direction of drivers of motor vehicles;

(46) “Trailer” means any vehicle, other than a semi-trailer and a side-car, drawn or intended to be drawn by a motor vehicle;

(47) “Transport vehicle” means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle;

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

(49) “Weight” means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests;

1. Sub- clause (a) omitted by Act 54 of 1994, sec. 2 (w.e.f. 14-11-1994).

2. Sub. By Act 54 of 1994, sec. 2, for “6000” (w.e.f. 14.11.1994).

3. Ins. by Act 54 of 1994, sec. 2 (w. e. f. 14.11.1994).

4. **Subs. by Act 54 of 1994, sec. 2, for “thirty-five cubic centimeters” (W.e.f.14-11-994).**
5. **Subs. By Act 54 of 1994, sec. 2, for clause (39) (w.e.f.14-11-1994)**
6. **Ins. By Act 54 of 1994, sec. 2 (w.e.f.14-11-1994).**

CHAPTER II

LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Necessity for driving licence: --

(1) No person shall drive a motor vehicle in any public place unless he holds effective driving licence issued to him authorizing him to drive the vehicle; and no person shall so drive a transport vehicle [other than ¹[a motor cab or motor cycle] hired for his own use or rented under any scheme made under sub-section (2) of section 75] unless his driving licence specifically entitles him so to do.

(2) The conditions subject to which sub-section (1) shall not apply to a person receiving instruction in driving a motor vehicle shall be such as may be prescribed by the Central Government.

1. Subs. By Act 54 of 1994, sec. 3, for “a motor cab” (w.e.f.14-11-1994).

4. Age limit in connection with driving of motor vehicles: --

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

Provided that ¹[a motor cycle with engine capacity not exceeding 50cc] may be driven in a public place by a person after attaining the age of sixteen years.

(2) Subject to the provisions of section 18, no person under the age of twenty years shall drive a transport vehicle in any public place.

(3) No learner’s licence or driving licence shall be issued to any person to drive a vehicle of the class to which he has made an application unless he is eligible to drive that class of vehicle under this section.

1. Subs. By Act 54 of 1994, sec. 4, for “a motor cycle without gear” (w.e.f.14-11-1994)

5. Responsibility of owners of motor vehicle for contravention of sections 3 and 4: -- No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle.

6. Restrictions on the holding of driving licences: --

(1) No person shall, while he holds any driving licence for the time being in force, hold any other driving licence except a learner's licence or a driving licence issued in accordance with the provisions of section 18 or a document authorizing, in accordance with the rules made under section 139, the person specified therein to drive a motor vehicle.

(2) No holder of a driving licence or a learner's licence shall permit it to be used by any other person.

(3) Nothing in this section shall prevent a licensing authority having the jurisdiction referred to in sub-section (1) of section 9 from adding to the classes of vehicles, which the driving licence authorizes the holder to drive.

7. Restrictions on the granting of learner's licences for certain vehicles: --

¹[(1) No person shall be granted a learner's licence to drive a transport vehicle unless he has held a driving licence to drive a light motor vehicle for at least one year.]

(2) No person under the age of eighteen years shall be granted a learner's licence to drive a motorcycle without gear except with the consent in writing of the person having the care of the person desiring the learner's licence.

1. Subs. By Act 54 of 1994, sec. 5, for sub-section (1) (w.e.f.14-11-1994).

8. Grant of learner's licence: --

(1) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving licence may, subject to the provisions 7, apply to the licensing authority having jurisdiction in the area—

(i) In which he ordinarily resides or carries on business, or

(ii) In which the school or establishment referred to in section 12 from where he intends to receive instruction in driving a motor vehicle is situate,

For the issue to him of a learner's licence

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

(3) Every application under sub-section (1) shall be accompanied by a medical certificate in such form as may be prescribed by the Central Government and signed by such registered medical practitioner, as the State Government or any person authorised in this behalf by the State Government may, by notification in the Official Gazette, appoint for this purpose:

¹[Provided that no such medical certificate is required for licence to drive a vehicle other than a transport vehicle.]

(4) If, from the application or from application or medical certificate referred to in sub-section (3), it appears that the applicant is suffering from any disease or disability which is likely to cause the driving by him of a motor vehicle of the class which he would be authorized by the learner's licence applied for to drive to be a source of danger to the public or to the passengers, the licensing authority shall refuse to issue the learner's licence:

Provided that a learner's licence limited to driving an invalid carriage may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage.

(5) No learner's licence shall be issued to any applicant unless he passes to the satisfaction of the licensing authority such test as may be prescribed by the Central Government.

(6) When an application has been duly made to the appropriate licensing authority and the application has satisfied such authority of his physical fitness under sub-section (3) and has passed to the

satisfaction of the licensing authority the test referred to in sub-section (5), the licensing authority shall, subject to the provisions of section 7, issue the applicant a learner's licence unless the applicant is disqualified under section 4 for driving a motor vehicle or is for the time being disqualified for holding or obtaining a licence to drive a motor vehicle:

Provided that a licensing authority may issue a learner's licence to drive a motor cycle or a light motor vehicle notwithstanding that it is not appropriate licensing authority, if such authority is satisfied that there is good reason for the applicant's inability to apply to the appropriate licensing authority.

(7) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of persons from the provisions of sub-section (3), or sub-section (5), or both.

(8) Any learner's licence for driving a motorcycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motorcycle with or without gear.

1. Added by Act 54 of 1994, sec. 6 (w.e.f.14-11-1994).

9. Grant of driving licence: --

(1) Any person who is not for the time being disqualified for holding or obtaining a driving licence may apply to the licensing authority having jurisdiction in the area—

(i) In which he ordinarily resides or carries on business, or

(ii) In which the school or establishment referred to in section 12 from where he receiving or has received instruction in driving a motor vehicle is situated.

For the issue to him of a driving licence

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such

fee and such documents as may be prescribed by the Central Government.

¹[(3) If the applicant passes such test as may be prescribed by the Central Government, he shall be issued the driving licence;

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Provided that no such test is necessary where the applicant produces proof to show that—

(a) (i) The applicant has previously held a driving licence to drive such class of vehicle and that the period between the date of expiry of that licence and the date of the application does not exceed five years, or

(ii) The applicant holds or has previously held a driving licence to drive such class of vehicle issued under section 18, or

(iii) The applicant holds a driving licence to drive such class of vehicle issued by a competent authority of any country outside India, subject to the condition that the applicant complies with the provisions of sub-section 8,

(b) The applicant is not suffering from any disability which is likely to cause the driving by him to be a source of danger to the public; and the licensing authority may, for that purpose, require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8:

Provided further that where the application is for a driving licence to drive a motor vehicle (not being a transport vehicle), the licensing authority may exempt the applicant from the test of competence to drive a vehicle prescribed under this sub-section, if the applicant possesses a driving certificate issued by any institution recognized in this behalf by the State Government.]

(4) Where the application is for a licence to drive a transport vehicle, no such authorization shall be granted to any applicant unless he possesses such minimum educational qualification as may be prescribed by the Central Government and a driving certificate issued by a school or establishment referred to in section 12.

²[(5) Where the applicant does not pass the test, he may be permitted to re-appear for the test after a

period of seven days:

Provided that where the applicant does not pass the test even after three appearances, he shall not be qualified to re-appear for such test before the expiry of a period of sixty days from the date of last such test.]

(6) The test of competence to drive shall be carried out in a vehicle of the type to which the application refers:

Provided that a person who passed a test in driving a motor cycle with gear shall be deemed also to have passed a test in driving a motor cycle without gear.

(7) When any application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his competence to drive, the licensing authority shall issue the applicant a driving licence unless the applicant is for the time being disqualified for holding or obtaining a driving licence:

Provided that a licensing authority may issue a driving licence to drive a motorcycle or a light motor vehicle notwithstanding that it is not the appropriate licensing authority, if the licensing authority is satisfied that there is good and sufficient reason for the applicant's inability to apply to the appropriate licensing authority:

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

(8) If the licensing authority is satisfied, after giving the applicant an opportunity of being heard, that he—

(a) Is a habitual criminal or a habitual drunkard; or

(b) Is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(c) Is a person whose licence to drive any motor vehicle has, at any time earlier, been revoked.

It may, for reason to be recorded in writing, make an order refusing to issue a driving licence to such person and any person aggrieved by an order made by a licensing authority under this sub-section may, within thirty days of the receipt of the order, appeal to the prescribed authority.

(9) Any driving licence for driving a motor a motorcycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motorcycle with or without gear.

1. Subs. By Act 54 of 1994, sec. 7, for sub-section (3) (w.e.f.14-11-1994).

2. Subs. By Act 54 of 1994, sec. 7, for sub-section (5) (w.e.f. 14-11-1994)

10. Form and contents of licences to drive: --

(1) Every learner's licence and driving licence, except a driving licence issued under section 18, shall be in such form and shall contain such information as may be prescribed by the Central Government.

(2) A learner's licence or, as the case may be, driving licence shall also be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely: --

(a) Motor cycle without gear;

(b) Motor cycle with gear;

(c) Invalid carriage;

(d) Light motor vehicle;

¹[(e) Transport vehicle;]

(i) Road-roller;

(j) Motor vehicle of a specified description.

1. Ins. by Act 54 of 1994, sec. 7, for sub-section (5) (w.e.f 14-11-1994).

11. Additions to driving licence: --

(1) Any person holding a driving licence to drive any class or description of motor vehicles, who is not for the time being disqualified for holding or obtaining a driving license to drive any other class or description of motor vehicles, may apply to the licensing authority having jurisdiction in the area in which he resides or carries on his business in such form and accompanied by such, documents and with fees as may be prescribed by the Central Government for the addition of such other class or description of the motor vehicle to the licence.

(2) Subject to such rules as may be prescribed by the Central Government, the provisions of section 9 shall apply to an application under this section as if the said application was for the grant of a licence under that section to drive the class or description of motor vehicles which the applicant desires to be added to his licence.

12. Licensing and regulation of schools or establishments for imparting instruction in driving of motor vehicle: -

(1) The Central Government make rules for the purpose of licensing and regulating, by the State Government schools or establishments (by whatever name called) for imparting instruction in driving of motor vehicles and matters connected therewith.

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

(a) Licensing of such schools or establishment including grant, renewal and revocation of such licenses;

(b) Supervision of such schools or establishment;

(c) The form of application and the form of license and the particulars to be contained therein;

(d) Fee to be paid with the application for such licenses;

- (e) Conditions subject to which such licenses may be granted;
- (f) Appeals against the orders of refusal to grant or renew such licences and appeals against the orders revoking such licenses;
- (g) Conditions subject to which a person may establish and maintain any such school or establishment for imparting instruction in driving of motor vehicles;
- (h) Nature, syllabus and duration of course or courses for efficient instruction in driving any motor vehicle;
- (i) Apparatus and equipment's (including motor vehicle fitted with dual control) required for the purpose of imparting such instruction;
- (j) Suitability of the premises at which such schools or establishment may be established or maintained and facilities to be provided therein;
- (k) Qualifications, both educational and professional (including experience), which a person imparting instruction in driving a motor vehicle shall possess;
- (l) Inspection of such schools and establishments (including the services rendered by them and the apparatus, equipments and motor vehicles maintained by them for imparting such instruction);
- (m) Maintenance of records by such schools or establishments;
- (n) Financial stability of such schools or establishments;
- (o) Driving certificates, if any, to be issued by such schools or establishments and the form in which such driving certificates shall be issued and the requirements to be complied with for the purposes issuing such certificates;

(p) Such other matters as may be necessary to carry out the purposes of this section.

(3) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of schools or establishment imparting instruction in driving of motor vehicles or matters connected therewith from the provision of this section.

(4) A School or establishment imparting instruction in driving of motor vehicles or matters connected therewith immediately before the commencement of this Act whether under a licence or not, may continue to impart such instruction without a licence issued under this Act for a period of one month from such commencement, and if it has made an application for such licence under this Act within the said period of one month and such application is in the prescribed form, contains the prescribed particulars and is accompanied by the prescribed fee, till the disposal of such application by the licensing authority.

13. Extent of effectiveness of licences, to drive motor vehicles: -- A learner's licence of a driving licence issued under this Act shall be effective throughout India.

14. Currency of licences to drive motor vehicles. —

(1) A learner's licence issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six months from the date of issue of the licence.

(2) A driving licence issued or renewed under this Act shall, -

(a) In the case of a licence to drive a transport vehicle, be effective for a period of three years: ¹***]

²[Provided that in the case of licence, to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of one year and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus; and]

(b) In the case of any other licence, -

(i) If the person obtaining the licence, either originally or on renewal thereof, has not attained the age of ³[fifty years] on the date of issue or, as the case may be, renewal thereof, --

(A) Be effective for a period of twenty years from the date of such issue or renewal; or

(B) Until the date on which such person attains the age of ²[fifty years], whichever is earlier;

⁴[(ii) If the person referred to in sub-clause (I), has attained the age of fifty years on the date of issue or as the case may be, renewal thereof, be effective, on payment of such fee as may be prescribed, for a period of five years from the date of such issue or renewal:]

Provided that every driving licence shall, notwithstanding its expiry under this sub-section continue to be effective for a period of thirty days from such expiry.

1. The word “and” omitted by Act 54 of 1994, sec. 9 (w.e.f 14-11-1994).

2. Ins. by Act 54 of 1994, sec. 9 (w.e.f 14-11-1994)

3. Subs. by Act 54 of 1994, sec. 9, for “forty years” (w.e.f 14-11-1994)

4. Subs. by Act 54 of 1994, sec. 9, (w.e.f 14-11-1994)

15. Renewal of driving licenses. –

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

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:

Provided further that where the application is for the renewal of a licence to drive a transport vehicle or where in any other case the applicant has attained the age of forty years, the same shall be accompanied by a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8, and the provisions of sub-section (4) of section 8 shall, so far as may be, apply in relation to every such case as they apply in relation to a learner's licence.

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

(3) Where an application for the renewal of a driving licence is made previous to, or not more than thirty days after the date of its expiry, the fee payable for such renewal shall be such as may be prescribed by the Central Government in this behalf.

(4) Where an application for the renewal of a driving licence is made more than thirty days after the date of its expiry the fee payable for such renewal shall be such amount as may be prescribed by the Central Government:

Provided that the fee referred to in sub-section (3) may be accepted by the licensing authority in respect of an application for the renewal of a driving licence made under this sub-section if its satisfied that the applicant was prevented by good and sufficient cause from applying within the time specified in such section (3):

Provided further that if the application is made more than five years after the driving licence has ceased to be effective the licensing authority may refuse to renew the driving licence unless the applicant undergoes and passes to its satisfaction the test of competence to drive referred to in sub-section (3) of section 9.

(5) Where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed by the Central Government.

(6) Where 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.

16 Revocation of driving licence on grounds of disease or disability. - Notwithstanding anything contained in the foregoing sections, any licensing authority may at any time revoke a driving licence or may require, as a condition of continuing to hold such driving licence, the holder thereof to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8 if the licensing authority has reasonable grounds to believe that the holder of the driving licence is, by virtue of any disease or disability, unfit to drive a motor vehicle and where the authority revoking a driving licence is not the authority which issued the same, it shall intimate the fact of revocation to the authority which issued that licence.

17. Orders refusing or revoking driving licences and appeals therefrom: -

(1) Where a licensing authority refuses to issue any learners licence or to issue or renew, or revoke any driving licence, or refuses to add a class or description of motor vehicle to any driving license, it shall do so by an order communicated to the applicant or the holder as the case may be, giving the reason in writing for such refusal or revocation.

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

18. Driving licences to drive motor vehicles, belonging to the Central Government.

(1) Such authority as may be prescribed by the Central Government may issue driving licence valid through out India to persons who have completed their eighteenth year to drive motor vehicles, which are the property, or for the time being under the exclusive control, of the Central Government and are used for Government purposes relating to the defence of the country and unconnected with any commercial enterprises.

(2) A driving licence issued under this section shall specify the class or description of vehicle, which the holder is entitled to drive, and the period for which he is so entitled.

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

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

19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence. –

(1) If a licensing authority is satisfied after giving the holder of a driving licence an opportunity of being heard, that he—

(a) Is a habitual criminal or habitual drunkard; or

(b) Is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and psychotropic substances Act, 1985 (61 of 1985); or

(c) Is using or has used a motor vehicle in the Commission of a cognizable offence; or

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

(d) Has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation; or

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

(f) Has failed to submit to or has not passed the tests referred to in the provision to sub-section (3) of section 22; or

(g) Being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the person having the care of the holder of the licence and has ceased to be in such care,

It may, for reason to be recorded in writing, make an order—

(i) Disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence; or

(ii) Revoke any such licence.

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

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

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

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

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

(3) Any person aggrieved by an order made by a licensing authority under sub-section (1) may, within thirty days of the receipt of the order, appeal to the prescribed authority, and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and may pass such order as it thinks fit and an order passed by any such appellate authority shall be final.

20. Power of court to disqualify: -

(1) Where a person is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, the court by which such person is convicted may, subject to the provisions of this Act, in addition to imposing any other punishment authorized by law, declare the person so convicted to be disqualified, for such period as the court may specify, from holding any driving licence to drive all classes to description of vehicles, or any particular class or description of such vehicles, as are specified in such licence:

Provided that in respect of an offence punishable under section 183 no such orders shall be made for the first or second offence.

(2) Where a person is convicted of an offence under clause(c) of sub-section (1) of section 132, section 134 or section 185, the court convicting any person of any such offence shall order the disqualification under sub-section (1), and if the offence is relatable to clause (c) of sub-section (1) of section 132 or section 134, such disqualification shall be for a period of not less than one month, and if the offence is relatable to section 185, such disqualification shall be for a period of not less than six months.

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

(a) Who having been convicted of an offence punishable under section 184 is again convicted of an offence punishable under that section,

(b) Who is convicted of an offence punishable under section 189, or

(c) Who is convicted of an offence punishable under section 192:

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

(4) A court ordering the disqualification of a person convicted of an offence punishable under section 184 may direct that such person shall, whether he has previously passed the test of competence to drive as referred to in sub-section (3) of section 9 or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.

(5) The court to which an appeal would ordinarily lie from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made under that sub-section notwithstanding that no appeal would lie against the conviction as a result of which such order of disqualification was made.

21. Suspension of driving licence in certain cases: -

(1) Where, in relation to a person who had been previously convicted of an offence punishable under section 184, a case is registered by a police officer on the allegation that such person has, by such dangerous driving as is referred to in the said section 184, of any class or description of motor vehicle caused the death of, or grievous hurt to, one or more persons, the driving licence held by such person shall in relation to such class or description of motor vehicle become suspended:-

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

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

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

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

(4) If a driving licence in relation to a particular class or description of motor vehicles is suspended under sub-section (1), the person holding such licence shall be debarred from holding or obtaining any licence to drive such particular class or description of motor vehicles so long as the suspension of the driving licence remains in force.

22. Suspension or cancellation of driving licence on conviction: -

(1) Without prejudice to the provisions of sub-section (3) of section 20 where a person, referred to in sub-section (1) of section 21, is convicted of an offence of causing, by such dangerous driving as is referred to in section 184 of any class or description of motor vehicle the death of, or grievous hurt to, one or more persons, the court by which such person is convicted may cancel, or suspend for such period as it may think fit, the driving licence held by such person in so far as it relates to that class or description of motor vehicle.

(2) Without prejudice to the provisions of sub-section (2) of section 20, If a person, having been previously convicted of an offence punishable under section 185, is again convicted of an offence punishable under that section, the court, making such subsequent conviction, shall, by order, cancel the driving licence held by such person.

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

Provided that no such licence shall be returned unless the holder thereof has, after the expiry of the period of suspension, undergone and passed, to the satisfaction of the licensing authority by which the licence was issued or last renewed, a fresh test of competence to drive referred to in sub-section (3) of section 9 and produced a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8.

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

23. Effect of disqualification order: -

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

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

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

having regard to all the circumstances, either cancel or vary the disqualification order:

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

24. Endorsement: -

(1) The Court or authority making an order of disqualification shall endorse or cause to be endorsed upon the driving licence if any, held by the person disqualified, particulars of the order of disqualification and of any conviction of an offence in respect of which an order of disqualification is made; and particulars of any cancellation or variation of an order of disqualification made under sub-section (3) of section 23 shall be similarly so endorsed.

(2) A Court by which any person is convicted of an offence under this Act as may be prescribed by the Central Government, having regard to the objects of this Act, shall, whether or not a disqualification order is made in respect of such conviction, endorse or cause to be endorsed particulars at such conviction on any driving licence held by the person convicted.

(3) Any person accused of an offence prescribed under sub-section (2) shall when attending the Court bring with him his driving licence if it is in his possession.

(4) Where any person is convicted of any offence under this Act and sentenced to imprisonment for a period exceeding three months, the Court awarding the sentence shall endorse the fact of such sentence upon the driving licence of the person concerned and the prosecuting authority shall intimate the fact of such endorsement to the authority by which the driving licence was granted or last renewed.

(5) When the driving licence is endorsed or caused to be endorsed by any Court, such Court shall send the particulars of the endorsement to the licensing authority by which the driving licence was granted or last renewed.

(6) Where on an appeal against any conviction or order of a Court, which has been endorsed on a driving licence, the Appellate Court varies or sets aside the conviction or order, the Appellate Court shall inform the licensing authority by which the driving licence was granted or last renewed and such authority shall amend or cause to be amended the endorsement.

25. Transfer of endorsement and issue of driving licence free from endorsement: -

(1) An endorsement on any driving licence shall be transferred to any new or duplicate driving licence obtained by the holder thereof until the holder becomes entitled under the provisions of this section to have a driving licence issued to him free from endorsement.

(2) Where a driving licence is required to be endorsed and the driving licence is not in the possession of the court or authority by which the endorsement is to be made, then—

(a) If the person in respect of whom the endorsement is to be made is at the time the holder of a driving licence, he shall produce the driving licence to the court or authority within five days, or such longer time as the court or authority may fix; or

(b) If, not being then the holder of a driving licence, he subsequently obtains a driving licence, he shall within five days after obtaining the driving licence produce it to the court or authority,

And if the driving licence is not produced within the time specified, it shall, on the expiration of such time, be of no effect until it is produced for the purpose of endorsement.

(3) A person whose driving licence has been endorsed shall, if during a continuous period of three years after such endorsement no further endorsement has been made against him, be entitled on surrendering his driving licence and no payment of a fee of five rupees, to receive a new driving licence free from all endorsements:

Provided that if the endorsement is only in respect of an offence contravening the speed limits referred to in section 112, such person shall be entitled to receive a new driving licence free from such endorsements on the expiration of one year of the date of the endorsement:

Provided further that in reckoning the said period of three years and one year, respectively, and period during which the said person was disqualified for holding or obtaining a driving licence shall be excluded.

26. Maintenance of State Registers of Driving Licences: -

(1) Each State Government shall maintain, in such form as may be prescribed by the Central Government, a register to be known as the State Register of Driving Licences, in respect of driving licences issued and renewed by the licensing authorities of the State Government, containing the following particulars, namely—

- (a) Names and addressees of holders of driving licences;
- (b) Licence numbers;
- (c) Dates of issue or renewal of licences;
- (d) Dates of expiry of licences;
- (f) Classes and types of vehicles authorized to be driven; and
- (g) Such other particulars as the Central Government may prescribe.

(2) Each State Government shall supply to the Central Government a ¹[printed copy or copy in such other form as the Central Government may require], of the State Register of Driving Licences and shall inform the Central Government without delay of all additions to and other amendments in such register made from time to time.

(3) The State Register of Driving Licences shall be maintained in such manner as may be prescribed by the State Government.

1. Subs. by Act 54 of 1994, sec. 10, for “printed copy” (w.e.f. 14-11-1994).

27. Power of Central Government to make rules: - The Central Government may make rules—

- (a) Regarding conditions referred to in such-section (2) of section 3;

- (b) Providing for the form in which the application for learner's licence may be made, the information it shall contain and the documents to be submit application referred to in sub-section (2) of section 8;
- (c) Providing for the form of medical certificate referred to in sub-section (3) of section 8;
- (d) Providing for the particulars for the test referred to in sub-section (5) of section 8;
- (e) Providing for the form in which the application for driving licence may be made, the information it shall contain and the documents to be submitted with the application referred to in sub-section (2) of section 9;
- (f) Providing for the particulars regarding test of competence to drive, referred to in sub-section (3) of section 9;
- (g) Specifying the minimum educational qualifications of persons to whom licences to drive transport vehicles may be issued under this Act and the time within which such qualifications are to be acquired by such persons;
- (h) Providing for the form and contents of the licences referred to in sub-section (1) of section 10;
- (i) Providing for the form and contents of the application referred to in sub-section (1) of section 11 and documents to be submitted with the application and the fee to be charged;
- (j) Providing for the conditions subject to which section 9 shall apply to an application made under section 11;
- (k) Providing for the form and contents of the application referred to in sub-section (1) of section 15 and the documents to accompany such application under sub-section (2) of section 15;
- (l) Providing for the authority to grant licences under sub-section (1) of section 18;

- (m) Specifying the fees payable under sub-section (2) of section 8, sub-section (2) of section 9 and sub-sections (3) and (4) of section 15 for the grant of learner's licences, and for the grant and renewal of driving licences and licences for the purpose for regulating the schools or establishments for imparting instructions in driving motor vehicles;
- (n) Specifying the acts for the purposes of clause (f) of sub-section (1) of section 19;
- (o) Specifying the offences under this Act for the purposes of sub-section (2) of section 24;
- (p) To provide for all or any of the matters referred to in sub-section (1) of section 26;
- (q) Any other matter, which is, or has to be, prescribed by the Central Government.

28. Power of State Government to make rules: -

- (1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 27.
- (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;
 - (b) The conduct and hearing of appeals that may be preferred under the Chapter, the fees to be paid in respect of such appeals and the refund of such fees;

Provided that no fee so fixed shall exceed twenty-five rupees;

- (c) The issue of duplicate licences to replace licences lost, destroyed or mutilated, the replacement of photographs, which has become obsolete and the fees to be charged therefore;

- (d) The badges and uniform to be worn by drivers of transport vehicles and the fees to be paid in respect of badges;
- (e) The fee payable for the issue of a medical certificate under sub-section (3) of section 8;
- (f) The exemption of prescribed persons, or prescribed classes of persons, from payment of all or any portion of the fees payable under this Chapter;
- (g) The communication of particulars of licences granted by one licensing authority to other licensing authorities;
- (h) The duties, functions and conduct of such persons to whom licences to drive transport vehicles are issued;
- (i) The exemption of drivers of road-rollers from all or any of the provisions of this Chapter or of the rules made thereunder;
- (j) The manner in which the State Register of Driving Licences shall be maintained under section 26;
- (k) Any other matter which is to be, or may be, prescribed.

CHAPTER III

LICENSING OF CONDUCTORS OF STAGE CARRIAGES

29. Necessity for conductor's licence: -

- (1) No person shall act as a conductor of a stage carriage unless he holds an effective conductor's licence issued to him authorizing 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.

(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.

30. Grant of conductor's licence: -

(1) Any person who possesses such minimum educational qualification as may be prescribed by the State Government and is not disqualified under sub-section (1) of section 31 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.

(2) Every application under sub-section (1) shall be in such form and shall contain such information as may be prescribed.

(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.

(4) A conductor's licence issued under this Chapter shall be in such form and contain such particulars as may be prescribed and shall be effective throughout the State in which it is issued.

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

31. Disqualifications for the grant of conductor's licence: -

(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 issue a conductor's licence—

- (a) If the applicant does not possess the minimum educational qualification;
- (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 applicant was revoked.

32. Revocation of a conductor's licence on grounds of disease or disability: -A conductor's licence may at any time be revoked by any licensing authority if that authority has reasonable grounds to believe that the holder of the licence is suffering 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 such revocation to the authority which issued that licence :

Provided that before revoking any licence, the licensing authority shall give the person holding such licence a reasonable opportunity of being heard.

33. Orders refusing etc., conductor's licences and appeals therefrom: -

(1) Where a licensing authority refuses to issue or renew, 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 revocation.

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

34. Power of licensing authority to disqualify.—

(1) If any licensing authority is of opinion that it is necessary to disqualify the holder of a conductor's 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 conductor's licence;

Provided that before disqualifying the holder of a licence, the licensing authority shall give the person holding such licence a reasonable opportunity of being heard.

(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 which made the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority which made the order.

35. Power of court to disqualify: -

(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 authorized by law, declare the person so convicted to be disqualified for such period as the court may specify for holding a conductor's licence.

(2) The Court to which an appeal lies from any conviction of an offence under this Act may set aside or vary any order of disqualification made by the court below, and the court to which appeals ordinarily lie from such court, 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.

36. Certain provisions of Chapter II to apply to conductor's licence: -The provisions of sub-section (2) of section 6, section 14, 15 and 23, sub-section (1) of section 24 and section 25 shall, so far as may be, apply in relation to a conductor's licence, as they apply in relation to a driving licence.

37. Savings: -- If any licence to act as a conductor of a stage carriage (by whatever name called) has been issued in any State and is effective immediately before the commencement of this Act, it shall

continue to be effective, notwithstanding such commencement, for the period for which it would have been effective, if this Act had not been passed, and every such licence shall be deemed to be a licence issued under this Chapter as if this Chapter has been in force on the date on which that licence was granted.

38. Power of State Government to make rules: -

(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 carriages performing the functions of a conductor and persons temporarily employed to act as conductors may be exempted from the provisions of sub-section (1) of section 29;

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

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

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

(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 therefore;

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

Provided that no fee so fixed shall exceed twenty-five rupees;

- (h) The badges and uniform to be worn by conductors of stage carriages and the fees to be paid in respect of such badges;
- (i) The grant of the certificates referred to in sub-section (3) of section 30 by registered medical practitioners and the form of such certificates;
- (j) The conditions subject to which, and the extent to which, a conductor's licence issued in another State shall be effective in the State;
- (k) The communication of particulars of conductor's licences from one authority to other authorities; and
- (l) Any other matter which is to be, or may be, prescribed.

CHAPTER IV

REGISTRATION OF MOTOR VEHICLES

39. Necessity for registration: -- No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner:

Provided that nothing in this section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government.

40. Registration, where to be made: -- Subject to the provisions of section 42, section 43 and section 60, every owner of a motor vehicle shall cause the vehicle to be registered by a registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept.

41. Registration, how to be made: -

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

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.

(2) An application referred to in sub-section (1) shall be accompanied by such fee as may be prescribed by the Central Government.

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

(4) In addition to the other particulars required to be included in the certificate of registration, it shall also specify the type of the motor vehicle, being a type as the Central Government may, having regard to the design construction and use of the motor vehicle, by notification in the Official Gazette, specify.

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

(6) The registering authority shall assign to the vehicle, for display thereon, a distinguishing mark (in this Act referred to as the registration mark) consisting of one of the groups of such of those letters and followed by such letters and figures as are allotted to the State by the Central Government from time to time by notification in the Official Gazette, and displayed and shown on the motor vehicle in such form and in such manner as may be prescribed by the Central Government.

(7) A certificate of registration issued under sub-section (3), whether before or after the commencement of this Act, in respect of a motor vehicle, other than a transport vehicle, shall, subject to the provisions contained in this Act, be valid only for a period of fifteen years from the date of issue of

such certificate and shall be renewable.

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

(9) An application referred to in sub-section (8) shall be accompanied by such fee as may be prescribed by the Central Government.

(10) Subject to the provisions of section 56, the registering authority may, on receipt of an application under sub-section (8), renew the certificate of registration for a period of five years and intimate the fact to the original registering authority, if it is not the original registering authority.

(11) If the owner fails to make an application under sub-section (1), or, as the case may be, under sub-section (8) within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (13);

Provided that action under section 177 shall be taken against the owner where the owner fails to pay the said amount.

(12) Where the owner has paid the amount under sub-section (11), no action shall be taken against him under section 177.

(13) For the purposes of sub-section (11), the State Government may prescribe different amounts having regard to the period of delay on the part of the owner in making an application under sub-section (1) or sub-section (8).

(14) An application for the issue of a duplicate certificate of registration shall be made to the ¹[last registering authority] in such form, containing such particulars and information along with such fee as may be prescribed by the Central Government.

1. Subs. by Act 54 of 1994, sec. 11, for “original registering authority” (w.e.f. 14-11-1994).

42. Special provision for registration of motor vehicles of diplomatic officers, etc.:

(1) Where an application for registration of a motor vehicle is made under sub-section (1) of section 41 by or on behalf of any diplomatic officer or consular officer, then notwithstanding anything contained in sub-section (3) or sub-section (6) of that section, the registering authority shall register the vehicle in such manner and in accordance with such procedure as may be provided by rules made in this behalf by the Central Government under sub-section (3) and shall assign to the vehicle for display thereon a special registration mark in accordance with the provisions contained in those rules and shall issue a certificate (hereafter in this section referred to as the certificate of registration) that the vehicle has been registered under this section ; and any vehicle so registered shall not, so long as it remains the property of any diplomatic officer or consular officer, require to be registered otherwise under this Act.

(2) If any vehicle registered under this section ceases to be property of any diplomatic officer or consular officer, the certificate of registration issued under this section shall also cease to be effective, and the provisions of sections 39 and 40 shall thereupon apply.

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

(4) For the purposes of this section, “diplomatic officer” or “consular officer” means any person who is recognized 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.

43. Temporary registration: -

(1) Notwithstanding anything contained in section 40 the owner of a motor vehicle may apply to any registering authority or other prescribed authority to have the vehicle temporarily registered in the prescribed manner and for the issue in the prescribed manner of a temporary certificate of registration and a temporary registration mark.

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

Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted ¹[with a body or any unforeseen circumstances beyond the control of the owner], the period may, on payment of such fees, if any, as may be prescribed, be extended by such further period or period or periods as the registering authority or other prescribed authority, as the case may be, may allow.

²[(3) In a case where the motor vehicle is held under hire-purchase agreement, lease or hypothecation, the registering authority or other prescribed authority shall issue a temporary certificate or registration of such vehicle, which shall incorporate legibly and prominently the full name and address of the person with whom such agreement has been entered into by the owner.]

1. **Subs. by Act 54 of 1994, sec. 12, for “with a body” (w.e.f. 14-11-1994)**

2. **Ins. By Act 54 of 1994, sec. 12 (w.e.f. 14-11-1994)**

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

45. Refusal of registration or renewal of the certificate of registration: -The registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle), if in either case, the registering authority has reason to believe that it is a stolen motor vehicle or the vehicle is mechanically defective or fails to comply with the requirements of this Act or of the rules made thereunder, or if the applicant fails to furnish particulars of any previous registration of the vehicle or furnishes inaccurate particulars in the application for registration of the vehicle or, as the case may be, for renewal of the certificate or registration thereof and the registering authority shall furnish the applicant whose vehicle is refused registration, or whose application for renewal of the certificate of registration is refused, a copy of such order, together with the reasons for such refusal.

46. Effectiveness in India of registration. —Subject to the provisions of section 47, a motor vehicle registered in accordance with this Chapter in any State shall not require to be registered elsewhere in India and a certificate of registration issued or in force under this Act in respect of such vehicle shall be effective throughout India.

47. Assignment of new registration mark on removal to another State: -

(1) When a motor vehicle registered in one State has been kept in another State, for a period exceeding twelve months, the owner of the vehicle shall, within such period and in such form containing such particulars as may be prescribed by the Central Government apply to the registering authority, within whose jurisdiction the vehicle then is, for the assignment of a new registration mark and shall present the certificate of registration to that registering authority:

Provided that an application under this sub-section shall be accompanied—

(i) By the no objection certificate obtained under section 48, or

(ii) In a case where no such certificate has been obtained, by--

(a) The receipt obtained under sub-section (2) of section 48; or

(b) The postal acknowledgment received by the owner of the vehicle if he has sent an application in this behalf by registered post acknowledgment due to the registering authority referred to in section 48,

Together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted:

Provided further that, in a case where a motor vehicle is held under a hire-purchase, lease or hypothecation agreement, an application under this sub-section shall be accompanied by a no objection certificate from the person with whom such agreement has been entered into, and the provisions of section 51, so far as may be, regarding obtaining of such certificate from the person with whom such agreement has been entered into, shall apply.

(2) The registering authority, to which application is made under sub-section (1), shall after making such verification, as it thinks fit, of the returns, if any, received under section 62, assign the vehicle a registration mark as specified in sub-section (6) of section 41 to be displayed and shown thereafter on the

vehicle and shall enter the mark upon the certificate of registration before returning it to the applicant and shall, in communication with the registering authority by whom the vehicle was previously registered, arrange for the transfer of the registration of the vehicle from the records of that registering authority to its own records.

(3) Where a motor vehicle is held under a hire-purchase or lease or hypothecation agreement, the registering authority shall, after assigning the vehicle a registration mark under sub-section (2), inform the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the hire-purchase or lease or hypothecation agreement (by sending to such person a notice by registered post acknowledgment due at the address of such person entered in the certificate of registration the fact of assignment of the said registration mark).

(4) A State Government may make rules under section 65 requiring the owner of a motor vehicle not registered within the State, which is brought into or is for the time being in the State, to furnish to the prescribed authority in the State such information with respect to the motor vehicle and its registration as may be prescribed.

(5) If the owner fails to make an application under sub-section (1) within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (7) :

Provided that action under section 177 shall be taken against the owner where the owner fails to pay the said amount.

(6) Where the owner has paid the amount under sub-section (5), no action shall be taken against him under section 177.

(7) For the purposes of sub-section (5), the State Government may prescribe different amounts having regard to the period of delay on the part of the owner in making an application under sub-section (1).

48. No objection certificate: -

(1) The owner of a motor vehicle when applying for the assignment of a new registration mark under sub-section (1) of section 47, or where the transfer of a motor vehicle is to be effected in a State other

than the State of its registration, the transferor of such vehicle when reporting the transfer under sub-section (1) of section 50, shall make an application in such form and in such manner as may be prescribed by the Central Government to the registering authority by which the vehicle was registered for the issue of a certificate (hereafter in this section referred to as the no objection certificate⁰, to the effect that the registering authority has no objection for assigning a new registration mark to the vehicle or, as the case may be, for entering the particulars of the transfer of ownership in the certificate of registration.

(2) The registering authority shall, on receipt of an application under sub-section (1), issue a receipt in such form as may be prescribed by the Central Government.

(3) On receipt of an application under sub-section (1), the registering authority may, after making such inquiry and requiring the applicant to comply with such directions as it deems fit and within thirty days of the receipt thereof, by order in writing, communicate to the applicant that it has granted or refused to grant the no objection certificate:

Provided that a registering authority shall not refuse to grant the no objection certificate unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(4) Where within a period of thirty days referred to in sub-section (3), the registering authority does not refuse to grant the no objection certificate or does not communicate the refusal to the applicant, the registering authority shall be deemed to have granted the no objection certificate.

(5) Before granting or refusing to grant the no objection certificate, the registering authority shall obtain a report in writing from the police that no case relating to the theft of the motor vehicle concerned has been reported or is pending, verify whether all the amounts due to Government including road tax in respect of that motor vehicle have been paid and take into account such other factors as may be prescribed by the Central Government.

¹[(6) The owner of the vehicle shall inform at the earliest, in writing, the registering authority about the theft of his vehicle together with the name of the police station where the theft report was lodged, and the registering authority shall take into account such report while disposing of any application for no objection certification, registration, transfer of ownership or issue of duplicate registration certificate].

1. Ins. by Act 54 of 1994, sec. 13 (w.e.f. 14-11-1994).

49. Change of residence or place of business: -

(1) If the owner of a motor vehicle ceases to reside or have his place of business at the address recorded in the certificate of registration of the vehicle, he shall, within thirty days of any such change of address, intimate in such form accompanied by such documents as may be prescribed by the Central Government, his new address, to the registering authority by which the certificate of registration was issued, or, if the new address is within the jurisdiction of another registering authority, to that other registering authority, and shall at the same time forward the certificate or registration to the registering authority or, as the case may be, to the other registering authority in order that the new address may be entered therein.

(2) If the owner of a motor vehicle fails to intimate his new address to the concerned registering authority within the period specified in sub-section (1), the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (4).

Provided that action under section 177 shall be taken against the owner where he fails to pay the said amount.

(3) Where a person has paid the amount under sub-section (2), no action shall be taken against him under section 177.

(4) For the purposes of sub-section (2), State Government may prescribe different amounts having regard to the period of delay in intimating his new address.

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

(6) A registering authority other than the original registering authority making any such entry shall communicate the altered address to the original registering authority.

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

50. Transfer of ownership: -

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

(a) The transferor shall, --

(i) In the case of a vehicle registered within the same State within fourteen days of the transfer, report the fact of transfer, in such form with such documents and in such manner, as may be prescribed by the Central Government to the registering authority within whose jurisdiction the transfer is to be effected and shall simultaneously send a copy of the said report to the transferee; and

(ii) In the case of a vehicle registered outside the State, within forty-five days of the transfer, forward to the registering authority referred to in sub-clause (i)--

(A) The no objection certificate obtained under section 48; or

(B) In a case where no such certificate has been obtained,

(I) The receipt obtained under sub-section (2) of section 48; or

(II) The postal acknowledgment received by the transferee if he has sent an application in this behalf by registered post acknowledgment due to the registering authority referred to in section 48,

Together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted;

(b) The transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward 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.

(2) Where--

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

(b) A motor vehicle has been purchased or acquired at a public auction conducted by, or on behalf of, Government,

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

(3) If the transferor or the transferee fails to report to the registering authority the fact of transfer within the period specified in clause (a) or clause (b) of sub-section (1), as the case may be, or if the person who is required to make an application under sub-section (2) (hereafter in this section referred to as the other person) fails to make such application within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the transferor or the transferee, or the other person, as the case may be, to pay, in lieu of any action that may be taken against him under section 177 such amount not exceeding one hundred rupees as may be prescribed under sub-section (5) :

Provided that action under section 177 shall be taken against the transferor or the transferee or the other person, as the case may be, where he fails to pay the said amount.

(4) Where a person has paid the amount under sub-section (3), no action shall be taken against him under section 177.

(5) For the purposes of sub-section (3), State Government may prescribe different amounts having regard to the period of delay on the part of the transferor or the transferee in reporting the fact of transfer of ownership of the motor vehicle or of the other person in making the application under sub-section (2).

(6) On receipt of a report under sub-section (1), or an application under sub-section (2), the

registering authority may cause the transfer of ownership to be entered in the certificate of registration.

(7) A registering authority making any such entry shall communicate the transfer of ownership to the transferor and to the original registering authority, if it is not the original registering authority.

51. Special provisions regarding motor vehicle subject to hire purchase agreement, etc.: -

(1) Where an application for registration of a motor vehicle which is held under a hire-purchase, lease or hypothecation agreement (hereafter in this section referred to as the said agreement) is made, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement.

(2) Where the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into the said agreement with any person, the ¹[last registering authority] shall, on receipt of an application in such form as the Central Government may prescribe from the parties to the said agreement, make an entry as to the existence of the said agreement in the certificate of registration ²[and an intimation in this regard shall be sent to the original registering authority if the last registering authority is not the original registering authority].

(3) Any entry made under sub-section (1) or sub-section (2), may be cancelled by the ¹[last registering authority] on proof of the termination of the said agreement by the parties concerned on an application being made in such form as the Central Government may prescribe ²[and an intimation in this behalf shall be sent to the original registering authority if the last registering authority is not the original registering authority].

(4) No entry regarding the transfer of ownership of any motor vehicle, which is held under the said agreement, shall be made in the certificate of registration except with the written consent of the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the said agreement.

(5) Where the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the said agreement, satisfies the registering authority that he has taken possession of the vehicle ³[from the registered owner] owing to the default of the registered owner under the provisions of the said agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representation as he may wish to make (by sending to him a notice

by registered post acknowledgment due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a fresh certificate of registration in the name of the person with whom the registered owner has entered into the said agreement :

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

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

(6) The registered owner shall, before applying to the appropriate authority, for the renewal of a permit under section 81 or for the issue of duplicate certificate of registration under sub- section (14) of section, 41 or for the assignment of a new registration mark ⁴[under section 47, or removal of the vehicle to another State, or at the time of conversion of the vehicle from one class to another, or for issue of no objection certificate under section 48, or for change of residence or place of business under section 49, or for the alteration of the vehicle under section 52, make an application] to the person with whom the registered owner has entered into the said agreement,(such person being hereafter in this section referred to as the financier) for the issue of a no objection certificate (hereafter in this section referred to as the certificate).

Explanation.—For the purposes of this sub-section and sub-sections (8) and (9), “appropriate authority ” in relation to any permit, means the authority which is authorized by this Act to renew such permit and, in relation to registration means the authority which is authorized by this Act to issue, duplicate certificate of registration or to assign a new registration mark.

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

(8) The registered owner shall, while applying to the appropriate authority for the renewal of any permit under section 81, or for the issue of a duplicate certificate of registration under sub-section (14) of section 41, or while applying for assignment of a new registration mark under section 47, submit with such application the certificate if any, obtained under sub-section (7) or, where no such certificate has been obtained, the communication received from the financier under that sub-section, or as the case may

be, a declaration that he has not received any communication from the financier within the period of seven days specified in that sub-section.

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

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

(i) Renew or refuse to renew the permit, or

(ii) Issue or refuse to issue the duplicate certificate of registration, or

(iii) Assign or refuse to assign a new registration mark;

(b) In any other case, -

(i) Renew the permit, or

(ii) Issue duplicate certificate of registration, or

(iii) Assign a new registration mark.

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

(a) Hire-purchase, lease or hypothecation agreement of a motor vehicle, or

(b) The cancellation under sub-section (3) of an entry, or

- (c) Recording transfer of ownership of motor vehicle, or
- (d) Any alteration in a motor vehicle, or
- (e) Suspension or cancellation of registration of a motor vehicle, or
- (f) Change of address,

Shall communicate ⁵[by registered post acknowledgment due] to the financier that such entry has been made.

⁶[(11) A registering authority registering the new vehicle, or issuing the duplicate certificate of registration or a no objection certificate or a temporary certificate of registration, or issuing or renewing, a fitness certificate or substituting entries relating to another motor vehicle in the permit, shall intimate the financier of such transaction.

(12) The registering authority where it is not the original registering authority, when making entry under sub-section (1) or sub-section (2), or canceling the said entry under sub-section (3) or issuing the fresh certificate of registration under sub-section (5) shall communicate the same to the original registering authority.]

1. Subs. by Act 54 of 1994, sec.14, for “original registering authority”(w.e.f. 14-11-1994).
2. Added by Act 54 of 1994, sec. 14(w.e.f. 14-11-1994).
3. Ins. by Act 54 of 1994,sec.14 (w.e.f. 14-11-1994).
4. Subs. by Act 54 of 1994,sec.14, for “under section 47, make an application”(w.e.f.14-11-1994).
5. Ins. by Act 54 of 1994, sec. 14 (w.e.f. 14-11-94).
6. Subs. by Act 54 of 1994, sec 14, for sub-section (11) (w.e.f. 14-11-1994)

52. Alteration in motor vehicle. —

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

(a) He has given notice to the registering authority within whose jurisdiction he has the residence or the place of business where the vehicle is normally kept, as the case may be, of the alteration he proposes to make; and

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

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 fitting or accessories, if such change does not exceed two per cent of the weight entered in the certificate of registration.

¹[Provided further that modification of the engine, or any part thereof, of a vehicle for facilitating its operation by a different type of fuel or source of energy including battery, compressed natural gas, solar power or any other fuel or source of energy other than liquid petroleum gas shall be treated as an alteration but that shall be subject to such conditions as may be prescribed.]

(2) Where a registering authority receives a 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:

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, authorize, subject to such conditions as may be specified in the notification, the owners of not less than transport vehicle to alter any vehicle owned by them so as to replace the engine thereof without the approval of the registering authority.

(4) Where any alteration has been made in a motor vehicle either with the approval of registering authority given or deemed to have been under sub-section (2) or by reason of replacement of its engine 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.

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

2[(6) No person holding a vehicle under a hire-purchase agreement shall make any alteration to the vehicle for which approval of the registering authority is required under sub-section (1), except with the written consent of the registered owner.

Explanation. —For the purposes of this section, “alteration” means a change in the structure of a vehicle, which results in change in its basic feature.]

1. Ins. by Act 54 of 1994, sec. 5 (w.e.f. 14-11-1994).

2. Ins. by Act 54 of 1994, sec. 15 (w.e.f. 14-11-1994).

53. Suspension of registration. —

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

(a) Is in such a condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirement of this Act 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,

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

(i) In any case falling under clause (a), until the defects are rectified to its satisfaction; and

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

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

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

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

(5) A certificate of registration surrendered under sub-section (4) shall be returned to the owner when the order suspending registration has been rescinded and not before.

54. Cancellation of registration suspended under section 53. —When the suspension of registration of a vehicle under section 53 has continued without interruption for a period of not less than six months, the registering authority within whose jurisdiction the vehicle was when the registration was suspended, may, if it is the original registering authority, cancel the registration, and if it is not the original registering authority, shall forward the certificate of registration to that authority which may cancel the registration.

55. Cancellation of registration. —

(1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, within fourteen days or as soon as may be, report the fact to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward to the authority the certificate of registration of the vehicle.

(2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, or if it is not, shall forward the report and the certificate of registration

to the original registering authority and that authority shall cancel the registration.

(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as the State Government may by order appoint and, if upon such examination and after giving the owner an opportunity to make any representation he may wish to make (by sending to the owner a notice by registered post acknowledgment due at his address entered in the certificate of registration), it is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may cancel the registration.

(4) If registering authority is satisfied that a motor vehicle has been permanently removed out of India, the registering shall cancel the registration.

(5) If registering authority is satisfied that the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, or the engine number or the chassis number embossed thereon are different from such number entered in the certificate of registration, the registering authority shall after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post acknowledgment due at his address entered in the certificate of registration), and for reasons to be recorded in writing, cancel the registration.

(6) A registering authority canceling the registration of a motor vehicle under section 54 or under this section shall communicate such fact in writing to the owner of the vehicle, and the owner of the vehicle shall forthwith surrender to that authority the certificate of registration of the vehicle.

(7) A registering authority making an order of cancellation under section 54 or under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry relating to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

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

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

56. Certificate of fitness of transport vehicles. —

(1) Subject to the provisions of sections 59 and 60, a transport vehicle shall not be deemed to be validly registered for the purposes of section 39, unless it carries a certificate of fitness in such form containing such particulars and information as may be prescribed by the Central Government, issued by the prescribed authority, or by an authorized testing station mentioned in sub-section (2), to the effect that the vehicle complies for the time being with all the requirements of this Act and the rules made thereunder:

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

(2) The “authorized testing station” referred to in sub-section (1) means a vehicle service station or public or private garage which the State Government, having regard to the experience, training and ability of the operator of such station or garage and the testing equipment and the testing personnel therein, may specify in accordance with the rules made by the Central Government for regulation and control of such stations or garages.

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

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

¹[Provided that no such cancellation shall be made by the prescribed authority unless such prescribed authority holds such technical qualification as may be prescribed or where the prescribed authority does not hold such technical qualification on the basis of the report of any officer having such qualification.]

(5) A certificate of fitness issued under this Act shall, while it remains effective be valid throughout India.

1. Ins. by Act 54 of 1994, sec. 16 (w.e.f. 14-11-1994).

57. Appeals. —

¹[(1) Any person aggrieved by an order of the registering authority under section 41, 42, 43, 45, 47, 48, 49, 50, 52, 53, 55 or 56 may, within thirty days of the date on which he has received notice of such order, appeal against the order to the prescribed authority.]

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

1. Subs. by Act 54 of 1994, sec. 17, for sub-section (1) (w.e.f. 14.11.1994).

58. Special provisions in regard to transport vehicles. —

(1) The Central Government may, having regard to the number, nature and size of the tyres attached to the wheels of a transport vehicle (other than a motor cab), and its make and model and other relevant considerations, by notification in the Official Gazette, specify, in relation to each make and model of a transport vehicle, the ¹[maximum gross vehicle weight] of such vehicle and the maximum safe axle weight of each axle of such vehicle.

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

(a) The unladen weight of the vehicle;

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

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

(d) If the vehicle is used or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided,

And the owner of the vehicle shall have the same particulars exhibited in the prescribed manner on the vehicle.

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

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

(4) When by reason of any alteration in such vehicle, including an alteration in the number, nature or size of its tyres, the gross vehicle 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 52 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.

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

1. Subs. by Act 54 of 1994, sec. 18, for “maximum safe laden weight” (w.e.f. 14.11.1994)

59. Power to fix the age limit of motor vehicle. –

(1) The Central Government may, having regard to the public safety, convenience and objects of this Act, by notification in the Official Gazette, specify the life of a motor vehicle reckoned from the date of its manufacture, after the expiry of which the motor vehicle shall not be deemed to comply with the

requirements of this Act and the rules made thereunder:

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

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

(3) Notwithstanding anything contained in section 56, no prescribed authority or authorized testing station shall grant a certificate of fitness to a motor vehicle in contravention of the provisions of any notification issued under sub-section (1).

60. Registration of vehicles belonging to the Central Government. —

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

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

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

(4) If a vehicle registered under this section ceases to be the property or under the exclusive control of the Central Government, the provisions of sections 39 and 40 shall thereupon apply.

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

61. Application of Chapter to trailers. —

(1) The provisions of this chapter shall apply to the registration of trailers as they apply to the registration of any other motor vehicle.

(2) The registration mark assigned to a trailer shall be displayed in such manner on the side of the drawing vehicle as may be prescribed by the Central Government.

(3) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed on the trailer or on the last trailer in the train, as the case may be, in such manner as may be prescribed by the Central Government.

62. Information regarding stolen and recovered motor vehicles to be furnished by the police to the State Transport Authority. —The State Government may, if it thinks necessary or expedient so to do in the public interest, direct the submission by the Inspector General of police (by whatever designation called) and such other police officers as the State Government may specify in this behalf, of such returns containing the information regarding vehicles which have been stolen and stolen vehicles which have been recovered of which the police are aware, to the State Transport Authority, and may prescribe the form in which and the period within which such returns shall be made.

63. Maintenance of State Registers of Motor Vehicles. -

(1) Each State Government shall maintain in such form as may be prescribed by the Central Government a register to be known as the State Register of Motor Vehicles, in respect of the motor vehicles in that State, containing the following particulars, namely: -

(a) Registration numbers;

(b) Years of manufacture;

- (c) Classes and types;
- (d) Names and addresses of registered owners; and
- (e) Such other particulars as may be prescribed by the Central Government.

(2) Each State Government shall supply to the Central Government ¹[if so desired by it] a printed copy of the State Register of Motor Vehicles and shall also inform the Central Government without delay of all additions to and other amendments in such register made from time to time.

(3) The State Register of Motor Vehicles shall be maintained in such manner as may be prescribed by the State Government.

1. Ins. by Act 54 of 1994, sec. 19 (w.e.f 14-11-1994).

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

- (a) The period within which and the form in which an application shall be made and the documents, particulars and information it shall accompany under sub-section (I) of section 41;
- (b) The form in which the certificate of registration shall be made and the particulars and information it shall contain and the manner in which it shall be issued under sub- section (3) of section 41;
- (c) The form and manner in which the particulars of the certificate of registration shall be entered in the records of the registering authority under sub-section (5) of section 41;
- (d) The manner in which and the form in which the registration mark, the letters and figures and other particulars referred to in sub-section (6) of section 41 shall be displayed and shown;

- (e) The period within which and the form in which the application shall be made and the particulars and information it shall contain under sub-section (8) of section 41;
- (f) The form in which the application referred to in sub-section (14) of section 41 shall be made, the particulars and information it shall contain and the fee to be charged;
- (g) The form in which and the period within which the application referred in sub-section (1) of section 47 shall be made and the particulars it shall contain;
- (h) The form in which and the manner in which the application for no Objection Certificate” shall be made under sub-section (1) of section 48 and the form of receipt to be issued under sub-section (2) of section 48;
- (i) The matters that are to be complied with by an applicant before no objection certificate may be issued under section 48;
- (j) The form in which the intimation of change of address shall be made under sub-section (1) of section 49 and the documents to be submitted along with the application;
- (k) The form in which and the manner in which the intimation of transfer of ownership shall be made under sub-section (1) of section 50 or under sub-section (2) of section 50 and to the document to be submitted along with the application;
- (l) The form in which the application under sub-section (2) or sub-section (3) of section 51 shall be made;
- (m) The form in which the certificate of fitness shall be issued under sub-section (1) of section 56 and the particulars and information it shall contain;
- (n) The period for which the certificate of fitness granted or renewed under section 56 shall be effective;

(o) The fees to be charged for the issue or renewal or alteration of certificate of registration, for making an entry regarding transfer of ownership on a certificate of registration, for making or canceling an endorsement in respect of agreement of hire-purchase or lease or hypothecation on a certificate of registration for certificate of fitness for registration marks, and for the examination or inspection of motor vehicle, and the refund of such fees.

(p) Any other matter which is to be, or may be, prescribed by the Central Government.

65. Power of State Government to make rules. —

(1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 64.

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

(a) The conduct and hearing of appeals that may be preferred under this Chapter (the fees to be paid in respect of such appeals and the refund of such fees);

(b) The appointment functions and jurisdiction of registering and other prescribed authorities;

(c) The exemption of road-rollers, graders and other vehicle designed and used solely for the construction, repair and cleaning of roads from all or any of the provisions of this Chapter and the rules made thereunder and the conditions governing such exemption;

(d) The issue or renewal of certificates of registration and fitness and duplicates of such certificate to replace the certificate lost, destroyed or mutilated;

(e) The production of certificate of registration before the registering authority for the revision of entries therein of particulars relating to the gross vehicle weight;

(f) The temporary registration of motor vehicles and the issue of temporary certificate of registration and marks;

- (g) The manner in which the particulars referred to in sub-section (2) of section 58 and other prescribed particulars shall be exhibited;
- (h) The exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this chapter;
- (i) The forms other than those prescribed by the Central Government, to be used for the purpose of this chapter;
- (j) The communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the State of particulars of such vehicles and of their registration;
- (k) The amount or amounts under sub-section (13) of section 41 or sub-section (7) of section 47 or sub-section (4) of section 49 or sub-section (5) of section 50;
- (l) The extension of the validity of certificates of fitness pending consideration of applications for their renewal;
- (m) The exemption from the provisions of this chapter and the conditions and fees for exemption, of motor vehicles in the possession of dealers;
- (n) The form in which and the period within which the return under section 62 shall be sent;
- (o) The manner in which the State Register of Motor Vehicles shall be maintained under section 63;
- (p) Any other matter which is to be or may be prescribed.

CHAPTER V

CONTROL OF TRANSPORT VEHICLES

66. Necessity for permits. –

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

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

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

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

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

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

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

¹[Provided that holder of a permit of any articulated vehicle may use the prime-mover of that articulated vehicle for any other semi-trailor.]

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

- (a) To any transport vehicle owned by the Central Government or State Government and used for Government purposes unconnected with any commercial enterprise;
- (b) To any transport vehicle owned by a local authority or by a person acting under contract with a local authority and used solely for road cleaning, road watering or conservance purposes;
- (c) To any transport vehicle used solely for police, fire brigade or ambulance purposes;
- (d) To any transport vehicle used solely for the conveyance of corpses and the mourners accompanying the corpses;
- (e) To any transport vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety;
- (f) To any transport vehicle used for any other public purpose as may be prescribed by the State Government in this behalf;
- (g) To any transport vehicle used by a person who manufactures or deals in motor vehicle or bodies for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf;
- (h) To any transport vehicle owned by, and used solely for the purposes of, any educational institution which is recognized by the Central or State Government or whose managing committee is a society registered under the Societies Registration Act, 1960 (21 of 1960) or under any law corresponding to that Act in force in any part of India;
- (i) To any goods vehicle, the gross vehicle weight of which does not exceed 3,000 kilograms;
- (j) Subject to such conditions as the Central Government may, by notification in the Official Gazette, specify, to any transport vehicle purchased in one State and proceeding to a place, situated in that State or in any other State, without carrying any passenger or goods;
- (k) To any transport vehicle which has been temporarily registered under section 43 while

proceeding empty to any place for the purpose of registration of the vehicle;

²[(1) To any motor vehicle which is operated by electric battery, compressed natural gas or solar energy;]

(m) To any transport vehicle which, owing to flood earthquake or any other natural calamity, obstruction on road, or unforeseen circumstances, is required to be diverted through any other route, whether within or outside the State, with a view to enabling it to reach its destination;

(n) To any transport vehicle used for such purposes as the Central or State Government may, by order, specify;

(o) To any transport vehicle which is subject to a hire-purchase, lease or hypothecation agreement and which owing to the default of the owner has been taken possession of by or on behalf of the person with whom the owner has entered into such agreement, to enable such motor vehicle to reach its destination; or

(p) To any transport vehicle while proceeding empty to any place for purpose of repair.

(4) Subject to the provisions of sub-section (3), sub-section (1) shall, if the State Government by rule made under section 96 so prescribes apply to any motor vehicle adapted to carry more than nine persons excluding the driver.

1. Added by Act. 54 of 1994, sec. 20 (w.e.f 14-11-1994)

2. Subs. by Act 54 of 1994, sec. 20, for clause (1) (w.e.f. 14-11-1994)

67. Power to State Government to control road transport. —

(1) A State Government, having regard to--

(a) The advantages offered to the public, trade and industry by the development of motor transport,

- (b) The desirability of co-ordinating road and rail transport,
- (c) The desirability of preventing the deterioration of the road system, and
- (d) The desirability of preventing uneconomic competition among holders of permits.

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

- (i) Regarding the fixing of fares and freights (including the maximum and minimum in respect thereof) for stage carriages, contract carriages and goods carriages:

¹[Provided that the fares and freights in respect of such stage carriage, contract carriages and goods carriages operated by battery, compressed natural gas or solar energy shall be fixed by the owner or operator];

- (ii) Regarding the prohibition or restriction, subject to such conditions as may be specified in the directions, of the conveying of long distance goods traffic generally, or of specified classes of goods by goods carriages;

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

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

- (2) Any direction under sub-section (1) regarding the fixing of fares and freights for stage carriages,

contract carriages and goods carriages may provide that such fares or freights shall be inclusive of the tax payable by the passengers or the consignors of the goods, as the case may be, to the operators of the stage carriages, contract carriages or goods carriages under any law for the time being in force relating to tax on passengers and goods.

1. Ins. by Act 54 of 1994, sec. 21 (w.e.f. 14-11-1994).

68. Transport Authorities. —

(1) The State Government shall by notification in the Official Gazette, constitute for the State a State Transport Authority to exercise and discharge the powers and functions specified in sub-section (3), and shall in like manner constitute Regional Transport Authorities to exercise and discharge throughout such areas (in this Chapter referred to as regions) as may be specified in the notification in respect of each Regional Transport Authority; the powers and functions conferred by or under this Chapter on such Authorities:

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

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

Provided that nothing in this sub-section shall prevent any of the members of the State Transport Authority or a Regional Transport Authority, as the case may be, to preside over a meeting of such Authority during the absence of the Chairman, notwithstanding that such member does not possess judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to pass any order or take any decision under any law:

Provided further that the State Government may, --

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

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

(3) The State Transport Authority and every Regional Transport Authority shall give effect to any directions issued under section 67 and the State Authority shall, subject to such directions and save as otherwise provided by or under this Act, exercise and discharge throughout the State the following powers and functions, namely: -

- (a) To coordinate and regulate the activities and policies of the Regional Transport Authority, if any, of the State;
- (b) To perform the duties of a Regional Transport Authority where there is no such Authority and, if it thinks fit or if so required by a Regional Transport Authority, to perform those duties in respect of any route common to two or more regions;
- (c) To settle all disputes and decide all matters on which differences of opinion arise between Regional Transport Authority.

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

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

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

(5) The State Transport Authority and any Regional Transport Authority, if authorized in this behalf by rules made under section 96, may delegate such of its powers and functions to such authority or person subject to such restrictions, limitations and conditions as may be prescribed by the said rules.

1. Ins. by Act 54 of 1994, sec. 22 (w.e.f. 14-11-1994).

69. General provision as to applications for permits: -

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

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

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

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

70. Application for stage carriage permit: -

(1) An application for a permit in respect of a stage carriage (in this Chapter referred to as a stage carriage permit) or as a reserve stage carriage shall, as far as may be, contain the following particulars, namely: -

- (a) The route or routes or the area or areas to which the application relates;
 - (b) The type and seating capacity of each such vehicle;
 - (c) The minimum and maximum number of daily trips proposed to be provided and the timetable of the normal trips.
- Explanation**—For the purposes of this section, section 72, section 80 and section 102, “trip” means a single journey from one point to another, and every return journey shall be deemed to be a separate trip;
- (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, maintenance 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.

(2) An application referred to in sub-section (1) shall be accompanied by such documents as may be prescribed.

71. Procedure of Regional Transport Authority in considering application for stage carriage permit: -

(1) A Regional Transport Authority shall, while considering an application for a stage carriage permit, have regard to the objects of this Act.

1[* * *]

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

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

(3) (a) The State Government shall, if so directed by the Central Government having regard to the number of vehicles, road conditions and other relevant matters, by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport Authority to limit the number of stage carriages generally or of any specified type, as may be fixed and specified in the notification, operating on city routes in towns with a population of not less than five lakhs.

(b) Where the number of stage carriages are fixed under clause (a), the Government of the State shall reserve in the State certain percentage of stage carriage permits for the scheduled castes and the scheduled tribes in the same ratio as in the case of appointments made by direct recruitment to public services in the State.

(c) Where the numbers of stage carriages are fixed under clause (a), the Regional Transport Authority shall reserve such number of permits for the scheduled castes and the scheduled tribes as may be fixed by the State Government under sub-clause (b).

(d) After reserving such number of permits as is referred to in clause (c), the Regional Transport Authority shall in considering an application have regard to the following matters, namely: --

(i) Financial stability of the applicant;

(ii) Satisfactory performance as a stage carriage operator including payment of tax if the applicant is or has been an operator of stage carriage service; and

(iii) Such other matters as may be prescribed by the State Government;

Provided that, other conditions being equal, preference shall be given to application for permits from-

- (i) State transport undertakings;
- (ii) Co-operative societies registered or deemed to have been registered under any enactment for the time being in force; ²[* * *]
- (iii) Ex-servicemen ; ³[or]
- ³[(iv) Any other class or category of persons, as the State Government may, for reasons to be recorded in writing, consider necessary.]

⁴[* * *]

Explanation—For the purposes of this section “company” means any body corporate, and includes a firm or other association of individuals; and “director”, in relation to a firm, means a partner in the firm.

- 1. **Proviso omitted by Act 54 of 1994, sec. 23 (w.e.f. 14-11-1994).**
- 2. **Word “or” omitted by Act 54 of 1994, sec. 23 (w.e.f. 14-11-1994).**
- 3. **Ins. by Act 54 of 1994, sec. 23 (w.e.f. 14-11-1994).**
- 4. **Sub-clause (4) and (5) omitted by Act 54 of 1994, sec. 23 (w.e.f. 14-11-1994).**

72. Grant of stage carriage permit: -

(1) Subject to the provisions of section 71, a Regional Transport Authority may, on an application made to it under section 70, grant a stage carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit:

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

application.

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

- (i) That the vehicles shall be used only in a specified area, or on a specified route or routes;
- (ii) That the operation of the stage carriage shall be commenced with effect from a specified date;
- (iii) The minimum and maximum number of daily trips to be provided in relation to any route or area generally or on specified days and occasions;
- (iv) That copies of the time-table of the stage carriage approved by the Regional Transport Authority shall be exhibited on the vehicles and at specified stands and halts on the route or within the area;
- (v) That the stage carriage shall be operated within such margins of deviation from the approved time-table as the Regional Transport Authority may from time to time specify;
- (vi) That within municipal limits and such other areas and places as may be prescribed, passengers or goods shall not be taken up or set down except at specified points;
- (vii) The maximum number of passengers and the maximum weight of luggage that may be carried on the stage carriage, either generally or on specified occasions or at specified times and seasons;
- (viii) The weight and nature of passengers' luggage that shall be carried free of charge, the total weight of luggage that may be carried in relation to each passenger, and the arrangements that shall be made for the carriage of luggage without causing inconvenience to passengers;
- (ix) The rate of charge that may be levied for passengers' luggage in excess of the free allowance;
- (x) That vehicles of a specified type fitted with body 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;

- (xi) That specified standards of comfort and cleanliness shall be maintained in the vehicles;
- (xii) The conditions subject to which goods may be carried in the stage carriage in addition to or to the exclusion of passengers;
- (xiii) That fares shall be charged in accordance with the approved fare table;
- (xiv) That a copy of or extract from the fare table approved by the Regional Transport Authority and particulars of any special fares or rates of fares so approved for particular occasions shall be exhibited on the stage carriage and at specified stands and halts;
- (xv) That tickets bearing specified particulars shall be issued to passengers and shall show the fares actually charged and that records of tickets issued shall be kept in a specified manner;
- (xvi) That mails shall be carried on the vehicle 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;
- (xvii) The vehicles to be kept as reserve by the holder of the permit to maintain the operation and to provide for special occasions;
- (xviii) The conditions subject to which vehicle may be used as a contract carriage;
- (xix) That specified arrangements shall be made for the housing, maintenance and repair of vehicle;

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

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

(xxii) 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:

Provided that the conditions specified in pursuance of clause (i) shall not be varied so as to alter the distance covered by the original route by more than 24 kilometers, and any variation within such limits shall be made only after the Regional Transport Authority is satisfied that such variation will serve the convenience of the public and that it is not expedient to grant a separate permit in respect of the original route as so varied or any part thereof;

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

(xxiv) Any other conditions which may be prescribed.

73. Application for contract carriage permit. - An application for a permit in respect of a contract carriage (in this Chapter referred to as a contract carriage permit) shall contain the following particulars, namely--

(a) The type and seating capacity of the vehicle;

(b) The area for which the permit is required;

(c) Any other particulars, which may be prescribed.

74. Grant of contract carriage permit: -

(1) Subject to the provisions of sub-section (3), a Regional Transport Authority may, on an application made to under section 73, Grant a contract carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit:

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 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 maximum number of passengers and the maximum weight of luggage that may be carried on the vehicles, either generally or on specified occasions or at specified times and seasons;
- (iv) The conditions subject to which goods may be carried in any contract carriage in addition to, or to the exclusion of, passengers;
- (v) 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;
- (vi) That, in the case of vehicles other than motorcars, specified rates of hiring not exceeding specified maximum shall be charged;
- (vii) That in the case of motorcars, 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;

- (viii) That, in the case of motorcars, a taximeter shall be fitted and maintained in proper working order, if prescribed;
 - (ix) 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;
 - (x) That the conditions of permit shall not be departed from save with the approval of the Regional Transport Authority;
 - (xi) That, specified standards of comfort and cleanliness shall be maintained in the vehicles;
 - (xii) That, except in the circumstances of exceptional nature, the plying of the vehicle or carrying of the passengers shall not be refused;
 - (xiii) Any other conditions which may be prescribed.
- (3) (a) The State Government shall, if so directed by the Central Government, having regard to the number of vehicles, road conditions and other relevant matters, by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport authority to limit the number of contract carriages generally or of any specified type, as may be fixed and specified in the notification, operating on city routes in towns with a population of not less than five lakhs.
- (b) Where the number of contract carriages are fixed under clause (a), the Regional authority shall, in considering an application for the grant of permit in respect, at any such contract carriage, have regard to the following matters, namely:-
- (i) Financial stability of the applicant;

- (ii) Satisfactory performance as a contract carriage operator including payment of tax if the applicant is or has been an operator of contract carriages; and
- (iii) Such other matters as may be prescribed by the State Government:

Provided that, other conditions being equal, preference shall be given to applications for permits from-

- (i) The India Tourism Development Corporation;
- (ii) State Tourism Development Corporations;
- (iii) State Tourism Departments;
- (iv) State Transport Undertakings;
- (v) Co-operative societies registered or deemed to have been registered under any enactment for the time being in force;
- (vi) Ex-servicemen.

75. Scheme for renting of motor cabs. –

- (1) The Central Government may, by notification in the Official Gazette, make a scheme for the purpose of regulating the business of renting of ¹[motor cabs or motor cycles to persons desiring to drive either by themselves or through drivers, motor cabs or motor cycles] for their own use and for matters connected therewith.
- (2) A scheme made under sub-section (1) may provide for all or any of the following matters, namely:-

- (a) Licensing of operators under the scheme including grant, renewal and revocation of such licences;
- (b) Form of application and form of licences and the particulars to be contained therein;
- (c) Fee to be paid with the application for such licences;
- (d) The authorities to which the application shall be made;
- (e) Condition subject to which such licences may be granted, renewed or revoked;
- (f) Appeals against orders of refusal to grant or renew such licences and appeals against orders revoking such licences;
- (g) Conditions subject to which motor cabs may be rented;
- (h) Maintenance of records and inspection of such records;
- (i) Such other matters as may be necessary to carry out the purposes of this section.

1. Subs. by Act 54 of 1994, sec. 24, for "motor cabs to persons desiring to drive the cabs" (w.e.f. 14-11-1994).

76. Application for private service vehicle permit. -

(1) A regional Transport Authority may, on an application made to it, grant a private service vehicle permit in accordance with the application or with such modification as it deems fit or refuse to grant such permit:

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

(2) An application for a permit to use a motor vehicle as a private service vehicle shall contain the following particulars, namely:-

- (a) Type and seating capacity of the vehicle;
- (b) The area or the route or routes to which the application relates;
- (c) The manner in which it is claimed that the purpose of carrying persons otherwise than for hire or reward or in connection with the trade or business carried on by the applicant will be served by the vehicle; and
- (d) Any other particulars, which may be prescribed.

(3) The Regional Transport Authority if it decides to grant the permit may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely: -

- (i) That the vehicle be used only in a specified area or on a specified route or routes;
- (ii) The maximum number of persons and the maximum weight of luggage that may be carried;
- (iii) 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;
- (iv) That the conditions of permit shall not be departed from, save with the approval of the Regional Transport Authority;

- (v) That specified standards of comforts and cleanliness shall be maintained in the vehicle;
- (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, specify; and
- (vii) Such other conditions as may be prescribed.

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

- (a) The area or the route or routes to which the application relates;
- (b) The type and capacity of the vehicle;
- (c) The nature of the goods it is proposed to carry;
- (d) The arrangements intended to be made for the housing, maintenance and repair of the vehicle and for the storage and safe custody of the goods;
- (e) Such particulars as the Regional Transport Authority may require with respect to any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application, and of the rates charged by the applicant;
- (f) Particulars of any agreement, or arrangement, affecting in any material respect the provision within the region of the Regional Transport Authority of facilities for the transport of goods for hire or reward, entered into by the applicant with any other person by whom such facilities are provided, whether within or without the region;
- (g) Any other particulars, which may be prescribed.

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

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

79. Grant of goods carriage permit. –

(1) A Regional Transport Authority may, on an application made to it under section 77, grant a goods carriage permit to be valid throughout the State or in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit:

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

(2) The Regional Transport Authority, if it decides to grant a goods carriage permit, may grant the permit and may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely: -

- (i) That the vehicle shall be used only in a specified area or on a specified route or routes;
- (ii) That the gross vehicle weight of any vehicle used shall not exceed a specified maximum;
- (iii) That goods of a specified nature shall not be carried;
- (iv) That goods shall be carried at specified rates;
- (v) That specified arrangement shall be made for the housing,, maintenance and repair of the vehicle

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, 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 Transport Authority;

(ix) Any other conditions which may be prescribed.

(3) The conditions referred to in sub-section (2) may include conditions relating to the packaging and carriage of goods of dangerous or hazardous nature to human life.

80. Procedure in applying for and granting permits.-

(1) An application for a permit of any kind may be made at any time.

(2) A ¹[Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] shall not ordinarily refuse to grant an application for permit of any kind made at any time under this Act:

Provided that the ¹[Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] may summarily refuse the application if the grant of any permit in accordance with the application would have the effect of increasing the number of stage carriages as fixed and specified in a notification in the Official Gazette under clause (a) of sub-section (3) of section 71 or of contract carriages as fixed and specified in a notification in the Official Gazette under

clause (a) of sub-section (3) of section 74:

Provided further that where a ¹[Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] refuses an application for the grant of a permit of any kind under this Act, it shall give to the applicant in writing its reasons for the refusal of the same and an opportunity of being heard in the matter.

(3) An application to vary the conditions of any permit, other than a temporary permit, by the inclusion of a new route or routes or a new area or by altering the route or routes or area covered by it, or in the case of a stage carriage permit by increasing the number of trips above the specified maximum or by the variation, extension or curtailment of the route or routes or the area specified in the permit shall be treated as application for the grant of a new permit:

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

Provided further that, -

(i) In the case of variation, the termini shall not be altered and the distance covered by the variation shall not exceed twenty-four kilometers;

(ii) In the case of extension, the distance covered by extension shall not exceed twenty-four kilometers from the termini,

And any such variation or extension within such limits shall be made only after the transport authority is satisfied that such variation will serve the convenience of the public and that it is not expedient to grant a separate permit in respect of the original route as so varied or extended or any part thereof.

(4) A ¹[Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] may, before such date as may be specified by it in this behalf, replace any permit granted by it before the said date by a fresh permit conforming to the provisions of section 72 or section 74 or section 76 or section 79, as the case may be, and the fresh permit shall be valid for the same route or routes or the same area for which the replaced permit was valid:

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

(5) Notwithstanding anything contained in section 81, a permit issued under the provisions of sub-section (4) shall be effective without renewal for the remainder of the period during which the replaced permit would have been so effective.

1. Subs. by Act 54 of 1994, sec. 25, for "Regional Transport Authority" (w.e.f. 14-11-1994).

81. Duration and renewal of permits. –

(1) A permit other than a temporary permit issued under section 87 or a special permit issued under sub-section (8) of section 88 shall be effective ¹[from the date of issuance or renewal thereof] for a period of five years:

Provided that where the permit is countersigned under sub-section (1) of section 88, such countersignature shall remain effective without renewal for such period so as to synchronize with the validity of the primary permit.

(2) A permit may be renewed on an application made not less than fifteen days before on the date of its expiry.

(3) Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority as the case may be, entertain an application for the renewal of a permit after the last date specified in that sub-section if it is specified that the applicant was prevented by good and sufficient cause from making an application within the time specified.

(4) The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the renewal of a permit on one or more of the following grounds, namely:-

(a) The financial condition of the applicant as evidenced by insolvency, or decrees for payment of debts remaining unsatisfied for a period of thirty days, prior to the date of consideration of the application;

(b) The applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely:-

(i) Plying any vehicle-

(1) Without payment of tax due on such vehicle;

(2) Without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle;

(3) On any unauthorised route;

(ii) Making unauthorised trips:

Provided that in computing the number of punishment for the purposes of clause (b), any punishment stayed by the order of an appellate authority shall not be taken into account:

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

(5) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of Whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refused.

1. Subs. by Act 54 of 1994, sec. 26 for "without renewal" (w.e.f 14-11-1994).

82. Transfer of permit. –

(1) Save as provided in sub-section (2), a permit shall not be transferable from one person to another except with the permission of the transport which granted the permit and shall not, without such

permission, operate to on any person to whom a vehicle covered by the permit is transferred any right to use that vehicle in the manner authorised by the permit.

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

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

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

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

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

83. Replacement of vehicles. -The holder of a permit may, with the permission of the authority by which the permit was granted, replace any vehicle covered by the permit by any other vehicle of the same nature.

84. General conditions attaching to all permits. – The following shall be conditions of every permit-

(a) That the vehicle to which the permit relates carries valid certificate of fitness issued under section 56 and is at all times so maintained as to comply with the requirements of this Act and the rules made thereunder;

(b) That the vehicle to which the permit relates is not driven at a speed exceeding the speed permitted under this Act;

(c) That any prohibition or restriction imposed any fares or freight fixed by notification made under

section 67 are observed in connection with the vehicle to which the permit relates;

(d) That the vehicle to which the permit relates is not driven in contravention of the provisions of section 5 or section 113;

(e) That the provisions of this Act limiting the hours of work of drivers are observed in connection with any vehicle or vehicles to which the permit relates;

(f) That the provisions of Chapters X, XI, and XII so far as they apply to the holder of the permit are observed; and

(g) That the name and address of the operator shall be painted or otherwise firmly affixed to every vehicle to which the permit relates on the exterior of the body of that vehicle on both sides thereof in a colour or colours vividly contrasting to the colour of the vehicle centered as high as practicable below the window line in bold letters.

85. General form of permits. - Every permit issued under this Act shall be complete in itself and shall contain all the necessary particulars, of the permit and the conditions attached thereto.

86. Cancellation and suspension of permits. -

(1) The transport authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit-

(a) On the breach of any condition specified in section 84 or of any condition contained in the permit, or

(b) If the holder of the permit uses or causes or allows a vehicle to be used in any manner not authorised by the permit, or

(c) If the holder of the permit ceases to own the vehicle covered by the permit, or

- (d) If the holder of the permit has obtained the permit by fraud or misrepresentation, or
- (e) If the holder of the goods carriage permit, fails without reasonable cause, to use the vehicle for the purposes for which the permit was granted, or
- (f) If the holder of the permit acquires the citizenship of any foreign country:

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

(2) The Transport Authority may exercise the powers conferred on it under sub-section (1) in relation to a permit granted by any authority or person to whom power in this behalf has been delegated under sub-section (5) of section 68 as if the said permit a permit granted by the Transport Authority.

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

(4) The powers exercisable under sub-section (1) (other than the power to cancel a permit) by the Transport Authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under sub-section (5) of section 68.

(5) Where a permit is liable to be cancelled or suspended under clause (a) or clause (b) or clause (e) of sub-section (1) and the Transport Authority is of opinion that having regard to the circumstances of the case, it would not be necessary or expedient so to cancel or suspend the permit if the holder of the permit agrees to pay a certain sum of money, then notwithstanding anything contained in sub-section (1), the Transport Authority may, instead of canceling or suspending the permit, as the case may be, recover from the holder of the permit the sum of money agreed upon.

(6) The powers exercisable by the Transport Authority under sub-section (5) may, where an appeal has been preferred under section 89, be exercised also by the appellate authority.

(7) In relation to a permit referred to in sub-section (9) of section 88, the powers exercisable under sub-section (1) (other than the power to cancel a permit) by the Transport Authority which granted the permit, may be exercised by any Transport Authority and any authority or persons to whom power in this

behalf has been delegated under sub-section (5) of section 68, as if the said permit was a permit granted by any such authority or persons.

87. Temporary permits-

(1) A Regional Transport Authority and the State Transport Authority may without following the procedure laid down in section 80, grant permits to be effective for a limited period which shall, not in any case exceed four months, to authorise the use of a transport vehicle temporarily-

(a) For the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or

(b) For the purposes of a seasonal business, or

(c) To meet a particular temporary need, or

(d) Pending decision on an application for the renewal of a permit, and may attach to any such permit such condition as it may think fit:

Provided that a Regional Transport Authority or, as the case may be, State Transport Authority may, in the case of goods carriages, under the circumstances of an exceptional nature, and for reasons to be recorded in writing, grant a permit for a period exceeding four months, but not exceeding one year.

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

(i) No permit could be issued under section 72 or section 74 or section 76 or section 79 in respect of that route or area by reason of an order of a court or other competent authority restraining the issue of the same, for a period not exceeding the period for which the issue of the permit has been so restrained;

(ii) As a result of the suspension by a court or other competent authority of the permit of any vehicle in respect of that route or area, there is no transport vehicle of the same class with a valid permit in respect of that route or area, or there is no adequate number of such vehicles in respect of that route or

area, for a period not exceeding the period of such suspension:

Provided that the number of transport vehicles in respect of which temporary permits are so granted shall not exceed the number of vehicles in respect of which the issue of the permits have been restrained or, as the case may be, the permit has been suspended.

88. Validation of permits for use outside region in which granted. -

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

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

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

Provided also that-

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

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

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

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

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

Provided that it shall not be necessary to follow the procedure laid down in section 80 for the grant of countersignatures of permits, where the permits granted in any one State are required to be countersigned by the State Transport Authority or another State Regional Transport Authority concerned as a result of any agreement arrived at between the States after complying with the requirements of sub-section (5).

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

(6) Every agreement arrived at between the States shall, in so far as it relates to the grant of countersignature of permits, be published by each of the State Governments concerned in the Official Gazette and in any one or more of the newspapers in the regional language circulating in the area or route covered by the agreement and the State Transport Authority of the State and the Regional Transport Authority concerned shall give effect to it.

(7) Notwithstanding anything contained in sub-section (1), a Regional Transport Authority of one region may issue a temporary permit under section 87 to be valid in region or State with the concurrence, given generally or for the particular occasion, of the Regional Transport Authority of that other region or of the State Transport Authority of that other State, as the case may be.

(8) Notwithstanding anything contained in sub-section (1), but subject to any rules that may be made under this Act by the Central Government, the Regional Transport Authority of any one region or, as the case may be, the State Transport Authority may, for the convenience of the public, ¹[grant a special permit to any public service vehicle including any vehicle covered] by a permit issued under section 72 (including a reserve stage carriage) or under section 74 or under sub-section (9) of this section for carrying a passenger or passengers for hire or reward under a contract, express or implied, for the use of the vehicle as a whole without stopping to pick up or set down along the line of route passengers not included in the contract, and in every case where such special permits is granted, the Regional Transport-Authority shall assign to the vehicle, for display thereon, a special distinguishing mark in the form and manner specified by the Central Government and such special permit shall be valid in any other region or State without the countersignature of the Regional Transport Authority of the other region or of the State Transport Authority of the other State, as the case may be.

(9) Notwithstanding anything contained in sub-section (1), but subject to rules that may be made by the Central Government under sub-section (14) any State Transport Authority may, for the purpose of promoting tourism, grant permits in respect of tourist vehicle valid for the whole of India, or in such contiguous States not being less than three in number including the State in which the permit in accordance with the choice indicated in the application and the provisions of sections 73, 74, 80, 81, 82, 83, 84, 85 and 86 ²[clause (d) of sub-section (1) of section 87 and section 89] shall, as far as, may be, apply in relation to such permits.

³[***]

(11) The following shall be conditions of every permit granted under sub-section (9), namely: -

(i) Every motor vehicle requirement regarding the seating capacity, standards of to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in his behalf;

(ii) Every such motor vehicle, shall be driven by a person having such qualifications and satisfying such conditions as may be specified by the Central Governments; and

(iii) Such other conditions as may be, prescribed by the, Central Government.

(12) Notwithstanding anything contained in sub-section (1), but, subject to the rule that may be made by the Central Government under subsection (14), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant in a State, national permits in respect of goods carriages and the provisions of sections 69, 77, 79, 80, 81, 82, 83, 84, 85, 86, ²[clause (d) of sub-section

(I) of section 87 and section 89] shall, as far as may be, apply to or in relation to the, grant of national permits.

4[***]

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

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

(i) The authorization fee payable of the issue of a permit referred to in subsection (9) and (12);

(ii) The fixation of the laden weight of the motor vehicle;

(iii) The distinguishing particulars or marks to be carried or exhibited in or on the, motor vehicle;

(iv) The colour or colours in which the motor vehicle is to be painted;

(v) Such other matters as the appropriate authority shall consider in granting a national permit.

Explanation. – In this section,

(a) “Appropriate authority”, in relation to a national permit, means the authority, which is authorised under this Act to grant a goods carriage permit;

(b) “Authorization fee” means the annual fee, not exceeding one thousand rupees, which may be charged by the appropriate authority of a State to enable a motor vehicle, covered by the permit referred to in sub-sections (9) and (12) to be used in other States subject to the payment of taxes or fees, if any, levied by the States concerned;

(c) “National permit” means a permit granted by the appropriate authority to goods carriage to operate throughout the territory of India or in such contiguous States not being less than four in number, including the State in which the permit is issued as may be specified in such permit in accordance with the choice indicated in the application.

1. Subs. by Act 54 of 1994, sec 27, for “grant a special permit in relation to a vehicle covered” (w.e.f. 14-1-1994).

2. Subs. by Act 54 of 1994, sec. 27, for "and 89, (w.e.f 14-11-1994).

3. Sub-clause (10) omitted by Act 54 of 1994, sec. 27 (w.e.f. 14-11-1994).

4. Sub-clause (13) omitted by Act 54 of 1994, sec. 27 (w.e.f. 14-11-1994).

89. Appeals. –

(1) Any person-

(a) Aggrieved by the refusal of the State or a Regional Transport Authority to grant a permit, or by any condition attached to a permit granted to him, or

(b) Aggrieved by the revocation or suspension of the permit or by any variation of the conditions thereof, or

(c) Aggrieved by the refusal to transfer the permit under section 82, or

(d) Aggrieved by the refusal of the State or a Regional Transport Authority to countersign a permit, or by any condition attached to such countersignature, or

(e) Aggrieved by the refusal of renewal of a permit, or

(f) Aggrieved by the refusal to grant permission under section 83, or

(g) Aggrieved by any other order which may be prescribed, may, within the pre-scribed time and in the prescribed manner, appeal to the State Transport Appellate Tribunal constituted under sub-section (2), who shall, after giving such person and the original authority an opportunity of being heard, give a decision thereon which shall be final.

¹[(2) The State Government shall constitute such number of Transport Appellate Tribunals as it thinks fit and each such Tribunal shall consist of a judicial officer who is not below the rank of a District Judge or who is qualified to be a Judge of the High Court and it shall exercise jurisdiction within such area as may be notified by that Government.]

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

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

1. Subs. by Act 54 of 1994, sec. 28, for subsection (2) (w.e.f 14-11-1994).

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

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

Provided further that the State Transport Appellate Tribunal may entertain the application after the expiry of the said period of thirty days. If it is satisfied that the applicant was prevented by good and sufficient

cause from making the application in time.

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

91. Restriction of hours of work of drivers-

¹[(1) The hours of work of any person engaged for operating a transport vehicle shall be such as provided in the Motor Transport Workers Act, 1961 (7 of 1961)].

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

(3) A State Government or, if authorised in this behalf by the State Government by rules made under section 96, the State or a Regional Transport Authority may require persons employing any person whose work is subject to any of the provisions of sub--section (1) to fix beforehand the hours of work of such persons so as to conform to those provisions, and may provide for the recording of the hours so fixed.

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

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

1. Subs. by Act 54 of 1994, sec. 29, for sub-section (1) (w.e.f. 14-11-1994).

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

93. Agent or canvasser to obtain licence. -

(1) No person shall engage himself-

(i) As an agent or a canvasser, in the sale of tickets for travel by public service vehicles or in otherwise soliciting customers for such vehicles, or

(ii) As an agent in the business of collecting, forwarding or distributing goods carried by goods carriages,

Unless he has obtained a licence from such authority and subject to such conditions as may be prescribed by the State Government.

(2) The conditions referred to in sub-section (1) may include all or any of the following matters, namely:-

(a) The period for which a licence may be granted or renewed;

(b) The fee payable for the issue or renewal of the license;

(c) The deposit of security-

(i) Of a sum not exceeding rupees fifty thousand in the case of an agent in the business of collecting, forwarding or distributing goods carried by goods carriages,

(ii) Of a sum not exceeding rupees five thousand in the case of any other agent or canvasser,

And the circumstances under which the security may be forfeited;

- (d) The provision by the agent of insurance of goods in transit;
 - (e) The authority by which and the circumstances under which the licence may be suspended or revoked;
 - (f) Such other conditions as may be prescribed by the State Government.
- (3) It shall be a condition of every licence that no agent or canvasser to whom the licence is granted shall advertise in any newspaper, book, list, classified directory or other publication unless there is contained in such advertisement appearing in such newspaper, book, list, classified directory or other publication the licence number, the date of expiry of licence and the particulars of the authority which granted the licence.

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

95. Power of State Government to make rules as to stage carriages and contract carriages. -

- (1) A State Government may make rules to regulate, in respect of stage carriages and contract carriages and the conduct of passengers in such vehicles.
- (2) Without prejudice to the generality of the foregoing provision, such rules may-
 - (a) Authorize the removal from such vehicle of any person contravening the rules by the driver or conductor of the vehicle, or, on the request of the driver or conductor, or any passenger, by any police officer;
 - (b) Require a passenger who is reasonably suspected by the driver or conductor of contravening the rules to give his name and address to a police officer or to the driver or conductor on demand;
 - (c) Require a passenger to declare, if so demanded by the driver or conductor, the journey he intends

to take or has taken in the vehicle and to pay the fare for the whole of such journey and to accept any ticket issued therefor;

(d) Require, on demand being made for the purpose by the driver or conductor or other person authorised by the owners of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;

(e) Require a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;

(f) Require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him;

(g) Require a passenger to abstain from doing anything, which is likely to obstruct or interfere, with the working of the vehicle or to cause damage to any part of the vehicle or to cause damage to any part of the vehicle or its equipment or to cause injury or discomfort to any other passenger.

(h) Require a passenger not to smoke in any vehicle on which a notice prohibiting smoking is exhibited.

(i) Requires the maintenance of complaint books in stage carriages and prescribe conditions under which passengers can record any complaints in the same.

96. Power of State Government to make rules for the purposes of this Chapter. -

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

(2) Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely:

(i) The period of appointment and the terms of appointment of and the conduct of business by Regional and State Transport Authorities and the reports to be furnished by them,

- (ii) The conduct of business by any such authority in the absence of any member (including the Chairman) thereof and the nature of business which, the circumstances under which and the manner in which, business could be so conducted;
- (iii) The conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;
- (iv) The forms to be used for the purposes of this Chapter, including the forms or Permits;
- (v) The issue of copies of permits in place of permits lost, destroyed or mutilated;
- (vi) The documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed;
- (vii) The fees to be paid in respect of applications for permits, duplicate permit and plates;
- (viii) The exemption of prescribed person or prescribed classes of persons from -payment of all or any or any portion of the fees payable under this Chapter;
- (ix) The custody, production and cancellation on revocation or expiration of permits, and the return of permits which have been cancelled,
- (x) The conditions subject to which, and the extent to which, a permit granted in another State shall be valid in the State without, countersignature;
- (xi) The conditions subject to which, and the extent to which, a permit granted in one region shall be valid in another region within the State without countersignature;
- (xii) The conditions to be attached to permits for the purpose of giving effect any agreement such as is referred to in clause (iii) of sub-section (1) of section, 67;

- (xiii) The authorities to whom, the time within which and the manner in which appeals may be made;
- (xiv) The construction and fittings of, and the equipment to be carried by, stage and contract carriages, whether generally or in specified areas;
- (xv) The determination of the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried;
- (xvi) The conditions subject to which goods may be carried on stage and contract carriages partly or wholly in lieu of passengers;
- (xvii) The safe custody and disposal of property left in a stage or contract carriage;
- (xviii) Regulating the painting or marking of transport vehicles and the display of advertising matter thereon, and in particular prohibiting the painting or marking of transport vehicles in such colour or manner as to induce any person to believe that the vehicle is used for the transport of mails;
- (xix) The conveyance in stage or contract carriages of corpses or persons suffering from any infectious or contagious disease or goods likely to cause discomfort or injury to passengers and the inspection and disinfections of such carriages if used for such purposes;
- (xx) The provision of taximeters on motor cabs requiring approval or standard types of taximeters to be used and examining testing and sealing taximeters;
- (xxi) Prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in specified areas or at places other than duly notified stands or halting places and requiring the driver of a stage carriage to stop and remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place;
- (xxii) The requirements which shall be complied with in the construction or use of any duly notified stand or halting place, including the provision of adequate equipment and facilities for the convenience of all users thereof, the fees, if any, which may be charged for the use of such facilities, the records which shall be maintained at such stands or places, the staff to be employed thereat, and the duties and conduct of such staff, and generally for maintaining such stands and places in a serviceable and clean

condition;

(xxiii) The regulation of motor cab ranks;

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

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

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

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

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

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

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

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

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

(xxxiii) Any other matter which is to be or may be prescribed.

CHAPTER VI

SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

97. Definition: - In this Chapter, unless the context otherwise requires, "road transport means a service of motor vehicles carrying passengers or goods or both by road for hire or reward.

98. Chapter to override Chapter V and other laws: - The provisions of this Chapter and the rules and orders made thereunder shall have effect notwithstanding anything insistent therewith contained in Chapter V or in any other law for the time being in force or in any instrument having effect by virtue of any such law.

99. Preparation and publication of proposal regarding road transport service of a State Transport Undertaking. -

¹[(1) Where any State Government 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, complete or partial, of other persons or otherwise, the State Government may formulate a proposal regarding a scheme giving particulars of the nature of the services proposed to be rendered, the area or route proposed to be covered and other relevant particulars respecting thereto and shall publish such proposal in the Official Gazette of the State formulating such proposal and in not less than one newspaper in the regional language circulating in the area or route proposed to be covered by such scheme and also in such other manner as the State Government formulating such proposal deem fit.

²[(2) Notwithstanding anything contained in sub-section (1), when a proposal is published under that sub-section, then from the date of publication of such proposal, no permit shall be granted to any person, except a temporary permit during the pendency of the proposal and such temporary permit shall be valid only for a period of one year from the date of its issue or till the date of final publication of the scheme under section 100, whichever is earlier.]

1. Section 99 renumbered as sub-section (1) thereof by Act 54 of 1994, sec. 30 (w.e.f 14-11-1994).

2. Ins. by Act 54 of 1994, sec. 30 (w.e.f. 14-11-1994).

100. Objection to the proposal. -

(1) On the publication of any proposal regarding a scheme in the Official Gazette and in not less than one newspaper in the regional language circulating in the area or route which is to be covered by such proposal any person may, within thirty days from the date of its publication in the Official Gazette, file objections to it before the State Government.

(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 such proposal.

(3) The scheme relating to the proposal as approved or modified under sub-section (2) shall then be published in the Official Gazette by the State Government making such scheme and in not less than one newspaper in the regional language circulating in the area or route covered by such scheme and the same shall thereupon become final on the date of its publication in the Official Gazette 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:

Provided that no such scheme, which relates to any inter-State route, shall be deemed to be an approved scheme unless it has the previous approval of the central Government.

(4) Notwithstanding anything contained in this section, where a scheme is not published as an approved scheme under sub-section (3) in the Official Gazette within a period of one year from the date of publication of the proposal regarding the scheme in the Official Gazette under sub-section (1), the proposal shall be deemed to have lapsed.

Explanation. -In computing the period of one year referred to in this sub-section, any period or periods during which the publication of the approved scheme under sub--section (3) was held up on account of any stay or injunction by the order of any Court shall be excluded.

101. Operation of additional services by a State Transport Undertaking in certain circumstances. -Notwithstanding anything contained in section 87, a State Transport Undertaking may, in the public interest operate additional services for the conveyance of the passengers on special occasions such as to and from fairs and religious gatherings:

Provided that the State Transport Undertaking shall inform about the operation of such additional services to the concerned Transport Authority without delay.

102. Cancellation or modification of scheme. -

(1) The State Government may, at any time, if it considers necessary, in the public interest so to do, modify any approved scheme after giving-

(i) The State Transport Undertaking; and

(ii) Any other person who, in the opinion of the State Government, is likely to be affected by the proposed modification,

And opportunity of being heard in respect of the proposed modification.

(2) The State Government shall publish any modification proposed under sub-section (1) in the Official Gazette and in one of the newspapers in the regional languages circulating in the area in which it is proposed to be covered by such modification, together with the date, not being less than thirty days from such publication in the Official Gazette, and the time and place at which any representation received in this behalf will be heard by the State Government.

103. Issue of permits to State Transport Undertakings. -

(1) Where, in pursuance of an approved scheme, any State Transport Undertaking applies in such manner as may be prescribed by the State Government in this behalf for a stage carriage permit or a goods carriage permit or a contract carriage permit in respect of a notified area or notified route, the State Transport Authority in any case where the said area or route lies in more than one region and the Regional Transport Authority in any other case shall issue such permit to the State Transport Undertaking, notwithstanding anything to the contrary contained in Chapter V.

(2) For the purpose of giving effect to the approved scheme in respect of a notified area or notified route, the State Transport Authority or, as the case may be, the Regional Transport Authority concerned may, by order, -

- (a) Refuse to entertain any application for the grant or renewal of any other permit or reject any such application as may be pending;
- (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 State Transport Authority or any Regional Transport Authority under sub-section (1) or sub-section (2).

104. Restriction on grant of permits in respect of a notified area or notified route:-Where a scheme has been published under sub-section (3) of section 100 in respect of any notified area or notified route, the State Transport Authority or the Regional Transport Authority, as the case may be, shall not grant any permit except in accordance with the provisions of the scheme:

Provided that where no application for a permit has been made by the State Transport Undertaking in respect of any notified area or notified route in pursuance of an approved scheme, the State Transport Authority or the Regional Transport Authority, as the case may be, may grant temporary permits to any person in respect of such notified area or notified route subject to the condition that such permit shall cease to be effective on the issue of a permit to the State Transport Undertaking in respect of that area or route.

105. Principles and method of determining compensation and payment. -

- (1) Where, in exercise of the powers conferred by clause (b) or clause (c) of sub-section (2) of

section 103, 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 of sub-section (4) or subsection (5), as the case may be.

(2) Notwithstanding anything contained in subsection (1), no compensation be payable on account of the cancellation of any existing, permit or any of the terms thereof, when a permit for an alternative route or area in lieu been offered by the State Transport Authority or the Regional Transport Authority, as the case may be and accepted by the holder of the permit.

(3) For the removal of doubts, it is hereby declared that no compensation payable on account of the refusal to renew a permit under clause (a) of sub-section (2) of section 103.

(4) Where, in exercise of the powers conferred by clause (b) or sub-section (1) or sub-clause (ii) clause (c) of sub-section (2) of section 103, 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 from the permit, would otherwise have been effective, the compensation payable to the of the permit for each vehicle affected by such cancellation or modification computed as follows:-

(a) For every complete month or part of a month exceeding fifteen days unexpired period of the permit: Two hundred rupees;

(b) For part of a month not exceeding fifteen days of the unexpired the permit; One hundred rupees:

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 sub-section (2) of section 103, the terms of an existing permit are m 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 a computed in accordance with the following formula, namely: -

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

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

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);
- (iii) "R" means the total length of the route or the total area covered by the permit.

(6) The amount of compensation payable under this section 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:

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 seven percent per annum from the date on which it falls due.

106. Disposal of article found in vehicles. –

(1) Where any article found in any transport vehicle operated by the State Transport Undertaking is not claimed by its owner within the prescribed period, the State Transport Undertaking may sell the article in prescribed manner and the sale proceeds thereof, after deducting the costs incidental to sale, shall be paid to the owner on demand.

(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: -

107. Power of State Government to make rules. -

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

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

- (a) The form in which any proposal regarding a scheme may be published under section 99;
- (b) The manner in which objections may be filed under sub-section (1) of section 100;
- (c) The manner in which objections may be considered and disposed of under sub-section (2) of section 100;
- (d) The form in which any approved scheme may be published under subsection (3) of section 100;
- (e) The manner in which application under sub-section (1) of section 103 may be made;
- (f) The period within which the owner may claim any article found left in any transport vehicle under section 106 and the manner of sale of such article;
- (g) The manner of service of orders under this Chapter;
- (h) Any other matter which has to be, or may be, prescribed.

108. Certain powers of State Government exercisable by the Central Government. - The powers conferred on the State Government under this Chapter shall, in relation to a corporation or company owned or controlled by the Central Government or by the Central Government and one or more State Governments, be exercisable only by the Central Government in relation to an inter-State route or area.