

**JOINT/SELECT COMMITTEE  
REPORTS OF LEGISLATIVE  
ASSEMBLY -1947**

**The Motor Vehicles  
(Amendment) Bill**

I. List of Reports of Select Committees  
presented to the Legislative Assembly  
of the Indian Legislature in 1947.

S.No.	Short title of the Bill.	Date of presen- tation.	Date of publica- tion.
1.	The Indian Navy (Discipline) (Amendment) Bill.	3.2.1947.	15.2.1947
2.	The Motor Vehicles (Amendment) Bill.	3.2.1947.	15.2.1947
3.	The Motor Vehicles (Second Amendment) Bill.	3.2.1947.	15.2.1947
<del>4.</del>	The Foreign Exchange Regulation Bill.	3.2.1947.	15.2.1947
5.	The Industrial Disputes Bill.	3.2.1947.	15.2.1947
6.	The Railways (Transport of Goods) Bill.	17.2.1947.	1.3.1947
7.	The Banking Companies Bill.	17.2.1947.	1.3.1947
8.	The Indian Trade Unions (Amendment) Bill.	26.2.1947.	5.4.1947
9.	The Insurance (Second Amendment) Bill.	5.3.1947.	15.3.1947
10.	The Delhi and Ajmer-Merwara Rent Control Bill.	12.3.1947.	22.3.1947
11.	The Imports and Exports (Control) Bill.	12.3.1947.	22.3.1947
12.	The Income-tax and Excess Profits Tax (Amendment) Bill.	19.3.1947.	29.3.1947
13.	The Business Profits Tax Bill.	19.3.1947.	29.3.1947
14.	The Rubber (Production and Marketing) Bill.	1.4.1947.	12.4.1947
15.	The Control of Shipping Bill.	1.4.1947.	12.4.1947
16.	The Capital Issues (Continuance of Control) Bill.	7.4.1947.	12.4.1947

S.No.	Short title of the Bill.	Date of presenta- tion.	Date of publica- tion.
17.	The Taxation on Income (Investigation Commission) Bill.	7. 4.1947.	19. 4.19

II. List of Reports of Select Committees  
Presented to the ~~Legis~~ Constituent  
Assembly of India (Legislative) in  
1947.

1. The Delhi and Ajmer-Merwara  
Rent Control (Amendment) Bill. 1. 12.1947. 13.12.19
2. The Delhi Premises (Requisi-  
tion and Eviction) Bill. 1.12.1947. 13.12.19
3. The Extra-Provincial Juris-  
diction Bill. 6.12.1947. 13.12.19

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## BILL AS AMENDED BY THE SELECT COMMITTEE)

(Words underlined or sidlined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

A

## BILL

further to amend the Motor Vehicles Act, 1939

WHEREAS it is expedient further to amend the Motor Vehicles Act, 1939 (IV of 1939), for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Motor Vehicles (Amendment) Act, 1947.

2. **Amendment of section 2, Act IV of 1939.**—In section 2 of the Motor Vehicles Act, 1939 (hereinafter referred to as the said Act),—

(a) clause (4) shall be omitted;

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

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

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

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

\* \* \* \* \*

(14) "medium motor vehicle" means any motor vehicle other than a motor cycle, invalid carriage, light motor vehicle, heavy motor vehicle or road-roller;';

(d) for clause (16) the following clause shall be substituted, namely:—

'(16) "motor car" means any motor vehicle other than a transport vehicle, omnibus, road roller, tractor, motor cycle or invalid carriage;'

(e) in clause (18), for the words "used solely upon the premises of the owner" the words "a vehicle of special type adapted to be used only in a factory or other enclosed area" shall be substituted;

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

'(18A) "omnibus" means any motor vehicle constructed, or adapted to carry more than seven persons excluding the driver;'

(g) in clause (26), after the word "any" the words "axle of a" shall be inserted, and for the words "that vehicle" the words "that axle" shall be substituted;

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

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

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

**3. Amendment of section 3, Act IV of 1939.**—To section 3 of the said Act the following sub-section shall be added, namely:—

“(3) For the purposes of sub-section (1) a licence shall be deemed to be effective during the period of fifteen days referred to in sub-section (3) of section 11, but the subsequent renewal of a licence in pursuance of an application for renewal made after the date of the expiry of that period shall not operate to condone any contravention of this section occurring after that date.”

**4. Amendment of section 7, Act IV of 1939.**—In section 7 of the said Act,—

(a) in the first proviso to sub-section (6), for the words “motor car” at both places where they occur, the words “light motor vehicle” shall be substituted;

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

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

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

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

(c) in the proviso to sub-section (8) for the words “motor car” the words “light motor vehicle” shall be substituted, and to the said sub-section the following further proviso shall be added, namely:—

“Provided further that the licensing authority shall not grant a licence to an applicant who has previously held a licence granted under this Act unless it is satisfied that there is good reason for the applicant’s inability to obtain a duplicate copy of his former licence.

**5. Amendment of section 8, Act IV of 1939.**—In sub-section (2) of section 8 of the said Act, for clauses (b) to (k) (both inclusive) the following clauses shall be substituted, namely:—

“(b) invalid carriage,

(c) light motor vehicle, \* \* \* \* \*

(d) medium motor vehicle,

(e) heavy motor vehicle,

(f) road roller,

(g) motor vehicle of a specified description.”

**6. Insertion of new section 8A in Act IV of 1939.**—After section 8 of the said Act the following section shall be inserted, namely:—

“8A. *Additions to licences.*—(1) Any person holding a licence issued under this Act who is not for the time being disqualified for holding or obtaining a licence may apply in Form AA as set forth in the First Schedule to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business or, if the application relates to a licence to drive as a paid employee, in which the employer resides or carries on business, for the addition of another class of motor vehicle to the licence.

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

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

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

**7. Amendment of section 9, Act IV of 1939.**—In section 9 of the said Act,—

(a) in sub-section (2), for the words and figures "the International Convention relative to motor traffic concluded at Paris on the 24th day of April, 1926, or of any Convention modifying the same," the words "any international convention relative to motor traffic to which the Central Government is for the time being a party," shall be substituted;

(b) in sub-section (3), the word "or" at the end of clause (b) shall be omitted, and to the said sub-section the following clause shall be added, namely:—

"(d) specify the conditions subject to which the Regional Transport Authority or prescribed authority, as the case may be, may make or refuse to make such specification or countersignature as aforesaid."

**8. Amendment of section 10, Act IV of 1939.**—In section 10 of the said Act, for the words "last renewal" the words and figures "from the anniversary of that date immediately preceding the date on which it is renewed under section 11" shall be substituted.

**9. Amendment of section 11, Act IV of 1939.**—In section 11 of the said Act,—

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

"with effect in all cases, whether the application for renewal is made within the time specified in sub-section (3) or otherwise, from the date of its expiry."

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

"(3) Where an application for the renewal of a licence is made previous to, or within a period of fifteen days after, the date of its expiry, the fee for the renewal shall be three rupees.

(3A) Where an application for the renewal of a licence is made more than fifteen days after its expiry, the licensing authority shall, on payment of a fee of five rupees, renew the licence \* \* \* \* up to the anniversary of its issue immediately following the date of such renewal:

Provided that if the licensing authority is satisfied that the holder was prevented by good cause from applying within the time specified in sub-section (3), the fee for renewal shall be three rupees:

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

**10. Amendment of section 12, Act IV of 1939.**—(1) In section 12 of the said Act,—

(a) for the word "a" where it first occurs the word "any" shall be substituted;

(b) the words "issued by it" shall be omitted.

(2) To the said section 12 the words "and where a licensing authority revokes a licence not issued by it, it shall inform the licensing authority which issued the licence of its revocation" shall be added.

**11. Amendment of section 13, Act IV of 1939.**—In section 13 of the said Act,—

(a) in sub-section (1), for the words "the licensing authority refuses to issue or revokes or refuses to renew any licence" the words, brackets and figures "an authority refuses to issue or renew, or revokes, any licence, or refuses to add a class of motor vehicle to any licence, or to make a specification or countersignature such as is referred to in sub-section (3) of section 9," shall be substituted;

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

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

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

**12. Amendment of section 20, Act IV of 1939.**—In sub-section (3) of section 20 of the said Act,—

(a) for the word "new" the words "copy of the" shall be substituted;

(b) after the word "clean" the words "copy of the" shall be inserted.

**13. Amendment of section 21, Act IV of 1939.**—In clause (c) of sub-section (2) of section 21 of the said Act, after the words "in driving" the words "or whose licences have been surrendered" shall be inserted.

**14. Amendment of section 22, Act IV of 1939.**—In section 22 of the said Act, the brackets and figure "(1)" and sub-section (2) shall be omitted.

**16. Amendment of section 24, Act IV of 1939.**—(1) In section 24 of the said Act, after sub-section (1) the following sub-section shall be inserted, namely:—

"(1A) Where a motor vehicle is jointly owned by more than one person, the name of only one person shall be entered in the certificate of registration as the registered owner of the vehicle for the purposes of this Act, and only the name to be so entered shall be stated against entry 1 in the said Form E."

(2) To the said section 24 the following sub-section shall be added, namely:—

"(4) A Provincial Government may, by rules made under section 41, require that within a prescribed period certificates of registration issued before a prescribed date shall be presented to a registering authority for the entry therein of particulars of the colour or colours of the body, wings and front end of the vehicles to which they respectively relate."

**17. Amendment of section 25, Act IV of 1939.**—In sub-section (1) of section 25 of the said Act, after the word "authority" the words "or such other authority or person as may be appointed by a prescribed authority" shall be inserted.

**18. Amendment of section 28, Act IV of 1939.**—In section 28 of the said Act,—

(a) in sub-section (2),—

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

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

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

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

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

(c) in sub-section (5), for the words "certificates of registration generally" the words "certificates generally" shall be substituted.

**19. Amendment of section 29, Act IV of 1939.**—In sub-section (1) of section 29 of the said Act, after the words "twelve months," the words and figures "or when a motor vehicle not registered in British India by virtue of the provisions of section 28 has been kept in British India for a period exceeding twelve months," shall be inserted.

**20. Amendment of section 32, Act IV of 1939.**—In section 32 of the said Act,—

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

"Provided further that, if permitted by order in writing of the Provincial Government or of an authority authorised in this behalf by the Provincial Government, the owner of not less than ten transport vehicles may, where the engine number of any such vehicle is altered by reason of the replacement of the engine or part thereof bearing the number, himself make the necessary entry in a certificate of registration without making a report as aforesaid, but shall within fourteen days of making the entry intimate the details thereof to the registering authority within whose jurisdiction he resides.";

(b) in sub-section (2), for the words "authority making any such entry" the words "authority, making, or receiving intimation of, any such entry" shall be substituted.

**21. Amendment of section 34, Act IV of 1939.**—In sub-section (3) of section 34 of the said Act,—

(a) after the words "wish to make" the words and brackets "(such opportunity being given by sending a notice by registered post acknowledgment due, to the owner at his address for the time being entered in the certificate of registration of the vehicle)" shall be inserted;

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

\* \* \* \* \*

**22. Amendment of section 35, Act IV of 1939.**—In sub-section (2) of section 35 of the said Act, the proviso shall be omitted.

**23. Substitution of new section for sections 36 and 37, Act IV of 1939.**—For sections 36 and 37 of the said Act, the following section shall be substituted, namely:—

"36. *Special provisions in regard to transport vehicles.*—(1) The Provincial Government may, by notification in the official Gazette, specify in relation to



any make or model of transport vehicle, other than a motor cab, and in consideration of the size and nature of the tyres fitted to the wheels thereof, the maximum safe laden weight of the vehicle and the maximum safe axle weight of each axle of the vehicle.

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

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

(3) When by reason of any alteration in any such vehicle, including an alteration in the number, nature or size of its tyres, the registered laden weight of the vehicle or the registered axle weight of any of its axles no longer accords with the provisions of sub-section (2), the provisions of section 32 shall apply and the registering authority shall enter in the certificate of registration of the vehicle revised registered weights which accord with the said sub-section.

(4) The Provincial Government may, by rules made under section 41, require that the certificates of registration of any prescribed class of transport vehicles other than motor cabs, registered before a prescribed date shall, within a prescribed period, be presented to a registering authority for revision of any registered weight entered therein in accordance with the provisions of sub-section (2)."

**24. Amendment of section 38, Act IV of 1939.**—(1) For sub-section (2) of section 38 of the said Act, the following sub-section shall be substituted, namely:—

"(2) Certificates of fitness shall be issued to be effective, subject to the provisions of sub-section (3), for such period, not more than two years or less than six months, as may be determined in respect of any vehicle or class or description of vehicles \* \* \* in accordance with prescribed conditions by the Provincial Transport Authority or such other authority as may be prescribed."

(2) To the said section 38 the following sub-section shall be added, namely:—

"(4) A certificate of fitness issued under this Act shall, while it remains effective, be valid throughout British India, and a Provincial Government may, by notification in the official Gazette, declare that subject to such conditions as may be specified in the notification, certificates of fitness issued by a competent authority in any Indian State so specified or in the French or Portuguese Settlements bounded by India, shall, while they remain effective, be valid in the Province as if they were issued under this Act."

**25. Amendment of section 39, Act IV of 1939.**—In sub-section (2) of section 39 of the said Act, for the words and letter "of fitness in Form H as set forth in the First Schedule" the words and figure "certifying that the vehicle complies with the provisions of Chapter V and the rules made thereunder" shall be substituted.

**26. Amendment of section 41, Act IV of 1939.**—In sub-section (2) of section 41 of the said Act,—

(a) in clause (c), for the words "duplicate certificates of registration" the words "certificates of fitness and duplicates of such certificates" shall be substituted;

(b) in clause (e), the words, brackets and figures "the particulars referred to in sub-section (1) of section 37, and" shall be omitted;

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

**27. Amendment of section 42, Act IV of 1939.**—In sub-section (3) of section 42 of the said Act,—

(a) in clause (a), the words "or on behalf of" shall be omitted, and for the words "in connection with the business of an Indian State Railway" the words "for a commercial purpose or for the purposes of a commercial department" shall be substituted;

(b) the word "or" at the end of clause (h) shall be omitted;

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

"(i) except as may be otherwise prescribed, to any goods vehicle, being a light motor vehicle;

(j) except as may be otherwise prescribed, to any two-wheeled trailer with a registered laden weight not exceeding 1,700 pounds avoirdupois drawn by a motor car constructed for the carriage of not more than seven persons excluding the driver."

**28. Amendment of section 43, Act IV of 1939.**—In section 43 of the said Act,—

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

"may from time to time, after publishing a draft in the official Gazette and specifying a date, being not less than two months after such publication, on or after which the draft will be taken into consideration, and after considering any objections received before that date, giving the persons raising them an opportunity of being heard and consulting the Provincial Transport Authority, give directions (which shall be published in the official Gazette) to the Provincial Transport Authority—

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

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

(iii) as may appear to the Provincial Government necessary or expedient for giving effect to any agreement entered into with the Central Government or any other Provincial Government or the Government of any Indian State or of the French or Portuguese Settlements bounded by India relating to the regulation of motor transport generally, and in particular its co-ordination with other means of transport and the conveying of long distance goods traffic:

Provided that—

(a) a distance less than one hundred and fifty miles shall not be regarded as a long distance for the purposes of this sub-section, unless the Provincial Government is satisfied in any particular case that there are special reasons for so regarding it; and

(b) no directions shall be given under clause (ii) for giving effect to an agreement unless the agreement prior to its coming into operation has been laid for not less than thirty days before the Central and Provincial Legislatures concerned.

(b) in sub-section (2), for the word "notification" wherever it occurs the word "directions" shall be substituted;

(c) in sub-section (3),—

(i) for the words "and Regional Transport Authorities" the word "Authority" shall be substituted;

(ii) for the word "notification" in both places where it occurs, the word "direction" shall be substituted.

**29. Amendment of section 44, Act IV of 1939.**—(1) In section 44 of the said Act,—

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

"(2) A Provincial Transport Authority or a Regional Transport Authority shall consist of a chairman and such number of other members as the Provincial Government may think fit to appoint:

Provided that the number of official members shall not be more than the number of non-official members.

(2A) Any person who is informed that the Provincial Government proposes to appoint him as a member of the Provincial Transport Authority or a Regional Transport Authority shall, unless he is unwilling to accept such appointment, declare in writing whether he has or has not any financial interest, direct or indirect, as proprietor, employee or otherwise, in any transport undertaking, and if he has, the nature and extent of such interest.

(2B) If a person, while he is a member of a Provincial Transport Authority or a Regional Transport Authority, acquires any such interest as is mentioned in sub-section (2A) (whether or not it be in addition to an interest already declared by him), he shall within four weeks of his acquiring the interest declare in writing the nature and extent thereof, and the Provincial Government after taking the matter into consideration may, if it thinks fit, declare that the member has vacated his office.

(2C) Nothing in sub-section (2A) or sub-section (2B) shall apply to an official merely by reason of the fact that the Government employing him has, or acquires, a financial interest in a transport undertaking.

(2D) The Provincial Government may appoint as additional members of the Provincial Transport Authority such number of persons as it thinks fit to represent the railway administrations and an equal number of persons to represent the road motor transport undertakings in the province, preference being given to those undertakings in which the railway administrations have no financial interest:

Provided that if in the provinces of Bengal, Bihar and Assam, any such persons are appointed, at least one more person shall be appointed as an additional member to represent inland steam-vessel companies.

(2E) The additional members appointed under sub-section (2D) shall be entitled to take part in all proceedings of the Provincial Transport Authority, except when under clause (b) of sub-section (3) it performs the duties of a Regional Transport Authority in respect of a particular permit, but shall not in any case be entitled to vote.

(2F) Notwithstanding anything to the contrary contained in this Chapter, the Provincial Government may, by rules made under section 68, provide that the functions of the Provincial Transport Authority or of any Regional Transport Authority in respect of permits for private carriers (other than the cancellation or suspension thereof) shall be discharged by the chairman alone."

(b) in sub-section (3), \*after the words "Provincial Transport Authority" the words and figures "shall give effect to any directions under section 48, and subject to such directions and save as otherwise provided by or under this Act," shall be inserted; \* \* \*

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

**30. Substitution of new section for section 46, Act IV of 1939.**—For section 46 of the said Act the following section shall be substituted, namely:—

"46. *Application for stage carriage permit.*—An application for a permit in respect of a service of stage carriages or to use a particular motor vehicle as a stage carriage (in this Act referred to as a stage carriage permit) shall contain the following particulars, namely:—

- (a) the route or routes to which it relates;
- (b) the number, type and seating capacity of the vehicles it is proposed to operate on the route or on the different routes, and the number of spare vehicles that will be maintained as replacements and to meet abnormal seasonal traffic;
- (c) the minimum and maximum number of daily services proposed to be run on each route and the time table of the normal services;
- (d) the fare table, if any, for the different classes of passengers for different stages on each route, or if no such fare table is proposed, the rates of fare per mile per passenger for different classes which it is proposed to charge;
- (e) the weight of luggage per passenger of different classes which it is proposed to carry free of charge, and the charge that will be made for the carriage of excess luggage;
- (f) the arrangements that will be made for the housing and repair of vehicles, for the comfort and convenience of passengers and for the storage and safe custody of luggage;
- (g) such other matters as may be prescribed."

**31. Amendment of section 47, Act IV of 1939.**—(1) For sub-section (1) of section 47 of the said Act the following sub-section shall be substituted, namely:—

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

- (a) the interest of the public generally;
  - (b) the advantages to the public of the service to be provided, including the saving of time likely to be effected thereby and any convenience arising from journeys not being broken;
  - (c) the adequacy of other passenger transport services, operating, or likely to operate in the near future, whether by road or other means, between the places to be served;
  - (d) the fares proposed to be charged by that or any other applicant, the fares charged or proposed to be charged by any of the services mentioned in clause (c), and the effect on existing services of the fares proposed to be charged by the applicant;
  - (e) the operation by the applicant of other transport services (including those in respect of which applications from him for permits are pending) and in particular of less remunerative or unremunerative services in comparison with more remunerative services.
- (f) the addition of the places included in the proposed route or routes;

**(g) such other matters as may be prescribed;**

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

**(2) To the said section 47, the following sub-section shall be added, namely:—**

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

**32. Substitution of new section for section 48, Act IV of 1939.**—For section 48 of the said Act the following section shall be substituted, namely:—

**"48. Grant of stage carriage permits.**—(1) Subject to the provisions of section 47, a Regional Transport Authority may, on an application for the grant of a stage carriage permit, grant a permit in the form applied for or in a modified form or refuse to grant a permit:

Provided that a permit granted in a modified form shall not be made valid for any route not specified in the application \* \* \*

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

**(3) A Regional Transport Authority, if it decides to grant a stage carriage permit, may grant the permit for a service of stage carriages of specified description or for one or more particular stage carriages, and may, subject to any rules which may be prescribed, attach to the permit any one or more of the following conditions, namely:—**

- (i) that the service or services or specified parts thereof shall be commenced with effect from a specified date or dates;**
- (ii) the minimum and maximum number of daily services to be maintained on the route or routes generally or on specified days and occasions;**
- (iii) that the time table of the services or of particular stage carriages approved by the Authority shall be exhibited on the vehicles and at specified stands and at halts on the route;**
- (iv) that the services shall be operated within such margins of deviation from the approved time table as the Authority may from time to time specify;**
- (v) that within municipal limits and such other areas and places as may be prescribed passengers or goods shall not be taken up or set down except at specified points;**
- (vi) the maximum number of passengers and the maximum weight of luggage that may be carried on any specified vehicle or on any vehicle of a specified type, either generally or on specified occasions or at specified times and seasons;**
- (vii) the weight and nature of passengers' luggage that shall be carried free of charge, the total weight of luggage that may be carried in relation to each passenger, and the arrangements that shall be made**

for the carriage of luggage without causing inconvenience to passengers;

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

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

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

(ixa) that specified standards of comfort and cleanliness shall be maintained in the vehicles:

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

(xi) that fares shall be charged in accordance with the approved fare table:

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

(xiii) that tickets bearing specified particulars shall be issued to passengers for fares paid and that records of tickets issued shall be kept in a specified manner:

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

(xv) that no discrimination shall be made among persons offering to travel and no undue preference or advantage shall be given to any particular person or class of persons;

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

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

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

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

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

(xxi) that the Authority may at any time after giving due notice—

(a) vary specified conditions of the permit;

(b) attach to the permit further specified conditions;

(xxii) any other conditions which may be prescribed."

**33. Amendment of section 49, Act IV of 1939.**—In section 49 of the said Act,—

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

(b) in clause (a), after the word "vehicle" the words "or vehicles" shall be inserted;

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

“(bb) the fares or rates of hiring proposed to be charged;”.

**34. Amendment of section 50, Act IV of 1939.**—In section 50 of the said Act,—

(a) for the words “deciding whether to grant or refuse” the words “considering an application for” shall be substituted;

(b) after the words “have regard to” the words “the fares or rates of hiring proposed to be charged and” shall be inserted.

**35. Substitution of new section for section 51, Act IV of 1939.**—For section 51 of the said Act the following section shall be substituted, namely:—

“51. *Grant of contract carriage permits.*—(1) Subject to the provisions of section 50, a Regional Transport Authority may, on an application for the grant of a contract carriage permit, grant a permit in the form applied for or in a modified form or refuse to grant a permit:

Provided that the permit granted in a modified form shall not be made valid for any area not specified in the application.

(2) A Regional Transport Authority, if it decides to grant a contract carriage permit, may, subject to any rules which may be prescribed, attach to the permit any one or more of the following conditions, namely:—

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

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

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

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

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

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

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

(viii) that the Authority may at any time after giving due notice—

(a) vary specified conditions of the permit;

(b) attach to the permit further specified conditions;

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

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

**36. Amendment of section 53, Act IV of 1939.**—In section 53 of the said Act,—

(a) in sub-section (1) for the words “deciding whether to grant or refuse” the words “considering an application for” shall be substituted, and the words “or vehicles” at both places where they occur shall be omitted;

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

“(1A) Subject to the provisions of sub-section (1), the Regional Transport Authority may grant a permit in the form applied for or in a modified form or refuse to grant a permit.”;

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

(d) in sub-section (3) the words "at its discretion" shall be omitted, and after the words, brackets and figure "in sub-section (1)" the words, brackets, figure and letter "and without prejudice to the provisions of sub-section (1A)" shall be inserted.

**37. Substitution of new section for section 54, Act IV of 1939.**—For section 54 of the said Act the following section shall be substituted, namely:—

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

- (a) the area in which, or the route or routes on which, it is intended to use the vehicles;
- (b) the number, type and carrying capacity of the vehicles;
- (c) the nature of the goods it is proposed to carry;
- (d) the freight rates it is proposed to charge;
- (e) the premises intended to be used for the storage and safe-custody of the goods to be carried and for the housing of the vehicles;
- \* \* \* \* \*
- (f) the manner in which it is claimed that a public need will be served by the vehicles;
- (g) such particulars as the 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 him;
- (h) particulars of any agreement or arrangements, affecting in any material respect the provision within the region of the Authority of facilities for the transport of goods for hire or reward, entered into by the applicant with any other person by whom such facilities are provided, whether within or without the region;
- (i) any other particulars which may be prescribed."

**38. Substitution of new section for section 55, Act IV of 1939.**—For section 55 of the said Act the following section shall be substituted, namely:—

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

- (a) the interest of the public generally;
- (b) the advantages to the public of the service to be provided and the convenience afforded to the public by the provision of such service and the saving of time likely to be effected thereby;
- (c) the adequacy of other goods services, operating or likely to operate in the near future, whether by road or other means, between the places to be served;
- (d) the freight rates proposed to be charged and their effect on the existing services;
- (e) the operation by the applicant of other transport services, including those in respect of which applications from him for permits are pending;
- (f) the condition of the roads included in the proposed routes or areas;



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

(h) any other matters which may be prescribed;

and shall also take into consideration any representation made by persons already providing goods transport facilities by any means along or near the proposed route or in the proposed area, or by any local authority or police authority within whose jurisdiction any part of the proposed route or area lies.

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

**39. Substitution of new section for section 56, Act IV of 1939.**—For section 56 of the said Act the following section shall be substituted, namely:—

"56. *Grant of public carrier's permits.*—(1) Subject to the provisions of section 55, a Regional Transport Authority may, on an application for the grant of a public carrier's permit, grant a permit in the form applied for or in a modified form or refuse to grant a permit:

Provided that the permit granted in a modified form shall not be made valid for any route not specified in the application \* \* \*

(2) The Regional Transport Authority if it decides to grant a permit, may grant a permit for one or more goods vehicles of a specified description and may subject to any rules which may be prescribed, attach to the permit any one or more of the following conditions, namely:—

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

(ii) that the laden 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 arrangements shall be made for the housing, maintenance and repair of the vehicles and the storage and safe custody of the goods carried;

(vi) that such records as may be specified relating to the operation of the vehicles shall be maintained;

(vii) that the Authority may at any time after giving due notice—

(a) vary specified conditions of the permit;

(b) attach to the permit further specified conditions;

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

(ix) any other conditions which may be prescribed."

**40. Amendment of section 57, Act IV of 1939.**—(1) In section 57 of the said Act,—

(a) in sub-section (3), after the words "stage carriage permit" the words "or a contract carriage permit" shall be inserted;

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

"Provided that, if the granting of the application in the form applied for or in a modified form will increase the number of vehicles operating in the region, or in any area or on any route within the region, under the class of permits to which the application relates, beyond the limit fixed in that behalf under sub-section (3) of section 47 or sub-section (2) of section 55, as the case may be, the Regional Transport Authority may summarily refuse the application without following the procedure laid down in this sub-section."

(2) To the said section the following sub-sections shall be added, namely:—

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

Provided that it shall not be necessary so to treat an application by the holder of a stage carriage permit who provides the only service on any route or in any area to increase the frequency of the service so provided.

(9) A Regional Transport Authority may, before the 1st day of July 1947, replace any stage carriage permit, contract carriage permit or public carrier's permit granted by it before the 31st day of March 1947 by a permit conforming to the provisions of section 48, section 51 or section 56, as the case may be, and valid for the same route or routes or the same area as the replaced permit:

Provided that no condition other than a condition contained in the replaced permit or a condition that could have been imposed, as a condition of the permit or otherwise, under the law in force when the replaced permit was granted, shall be included in the fresh permit except with the consent in writing of the holder.

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

**41. Amendment of section 58, Act IV of 1939.**—In sub-section (1) of section 58 of the said Act, the words “in its discretion” and the proviso shall be omitted.

**42. Amendment of section 59, Act IV of 1939.**—In sub-section (3) of section 59 of the said Act,—

(a) clause (c) shall be omitted;

(b) in clause (e), after the word “drivers” the words “and conductors” shall be inserted.

**42A. Insertion of new section 59A in Act IV of 1939.**—After section 59 of the said Act, the following section shall be inserted, namely:—

“59A. *General form of permits.*—Every permit other than a temporary permit issued under section 62 shall consist of two parts, part A of which shall be complete in itself and contain all the necessary particulars of the permit and the conditions attaching thereto, and part B of which shall be a summary of the permit containing such particulars as may be prescribed; and where a permit covers more than one vehicle there shall be issued to the holder of the permit as many copies of part B as there are vehicles authorised by the permit to be in operation at any one time.”

**43. Amendment of section 60, Act IV of 1939.**—In section 60 of the said Act—

(a) in sub-section (1), after clause (d) the following word and clause shall be inserted, namely:—

“or

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

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

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

(c) in sub-section (2), after the word "permit" the words "or reduces the number of vehicles or routes covered by a permit" shall be inserted, and for the words "revocation or suspension" the words "action taken" shall be substituted.

**44. Amendment of section 62, Act IV of 1939.**—In section 62 of the said Act,—

(a) the words "at its discretion, and" shall be omitted;

(b) after clause (c) the following word and clause shall be inserted, namely:—  
"or

(d) pending the decision on an application for the renewal of a permit;"

**45. Amendment of section 63, Act IV of 1939.**—To section 63 of the said Act the following sub-section shall be added, namely:—

"(5) A Provincial Government may by rules made under section 63 prescribe the conditions subject to which a document issued by a competent authority in an Indian State or in the French or Portuguese Settlements bounded by India authorising the use of a motor vehicle as a transport vehicle may be deemed for the purposes of sub-section (1) to be a permit granted under this Chapter in the province."

**46. Amendment of section 64, Act IV of 1939.**—For clause (g) of section 64 of the said Act, the following clauses shall be substituted, namely:—

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

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

**47. Amendment of section 65, Act IV of 1939.**—(1) In section 65 of the said Act,—

(a) in sub-section (1), after the word "driving" the words "or acting as conductor of" shall be inserted, and for the word "fifty-four" the word "forty-eight" shall be substituted;

(b) in sub-section (5), after the word "driver" the words "or conductor" shall be inserted.

(2) To the said section, the following sub-section shall be added namely:—

"(6) On a joint application by the drivers or conductors of transport vehicles on any route or in any area and their employers, or by such organisations representative of those drivers or conductors and employers as may be recognized in this behalf by the Provincial Government, the Provincial Government may by notification in the official Gazette vary any of the provisions of this section in its application to such route or area as the case may be:

Provided that no such variation shall be made unless the Provincial Government is satisfied that the variation is not likely to be detrimental to the public safety."

**47A. Insertion of new section 66A in Act IV of 1939.**—After section 66 of the said Act, the following section shall be inserted, namely:—

"66A. *Special powers as to stage carriage services.*—(1) If a transport authority is satisfied that a service of stage carriages for which a permit has been granted by it is not being maintained in accordance with the permit, or that any condition or conditions of the permit is or are frequently contravened, or that in spite of warning given by the authority the conduct of the drivers or conductors generally in their relations with the public continues to be objectionable, the authority may by order in writing impose on the holder of the permit such penalty not exceeding five thousand rupees as it thinks fit:

Provided that no such order shall be made unless the grounds on which it is proposed to take action under this sub-section have been set out in sufficient detail and communicated to the holder of the permit, and a reasonable opportunity has been given to him to show cause against such action.

(2) If any penalty imposed on any person under sub-section (1) is not paid within the prescribed time to the transport authority imposing the penalty, that authority may notify in writing to any magistrate within the local limits of whose jurisdiction such person carries on business the name and address of the said person and the amount of penalty recoverable from him, and such magistrate shall thereupon proceed to recover the amount as if it were a fine inflicted by the magistrate.

(3) Any person aggrieved by the imposition of a penalty under sub-section (1) in respect of a service of stage carriages maintained by him may, within the prescribed time and in the prescribed manner, appeal to the Court of Session within the local limits of whose jurisdiction such person's principal place of business for maintaining the service of stage carriages is situate, or if such place of business is situate in a Presidency-town, to such Court of Session as the Provincial Government shall, by notification in the official Gazette, designate in this behalf:

Provided that no such appeal shall lie unless the person has deposited with the transport authority the amount of penalty imposed on him."

**48. Amendment of section 67, Act IV of 1939.**—In clause (a) of sub-section (1) of section 67 of the said Act, after the words "of and the conduct" the words "and duties" shall be inserted.

**49. Amendment of section 68, Act IV of 1939.**—In sub-section (2) of section 68 of the said Act,—

(a) in clause (d), after the words "place of permits" the words "mutilated, defaced," shall be inserted,

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

"(hh) the conditions subject to which and the extent to which a permit granted in another province shall be valid in the province without countersignature;"

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

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

\* \* \* \* \*

(d) in clause (o) for the words "prohibiting the painting or marking of a stage or a contract carriage" the words "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" shall be substituted;

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

"(s) the requirements which shall be complied with in the construction or use of any duly notified stand or halting place, including the provision of adequate equipment and facilities for the convenience of all users thereof, the fees, if any, which may be charged for the use of such 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;

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

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

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

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

“(ww) the licensing of \* \* agents engaged in the business of collecting, forwarding and distributing of goods carried by road;”.

**50. Amendment of section 71, Act IV of 1939.**—(1) In sub-section (2) of section 71 of the said Act, after the words “official Gazette” the words and figures “and by causing appropriate traffic signs to be placed or erected under section 75 at suitable places,” shall be inserted; and to the said sub-section the following proviso shall be added, namely:—

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

(2) To the said section 71 the following sub-section shall be added, namely:—

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

**51. Amendment of section 72, Act IV of 1939.**—In section 72 of the said Act,—

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

(b) in sub-section (3), the word “or” at the end of clause (b), and clause (c) shall be omitted.

**52. Amendment of section 74, Act IV of 1939.**—To section 74 of the said Act the following shall be added, namely:—

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

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

**53. Amendment of section 75, Act IV of 1939.**—(1) In sub-section (1) of section 75 of the said Act after the words “purpose of” the words, brackets and figures “bringing to public notice any speed limits fixed under sub-section (2) of section 71 or any prohibitions or restrictions imposed under section 74, or generally for the purpose of” shall be inserted.

(2) To the said section the following sub-sections shall be added, namely:—

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

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

**54. Amendment of section 86, Act IV of 1939.**—In section 86 of the said Act,—

(a) in sub-section (1), after the words “in uniform” the words “authorised in this behalf by the Provincial Government.” shall be inserted;

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

**55. Amendment of section 89, Act IV of 1939.**—In section 89 of the said Act,—

(a) after the words "person is injured" the words "or damage to property to the amount of twenty-five rupees or more is caused" shall be inserted;

(b) in clause (a), for the words "the injured person", where they first occur the words "any person so injured," shall be substituted;

(c) in clause (b), for the words "at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence" the words "as soon as possible, and in any case within twenty-four hours of the occurrence, at the nearest police station or, if he continues his journey after the accident, at the next police station on or near his route" shall be substituted.

**56. Amendment of section 92, Act IV of 1939.**—In sub-section (3) of section 92 of the said Act, for the words and figures "the International Convention relating to motor traffic concluded at Paris on the 24th day of April, 1926, or any Convention modifying the same" the words "any international convention relative to motor traffic to which the Central Government is for the time being a party," shall be substituted.—

\* \* \* \* \*

**55. Amendment of section 115, Act IV of 1939.**—In sub-section (3) of section 115 of the said Act, the word "timing" shall be omitted.

**56. Amendment of section 129, Act IV of 1939.**—In section 129 of the said Act,—

(a) to sub-section (2), the following shall be added, namely:—

"and the said Court shall, on the first appearance of such driver before it, return the licence to him in exchange for the temporary acknowledgment given under sub-section (3)";

(b) in sub-section (3), for the words "the Court has otherwise ordered" the following shall be substituted, namely:—

"up to a date which the police officer shall specify in the temporary acknowledgment, whichever is earlier:

Provided that where for any cause in respect of which the holder is not at fault, he is unable to appear in Court before the temporary acknowledgment ceases to be effective, any Magistrate or police officer authorised by the Provincial Government in this behalf may, on application made to him, substitute a later date in the temporary acknowledgment given under this sub-section."

**66A. Amendment of Section 129A, Act IV of 1939.**—In section 129A of the said Act, the words, brackets and figure "sub-section (1) of", where they first occur, shall be omitted.

**67. Insertion of new section 133B in Act IV of 1939.**—After section 133A of the said Act the following section shall be inserted, namely:—

"133B. *General provisions regarding appeals to prescribed appellate authorities.*—In any appeal under sub-section (2) of section 13, sub-section (3) of section 15, sub-section (2) of section 16, sub-section (1) of section 35, section 64, or sub-section (3) of section 66A,—

(a) the order appealed against shall remain in force pending the disposal of the appeal, unless the appellate authority makes, which it is hereby authorised to do, any direction to the contrary;

(b) the order appealed against shall not be reversed or altered by reason only of any error, omission or irregularity in the proceedings or order of the original authority which does not materially affect the merits of the case."

68. Amendment of First Schedule, Act IV of 1939.—In the First Schedule to the said Act,—

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

**“FORM A**

[ See section 7 (2) ]

*Form of application for licence to drive a motor vehicle*

**I**

*Application*

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

- \*(a) motor cycles,
- \*(b) invalid carriages,
- \*(c) light motor vehicles, \* \* \*
- \*(d) medium motor vehicles,
- \*(e) heavy motor vehicles,
- \*(f) road rollers,
- \*(g) a vehicle of a special type (description attached) constructed or adapted to be driven by me.

**II**

*Particulars to be furnished by the applicant*

1. Full name and name of father or husband.....
2. Permanent address .....
3. Temporary address .....
4. Age at the date of application .....
5. Have you previously held a licence? If so, give particulars of all licences held .....
6. Has any licence held by you been endorsed? If so, give particulars and the date of each endorsement .....
7. Have you been disqualified for obtaining a licence to drive? If so, for what reason.....
8. Have you been subjected to driving test as to your fitness or ability to drive a vehicle in respect of which a licence to drive is applied for? If so, give date, testing authority and result of test .....

**III**

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

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

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

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

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

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

(e) Do you suffer from night blindness?

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

---

\* Strike out whatever is not applicable.

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

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

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

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

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

NOTE 2.—An applicant who answers "Yes" to questions (b), (c), (d), (h) and (i) in the declaration and "No" to the other questions may claim to be subjected to a test as to his competency to drive vehicles of a specified class or classes.

NOTE 3.—The provisions of the Motor Vehicles Act, 1939, referred to in question (h) are reproduced on the attached sheet, which should be detached and kept for subsequent guidance.

Dated

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*Signature or thumb impression of applicant.*

NOTE.—The fee for the issue of a driving licence is Rs. 5/—.

*Certificate of test of ability to drive*

The applicant has passed/failed in the test specified in the Third Schedule to the Motor Vehicles Act, 1939. The test was conducted on a (here enter description of vehicle) on date

*Signature of Testing Authority.*

*Duplicate signature or thumb impression of applicant.;*

(b) after Form A the following Form shall be inserted, namely:—

"FORM AA

(See section 8A)

*Form of application for the addition of a new class of vehicle to a driving licence.*

I hereby apply for the addition of the following class/classes of motor vehicle to the attached licence:—

- (a) Motor cycles,
- (b) invalid carriages,
- (c) light motor vehicles, \* \* \*
- (d) medium motor vehicles,
- (e) heavy motor vehicles,
- (f) road rollers,
- (g) a vehicle of a special type (description attached) constructed or adapted to be driven by me.

\*I enclose (a) a medical certificate

(b) three copies of a recent photograph.

\*Required only where the applicant is not entitled to drive as a paid employee or to drive a transport vehicle and now wishes to do so. Strike out if not applicable.

Dated

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*Signature of Applicant.*

NOTE.—No fee other than a fee for a test of competence to drive is chargeable for the addition of a new class of vehicle to a driving licence.;



(c) for Form B the following Form shall be substituted, namely:—

**"FORM B**

(See section 11)

*Form of application for the renewal of driving licence*

I hereby apply for the renewal of my driving licence which is attached, and particulars of which are as follows:—

- (a) Number
- (b) Date of issue
- (c) Licensing Authority by which licence was issued

My present address is

If this address is not entered on the licence I do/do not wish that it should be so entered.

If the licence is not attached, reasons why it is not available

If the licence was not renewed within 15 days of the date of expiry, full reasons for the delay

I hereby declare that I am not subject to any disease or disability likely to cause my driving of motor vehicles of the classes entered in my licence to be a source of danger to the public.

Dated

19

*Signature of applicant.*

*Address:*

**NOTE.**—The fee for the renewal of a licence is fixed by section 11 of the Motor Vehicles Act, 1939 reproduced on the reverse.

*(Reverse)*

11. *Renewal of licences.*—(1) Any licensing authority may on application made to it renew a licence issued under the provisions of this Act with effect in all cases, whether the application for renewal is made within the time specified in sub-section (3) or otherwise, from the date of its expiry.

(2) An application for the renewal of a licence shall be made in Form B as set forth in the First Schedule and shall contain the declaration required by that form; provided that where the applicant does not or is unable to subscribe to the said declaration the provisions of sub-section (5) of section 7 shall apply.

(3) Where an application for the renewal of a licence is made previous to, or within a period of fifteen days after, the date of its expiry, the fee for the renewal shall be three rupees.

(3A) Where an application for the renewal of a licence is made more than fifteen days after its expiry, the licensing authority shall, on payment of the fee for renewal of five rupees, renew the licence up to the anniversary of its issue immediately following the date of such renewal:

Provided that if the licensing authority is satisfied that the holder was prevented by good cause from applying within the time specified in sub-section (3), the fee for renewal shall be three rupees:

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

(4) When the authority renewing the licence is not the authority which issued the licence, it shall intimate the fact of renewal to the authority which issued the licence.' ”;

(d) in Form D,—

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

“(b) Invalid carriage.

(c) Light motor vehicle. \* \* \*

(d) Medium motor vehicle.

(e) Heavy motor vehicle.

(f) Road-roller.

(g) A motor vehicle hereunder described:—”;

(ii) after the word and asterisk “paid employee\*”, the words and asterisk “a transport vehicle\*” shall be inserted;

(e) in Form E,—

(i) after entry 3, the following entry shall be inserted, namely:—

“3A. Colour or colours of body, wings and front end.....”;

(ii) in entry 16, after the word “weight” the brackets and words “(to be furnished in the case of heavy motor vehicles only)” shall be inserted;

(iii) for the words “two or three axles, for an articulated vehicle of, three” the words “two or more axles, for an articulated vehicle of three or more” shall be substituted;

(iv) in entry 19, for the word “the” the word “each” shall be substituted;

(v) to entry 20 the words and brackets “in respect of each axle (to be furnished in the case of heavy motor vehicles only)” shall be added;

(f) Form F shall be omitted;

(g) in Form G,—

(i) after entry 3, the following entry shall be inserted, namely:—

“3A. Colour or colours of body, wings and front end.....”;

(ii) in entry 14, after the word “weight” the brackets and words “(in the case of heavy motor vehicles only)” shall be inserted;

(iii) in entry 17, for the word “the” the word “each” shall be substituted;

(iv) to entry 18 the words and brackets “in respect of each axle (in the case of heavy motor vehicles only)” shall be added.

(h) in Form H, for the words, figures and brackets “sections 38 and 39(2)” the word and figures “section 38” shall be substituted.

**69. Amendment of Fourth Schedule, Act IV of 1939.**—In the Fourth Schedule to the said Act,—

(a) in Part A, \* \* \* for the entries in the second column, the following shall be substituted, namely:—

“1. Officers commanding units having motor vehicles in their charge.

2. Royal Air Force, and Royal Indian Air Force, Officers commanding Driver Mechanical Transport Schools.

3. Royal Air Force, and Royal Indian Air Force, Presidents of Schools and Local Trade Test Boards.”

(b) in Part B, \* \* \* for the entry in the second column, the following entries shall be substituted, namely:—

“1. The Master General of Ordnance in India, or any person authorised by him in this behalf.

2. The Air Officer Commanding-in-Chief, India, or any other officer authorised by him in this behalf.”

70. **Omission of Seventh Schedule, Act IV of 1939.**—The Seventh Schedule to the said Act shall be omitted.

71. **Substitution of new Schedule for Eighth Schedule, Act IV of 1939.**—For the Eighth Schedule to the said Act the following Schedule shall be substituted, namely:—

### “THE EIGHTH SCHEDULE

(See section 71)

#### *Limits of Speed for Motor Vehicles*

Class of Vehicles	Maximum speed per hour Miles
(1) If all the wheels of the vehicle are fitted with pneumatic tyres and the vehicle is not drawing a trailer:	
(a) if the vehicle is a light motor vehicle or a motor cycle . . . . .	No limit
(b) if the vehicle is a medium motor vehicle . . . . .	35
(c) if the vehicle is a heavy motor vehicle and a public service vehicle . . . . .	30
(d) if the vehicle is a heavy motor vehicle but not a public service vehicle.	25
(2) If the vehicle is drawing not more than one trailer (or in the case of artillery equipment, not more than two trailers) and all the wheels of the drawing vehicle and the trailer are fitted with pneumatic tyres:	
(a) if the vehicle is a light motor vehicle and the trailer being two-wheeled has a laden weight not exceeding 1,700 pounds <i>avoirdupois</i> . . . . .	35
(b) if the vehicle is a light motor vehicle and the trailer has more than two wheels or a laden weight exceeding 1,700 pounds <i>avoirdupois</i> . . . . .	30
(c) if the vehicle is a medium motor vehicle . . . . .	25
(d) if the vehicle is a heavy motor vehicle . . . . .	20
(3) Any case not covered by entry (1) or entry (2) . . . . .	15