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**Bill No. CVIII of 2022**

## THE MOTOR VEHICLES (AMENDMENT) BILL, 2022

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### ARRANGEMENT OF CLAUSES

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#### CLAUSES

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**Bill No. CVIII of 2022**

**THE MOTOR VEHICLES (AMENDMENT) BILL, 2022**

A

BILL

*further to amend the Motor Vehicles Act, 1988*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 2022.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

59 of 1988

2. In the Motor Vehicles Act, 1988 (hereinafter referred to as the principal Act), in section 13—

Amendment of section 12.

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(i) in sub section (5), the following proviso shall be inserted, namely: —

"Provided that the license authority, after physical test in the testing yard shall issue the licence after successful trial only "; and

(ii) in sub-section (6), for the words "Central Government", the words "State Government" shall be substituted.

- Amendment of section 40. **3.** In section 40 of the principal Act, for the words "any registering authority in the state", the words "a registering authority" shall be substituted.
- Amendment of section 44. **4.** In section 44 of the principal Act, in sub-section (1), for the words "shall not require production", the words "shall be required to be produced" shall be substituted. 5
- Amendment of section 56. **5.** In section 56 of the principal Act, in sub-section (1), after the words "testing station mentioned in sub-section (2)" the words "and certified by transport authorities" shall be inserted.
- Amendment of section 59. **6.** In section 59 of the principal Act, in sub-section (4), after the words "exceeded their life", the words "or if found not road worthy by the prescribed authorities" shall be inserted. 10
- Amendment of section 66. **7.** In section 66 of the principal Act, in sub-section (1), in the fourth proviso, the words "at the discretion of the vehicle owner" shall be omitted.
- Amendment of section 66A. **8.** In section 66A of the principal Act,—  
     (i) in clause (vii) the word "competition" shall be omitted; and 15  
     (ii) in clause (viii), the words "while seeking to enhance private participation and public-private partnership in the transport sector" shall be omitted.
- Amendment of section 67. **9.** In section 67 of the principal Act,—  
     (i) in sub-section (1), clause (d) be omitted;  
     (ii) in sub-section (2), the proviso shall be omitted; and 20  
     (iii) in sub-section (3), clauses (g) and (m) shall be omitted.
- Amendment of section 72. **10.** In section 72 of the principal Act, in sub-section (2), the proviso shall be omitted.
- Amendment of section 74. **11.** In section 74 of the principal Act,—  
     (i) in sub-section (2), the proviso shall be omitted; and  
     (ii) in sub-section (3), in the proviso to clause (b), the sub-clause (vii), shall be 25 omitted.
- Amendment of section 88A. **12.** In section 88A of the principal Act,—  
     (i) in the marginal heading, for the words "Central Government", the words "State Government" shall be substituted;  
     (ii) in sub-section (1),— 30  
         (a) for the words "Central Government", the words "State Government" shall be substituted;  
         (b) clause (e) shall be omitted;  
         (c) in clause (k), for the words "Central Government", the words "State Government" shall be substituted. 35
- Amendment of section 93. **13.** In section 93 of the principal Act,—  
     (i) in the marginal heading, the words "or aggregator" shall be omitted;  
     (ii) in sub-section (1), clause (iii) shall be omitted; and  
     (iii) in sub-section (1), the proviso shall be omitted.
- Amendment of section 96. **14.** In Section 96 of the principal Act, in sub-section (2), clauses (xxxiia) and (xxxiib) shall be omitted. 40

- 15.** In section 114 of the principal Act, in sub-section (1), the words "or any other person authorised in this behalf by the State Government" shall be omitted. Amendment of section 114.
- 16.** In section 117 of the principal Act, in the second proviso, the words "or any other agency authorised by the Central Government" shall be omitted. Amendment of section 117.
- 5 **17.** In section 161 of the principal Act, in sub-section (2),—  
 Amendment of section 161.  
 (i) in clause (a), for the words "a fixed sum", the words "an interim relief" shall be substituted; and  
 (ii) in clause (b), for the words "a fixed sum", the words "an interim relief" shall be substituted.
- 10 **18.** In section 163 of the principal Act, —  
 Amendment of section 163.  
 (i) in sub-section (1), for the words "shall be refunded to the insurer", the words "shall be adjusted against the amount awarded by a Claims Tribunal" shall be substituted; and  
 (ii) sub-section (2) shall be omitted.
- 15 **19.** In section 166 of the principal Act, in sub-section (1), the second proviso shall be omitted. Amendment of section 166.
- 20.** In section 173 of the principal Act, in sub-section (2), for the words "one lakh", the words "ten thousand" shall be substituted. Amendment of section 173.
- 20 **21.** In section 177 of the principal Act, for the words "five hundred rupees" and "one thousand and five hundred rupees", the words "one hundred rupees" and "three hundred rupees" respectively shall be substituted. Amendment of section 177.
- 22.** Section 177A of the principal Act shall be omitted. Omission of section 177A.
- 23.** In section 178 of the principal Act, in sub-section (3), in clause (b), for the words "five hundred rupees", the words "two hundred rupees" shall be substituted. Amendment of section 178.
- 25 **24.** In section 179 of the principal Act,—  
 Amendment of section 179.  
 (i) in sub-section (1), for the words "two thousand rupees", the words "five hundred rupees" shall be substituted; and  
 (ii) in sub-section (2), for the words "two thousand rupees", the words "five hundred rupees" shall be substituted.
- 30 **25.** In section 180 of the principal Act, for the words "of five thousand rupees", the words "which may extend to one thousand rupees" shall be substituted. Amendment of section 180.
- 26.** In section 181 of the principal Act, for the words "of five thousand rupees", the words "which may extend to five hundred rupees" shall be substituted. Amendment of section 181.
- 27.** In section 182 of the principal Act,—  
 Amendment of section 182.  
 (i) in sub-section (1), for the words "of ten thousand rupees", the words "which may extend to five hundred rupees" shall be substituted; and  
 (ii) in sub-section (2), for the words "ten thousand rupees", the words "one hundred rupees" shall be substituted.
- 35 **28.** In section 182A of the principal Act shall be omitted. Omission of section 182A.
- 40 **29.** Section 182B of the principal Act shall be omitted. Omission of section 182B.

- Amendment of section 183. **30.** In section 183 of the principal Act, for sub-section (I), the following sub-section shall be substituted, namely:—
- "(I) Whoever, drives or causes any person who is employed by him or subjects someone under his control to drive a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable with fine which may extend to four hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to one thousand rupees".
- Amendment of section 184. **31.** In section 184 of the principal Act,—
- (i) for the words "which may extend to one year but shall not be less than six months or with fine which shall not be less than one thousand rupees but may extend to five thousand rupees, or with both", the words "which may extend to six months or with fine which may extend to one thousand rupees" shall be substituted; and
- (ii) for the words "of ten thousand rupees", the words "which may extend to two thousand rupees" shall be substituted.
- Amendment of section 185. **32.** In section 185 of the principal Act,—
- (i) for the words "of ten thousand rupees", the words "which may extend to two thousand rupees" shall be substituted;
- (ii) after the words "and for a second or subsequent offence," the words "if committed within three years of the commission of the previous similar offence," shall be inserted; and
- (iii) for the words "of fifteen thousand rupees", the words "which may extend to three thousand rupees" shall be substituted.
- Amendment of section 186. **33.** In section 186 of the principal Act, for the words "one thousand rupees" and "two thousand rupees", the words "two hundred rupees" and "five hundred rupees" respectively shall be substituted.
- Amendment of section 187. **34.** In section 187 of the principal Act, —
- (i) for the words "six months, or with fine of five thousand rupees", the words "three months, or with fine which may extend to five hundred rupees" shall be substituted; and
- (ii) for the words "one year, or with fine of ten thousand rupees", the words "six months, or with fine which may extend to one thousand rupees" shall be substituted.
- Amendment of section 189. **35.** In section 189 of the principal Act, for the words "three months, or with fine of five thousand rupees", the words "six months, or with fine which may extend to five hundred rupees" shall be substituted.
- Amendment of section 190. **36.** In section 190 of the principal Act, —
- (i) in sub-section (I),—
- (a) for the words "of one thousand five hundred rupees", the words "of two hundred and fifty rupees" shall be substituted; and
- (b) for the words "of five thousand rupees", the words "which may extend to one thousand rupees" shall be substituted;
- (ii) in sub-section (2), for the words "imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees or with both and he shall be disqualified for holding licence for a period of three months", the words "a fine of one thousand rupees" shall be substituted;

(iii) in sub-section (3),—

(a) for the words "with a fine of ten thousand rupees and he shall be disqualified for holding licence for a period of three months", the words "which may extend to three thousand rupees," shall be substituted; and

5 (b) for the words "of twenty thousand rupees", the words "five thousand rupees" shall be substituted.

10 **37.** In section 192A of the principal Act, in sub-section (1), for the words "imprisonment for a term which may extend to six months and a fine of ten thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than six months or with fine of ten thousand rupees or with both:", the words "a fine which may extend to five thousand rupees but shall not be less than two thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than three months or with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both:" be shall substituted. Amendment of section 192A.

15 **38.** In section 194 of the principal Act,— Amendment of section 194.

(i) in sub-section (1), for the words "fine of twenty thousand rupees and an additional amount of two thousand rupees", the words "minimum fine of two thousand rupees and an additional amount of one thousand rupees" shall be substituted.

(ii) sub-section (1A) shall be omitted; and

20 (iii) in sub-section (2), for the words "of forty thousand rupees", the words "which may extend to three thousand rupees" shall be substituted.

**39.** In section 200 of the principal Act:—

Amendment of section 200.

(i) in sub-section (1), —

25 (a) for the words, figures and brackets "punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, sub-section (1) or sub-section (2) of section 183, section 184 only to the extent of use of handheld communication devices, section 186, section 189, sub-section (2) of section 190, section 192, section 192A, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198," the words, brackets, figures and letters "punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (2) of section 183, section 184, section 186, section 189, sub-section (2) of section 190, section 192, section 194, section 196, or section 198," shall be substituted;

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35

(b) the proviso shall be omitted; and

(ii) in sub-section (2), the provisos shall be omitted.

**40.** In section 206 of the principal Act, sub-section (4) shall be omitted.

Amendment of section 206.

**41.** Section 210A of the principal Act, shall be omitted.

Omission of section 210A.

40 **42.** Section 215A of the principal Act, shall be omitted.

Omission of section 215A.

## STATEMENT OF OBJECTS AND REASONS

Transport Industry is the life line of the economy. Such a vital segment of the economy is now thrown into serious crisis. Lakhs of lorries have been seized by the private finance companies for default of payment of EMIs. The fate of the auto rickshaw and taxi drivers is also the same. All the State Transport Undertakings in the country are in severe financial crisis and not able to replace the old aged vehicles and augment the increasing needs of the public. This has added burden on the people, particularly the poor and unorganised workers. The COVID-19 pandemic has added fuel to the crisis. Even the individual vehicle owners are afraid of the unbearable penalties to take out their vehicles. The victims of the motor vehicle accidents are in peril like condition due to the compensation cap in the existing Act. In such a situation in the interest of the country and the people at large, it is imperative further to amend the Motor Vehicles Act, 1988.

Hence, this Bill.

ELAMARAM KAREEM.



*ANNEXURE*

EXTRACTS FROM THE MOTER VEHICLES ACT, 1988

(ACT No. 59 OF 1988)

*	*	*	*	*	*	
<b>12.</b>	*	*	*	*	*	Licensing and regulation of schools or establishments for imparting instruction in driving of motor vehicles.
<p>(5) Notwithstanding anything contained in any other provision, where any school or establishment has been accredited by a body notified by the Central Government under any other law for the time being in force, any person who has successfully completed a training module at such school or establishment covering a particular type of motor vehicle shall be eligible to obtain a driving licence for such type of motor vehicle.</p>						
<p>(6) The curriculum of the training module referred to in sub-section (5) and the remedial driver training course referred to in sub-section (5) of section 9 shall be such as may be prescribed by the Central Government and that Government may make rules for the regulation of such schools or establishments.</p>						
*	*	*	*	*	*	
<p><b>40.</b> 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 1 [any registering authority in the State] in whose jurisdiction he has the residence or place of business where the vehicle is normally kept.</p>						
*	*	*	*	*	*	Registration, where to be made.
<p><b>44.</b> (1) Subject to such terms and conditions as may be prescribed by the Central Government in this behalf, a motor vehicle sold by an authorised dealer shall not require production before a registering authority for the purposes of registration for the first time.</p>						
*	*	*	*	*	*	Production of vehicle at the time of registration.
<p><b>56.</b> (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 authorised 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:</p> <p>Provided that where the prescribed authority or the authorised testing station refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal:</p> <p>Provided further that no certificate of fitness shall be granted to a vehicle, after such date as may be notified by the Central Government, unless such vehicle has been tested at an automated testing station.</p>						
*	*	*	*	*	*	Certificate of fitness of transport vehicles.
<b>59.</b>	*	*	*	*	*	Power to fix the age limit of motor vehicle.
<p>(4) The Central Government may, having regard to the public safety, convenience, protection of the environment and the objects of this Act, make rules prescribing the manner of recycling of motor vehicles and parts thereof which have exceeded their life.</p>						
*	*	*	*	*	*	
<p><b>66.</b> (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</p>						
						Necessity for permits.

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 authorising 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, authorise 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, authorise 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, authorise the use of the vehicle for the carriage of goods for or in connection with a trade or business carried on by him:

Provided also that where a transport vehicle has been issued any permit or permits, as well as a licence under this Act, such vehicle may be used either under the permit, or permits, so issued to it, or under such licence, at the discretion of the vehicle owner.

\* \* \* \* \*

National  
Transportation  
Policy.

**66A.** The Central Government may develop a National Transportation Policy consistent with the objects of this Act in concurrence with the State Governments and other agencies with a view to—

\* \* \* \* \*

(vii) promote competition, innovation, increase in capacity, seamless mobility and greater efficiency in transport of goods or livestock or passengers, and economical use of resources;

(viii) safeguard the interest of the public and promote equity, while seeking to enhance private participation and public-private partnership in the transport sector;

\* \* \* \* \*

Power to State  
Government to  
control road  
transport.

**67. (1)** A State Government, having regard to—

\* \* \* \* \*

(d) promoting effective competition among the transport service providers,

may, from time to time, by notification in the Official Gazette issue directions both to the State Transport Authority and Regional Transport Authority regarding the passengers' convenience, economically competitive fares, prevention of overcrowding and road safety.

(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:

Provided that the State Government may subject to such conditions as it may deem fit, and with a view to achieving the objectives specified in clause (d) of sub-section (1), relax all or any of the provisions made under this Chapter.

\* \* \* \* \*

(3) Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, modify any permit issued under this Act or make schemes for the transportation of goods and passengers and issue licences under such scheme for the promotion of development and efficiency in transportation—

\* \* \* \* \*

(g) the enhancement of economic vitality of the area, through competitiveness, productivity and efficiency;

\* \* \* \* \*

(m) such other matters as the Central Government may deem fit.

\* \* \* \* \*

**72.** \* \* \* \* \* Grant of stage carriage permits.

(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 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 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 returns, statistics and other information as the State Government may from time to time prescribe;

(xxiv) any other conditions which may be prescribed:—

Provided that the Regional Transport Authority may waive any such condition for a stage carriage permit operating in a rural area, as it deems fit.

\* \* \* \* \*  
**74.** \* \* \* \* \*

Grant of contract carriage permit.

(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 motor cabs, specified rates of hiring not exceeding specified maximum shall be charged;

(vii) that, in the case of motor cabs, a special 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 motor cabs, 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:

Provided that the Regional Transport Authority may in the interests of last mile connectivity waive any such condition in respect of any such types of vehicles as may be specified by the Central Government.

(3) \* \* \* \* \*

(b) Where the number of contract carriages are fixed under clause (a), the Regional Transport Authority shall, in considering an application for the grant of permit in respect of 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—

\* \* \* \* \*

(vii) self-help groups.

\* \* \* \* \*

**88A.** (1) Notwithstanding anything contained in this Act, the Central Government may, by notification in the Official Gazette, modify any permit issued under this Act or make schemes for national, multimodal and inter-State transportation of goods or passengers, and issue or modify licences under, such scheme for the following purposes, namely:—

\* \* \* \* \*

(e) the enhancement to the economic vitality of the area, especially

Power of Central Government to make schemes for national, multimodal and inter-State transport of passengers and goods.

\* \* \* \* \*

(k) such other matters as Central Government may deem fit:

Provided that the Central Government may, before taking any action under this sub-section seek concurrence of the State Governments.

\* \* \* \* \*

Agent or canvasser or aggregator to obtain licence.

**93.** (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 custom for such vehicles, or

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

(iii) as an aggregator,] unless he has obtained a licence from such authority and subject to such conditions as may be prescribed by the State Government:

Provided that while issuing the licence to an aggregator the State Government may follow such guidelines as may be issued by the Central Government:

Provided further that every aggregator shall comply with the provisions of the Information Technology Act, 2000 (21 of 2000) and the rules and regulations made thereunder.

\* \* \* \* \*

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

**96.** \* \* \* \* \*

(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:—

\* \* \* \* \*

(xxxiia) framing of schemes under sub-section (3) of section 67;

(xxxiib) the promotion of effective competition, passenger convenience and safety, competitive fares and prevention of overcrowding;

\* \* \* \* \*

Power to have vehicle weighed.

**114.** (1) Any officer of the Motor Vehicles Department or any other person authorised in this behalf by the State Government shall, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 113 require the driver to convey the vehicle to a weighing device, if any, within a distance of ten kilometres from any point on the forward route or within a distance of twenty kilometres from the destination of the vehicle for weighment; and if on such weighment the vehicle is found to contravene in any respect the provisions of section 113 regarding weight, he may, by order in writing, direct the driver to off-load the excess weight at his own risk and not to remove the vehicle or trailer from that place until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section 113 and on receipt of such notice, the driver shall comply with such directions.

\* \* \* \* \*

Parking places and halting stations.

**117.** \* \* \* \* \*

Provided further that for the purpose of this section the National Highways Authority of India, constituted under the National Highways Authority of India Act, 1988 (68 of 1988) or any other agency authorised by the Central Government, may also determine such places.

\* \* \* \* \*

Special provisions as to compensation in case of hit and run motor accident.

**161.** \* \* \* \* \*

(2) Subject to the provisions of this Act and the scheme made under sub-section (3), there shall be paid as compensation,—

(a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of two lakh rupees or such higher amount as may be prescribed by the Central Government;

(b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of fifty thousand rupees or such higher amount as may be prescribed by the Central Government.

\* \* \* \* \*

**163.** (1) The payment of compensation in respect of the death of, or grievous hurt to, any person under section 161 shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount *in lieu* of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law for the time being in force or otherwise, so much of the other compensation or other amount aforesaid as is equal to the compensation paid under section 161, shall be refunded to the insurer.

Refund in certain cases of compensation paid under section 161.

(2) Before awarding compensation in respect of an accident involving the death of, or bodily injury to, any person arising out of the use of a motor vehicle under any provision of this Act other than section 161 or any other law for the time being in force, the Claims Tribunal, court or other authority awarding such compensation shall verify as to whether in respect of such death or bodily injury compensation has already been paid under section 161 or an application for payment of compensation is pending under that section, and such Tribunal, court or other authority shall—

(a) if compensation has already been paid under section 161, direct the person liable to pay the compensation awarded by it to refund to the insurer, so much thereof as is required to be refunded in accordance with the provisions of sub-section (1);

(b) if an application for payment of compensation is pending under section 161 forward the particulars as to the compensation awarded by it to the insurer.

*Explanation.*—For the purpose of this sub-section, an application for compensation under section 161 shall be deemed to be pending—

(i) if such application has been rejected, till the date of the rejection of the application; and

(ii) in any other case, till the date of payment of compensation in pursuance of the application.

\* \* \* \* \*

**166.** (1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made—

Application for compensation.

(a) by the person who has sustained the injury; or

(b) by the owner of the property; or

(c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or

(d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:

\* \* \* \* \*

Provided further that where a person accepts compensation under section 164 in accordance with the procedure provided under section 149, his claims petition before the Claims Tribunal shall lapse.

\* \* \* \* \*

**173.** \* \* \* \* \* Appeals.

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

	*                      *                      *                      *                      *                      *
General provision for punishment of offences.	<b>177.</b> Whoever contravenes any provision of this Act or of any rule, regulation or notification made thereunder shall, if no penalty is provided for the offence be punishable for the first offence with fine which may extend to five hundred rupees, and for any second or subsequent offence with fine which may extend to one thousand and five hundred rupees.
Penalty for contravention of regulations under section 118.	<b>177A.</b> Whoever contravenes the regulations made under section 118, shall be punishable with fine which shall not be less than five hundred rupees, but may extend to one thousand rupees.
Penalty for travelling without pass or ticket and for dereliction of duty on the part of conductor and refusal to ply contract carriage, etc.	<b>178.</b> *                      *                      *                      *                      *                      * (3) If the holder of a permit or the driver of a contract carriage refuses, in contravention of the provisions of this Act or rules made thereunder, to ply the contract carriage or to carry the passengers, he shall,— (a) *                      *                      *                      *                      *                      * (b) in any other case, be punishable with fine which may extend to five hundred rupees.
Disobedience of orders, obstruction and refusal of information.	<b>179.</b> (1) Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence be punishable with fine which may extend to two thousand rupees.  (2) Whoever, being required by or under this Act to supply any information, wilfully withholds such information or gives information which he known to be false or which he does not believe to be true, shall, if no other penalty is provided for the offence, be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to 2 two thousand rupees, or with both.
Allowing unauthorised persons to drive vehicles.	<b>180.</b> Whenever, being the owner or person in charge of a motor vehicle, causes, or permits, any other person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle shall be punishable with imprisonment for a term which may extend to three months, or with fine of five thousand rupees, or with both.
Driving vehicles in contravention of section 3 or section 4.	<b>181.</b> Whoever, drives a motor vehicle in contravention of section 3 or section 4 shall be punishable with imprisonment for a term which may extend to three months, or with fine of five thousand rupees, or with both.
Offences relating to licences.	<b>182.</b> (1) Whoever, being disqualified under this Act for holding or obtaining a driving licence drives a motor vehicle in a public place or in any other place, or applies for or obtains a driving licence or, not being entitled to have a driving licence issued to him free of endorsement, applies for or obtains a driving licence without disclosing the endorsement made on a driving licence previously held by him shall be punishable with imprisonment for a term which may extend to three months, or with fine of ten thousand rupees or with both, and any driving licence so obtained by him shall be of no effect.  (2) Whoever, being disqualified under this Act for holding or obtaining a conductor's licence, acts as a conductor of a stage carriage in a public place or applies for or obtains a conductor's licence or, not being entitled to have a conductor's licence issued to him free of endorsement, applies for or obtains a conductor's licence without disclosing the endorsements made on a conductor's licence previously held by him, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to ten thousand rupees, or with both, and any conductor's licence so obtained by him shall be of no effect.



**182A.** (1) Whoever, being a manufacturer, importer or dealer of motor vehicles, sells or delivers or alters or offers to sell or deliver or alter, a motor vehicle that is in contravention of the provisions of Chapter VII or the rules and regulations made thereunder, shall be punishable with imprisonment for a term which may extend to one year, or with fine of one lakh rupees per such motor vehicle or with both:

Punishment for offences relating to construction, maintenance, sale and alteration of motor vehicles and components.

Provided that no person shall be convicted under this section if he proves that, at the time of sale or delivery or alteration or offer of sale or delivery or alteration of such motor vehicle, he had disclosed to the other party the manner in which such motor vehicle was in contravention of the provisions of Chapter VII or the rules and regulations made thereunder.

(2) Whoever, being a manufacturer of motor vehicles, fails to comply with the provisions of Chapter VII or the rules and regulations made thereunder, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one hundred crore rupees or with both.

(3) Whoever, sells or offers to sell, or permits the sale of any component of a motor vehicle which has been notified as a critical safety component by the Central Government and which does not comply with Chapter VII or the rules and regulations made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine of one lakh rupees per such component or with both.

(4) Whoever, being the owner of a motor vehicle, alters a motor vehicle, including by way of retrofitting of motor vehicle parts, in a manner not permitted under the Act or the rules and regulations made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine of five thousand rupees per such alteration or with both.

**182B.** Whoever contravenes the provisions of section 62A, shall be punishable with fine which shall not be less than five thousand rupees, but may extend to ten thousand rupees.

Punishment for contravention of section 62A.

**183.** (1) Whoever, drives or causes any person who is employed by him or subjects someone under his control to drive a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable in the following manner, namely:—

Driving at excessive speed, etc.

(i) where such motor vehicle is a light motor vehicle with fine which shall not be less than one thousand rupees but may extend to two thousand rupees;

(ii) where such motor vehicle is a medium goods vehicle or a medium passenger vehicle or a heavy goods vehicle or a heavy passenger vehicle with fine which shall not be less than two thousand rupees, but may extend to four thousand rupees; and

(iii) for the second or any subsequent offence under this sub-section the driving licence of such driver shall be impounded as per the provisions of the sub-section (4) of section 206.

\* \* \* \* \*

**184.** Whoever drives a motor vehicle at a speed or in a manner which is dangerous to the public or which causes a sense of alarm or distress to the occupants of the vehicle, other road users, and persons near roads, having regard to all the circumstances of case including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punishable for the first offence with imprisonment for a term which may extend to one year but shall not be less than six months or with fine which shall not be less than one thousand rupees but may extend to five thousand rupees, or with both, and for any second or subsequent offence if committed within three years of the commission of a previous similar offence with imprisonment for a term which may extend to two years, or with fine of ten thousand rupees, or with both.

Driving dangerously.

\* \* \* \* \*

Driving by a drunken person or by a person under the influence of drugs.

**185.** Whoever, while driving, or attempting to drive, a motor vehicle,—

(a) has, in his blood, alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or in any other test including a laboratory test; or

(b) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine of ten thousand rupees or with both; and for a second or subsequent offence, with imprisonment for term which may extend to two years, or with fine of fifteen thousand rupees, or with both.

\* \* \* \* \*

Driving when mentally or physically unfit to drive.

**186.** Whoever drives a motor vehicle in any public place when he is to his knowledge suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of danger to the public, shall be punishable for the first offence with fine which may extend to one thousand rupees and for a second or subsequent offence with fine which may extend to two thousand rupees.

Punishment for offences relating to accident.

**187.** Whoever fails to comply with the provisions of clause 3 (a) of sub-section (1) of section 132 or section 133 or section 134 shall be punishable with imprisonment for a term which may extend to six months, or with fine of five thousand rupees, or with both or, if having been previously convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to one year, or with fine of ten thousand rupees, or with both.

\* \* \* \* \*

Racing and trials of speed.

**189.** Whoever without the written consent of the State Government permits or takes part in a race or trial of speed of any kind between motor vehicles in any public place shall be punishable with imprisonment for a term which may extend to three months, or with fine of five thousand rupees, or with both and for a subsequent offence shall be punishable with imprisonment for a term which may extend to one year, or with fine of ten thousand rupees; or with both.

Using vehicle in unsafe condition.

**190.** (1) Any person who drives or causes or allows to be driven in any public place a motor vehicle or trailer while the vehicle or trailer has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to persons and vehicles using such place, shall be punishable with fine of one thousand five hundred rupees or, if as a result of such defect an accident is caused causing bodily injury or damage to property, with imprisonment for a term which may extend to three months, or with fine of five thousand rupees], or with both and for a subsequent offence shall be punishable with imprisonment for a term which may extend to six months, or with a fine of ten thousand rupees for bodily injury or damage to property.

(2) Any person who drives or causes or allows to be driven, in any public place a motor vehicle, which violates the standards prescribed in relation to road safety, control of noise and air-pollution, shall be punishable for the first offence with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees or with both and he shall be disqualified for holding licence for a period of three months] and for any second or subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both.

(3) Any person who drives or causes or allows to be driven, in any public place a motor vehicle which violates the provisions of this Act or the rules made thereunder relating to the carriage of goods which are of dangerous or hazardous nature to human life, shall be punishable for the first offence with a fine of ten thousand rupees and he shall be disqualified for holding licence for a period of three months, or with imprisonment for a term which may

extend to one year, or with both, and for any second or subsequent offence with fine of twenty thousand rupees, or with imprisonment for a term which may extend to three years, or with both.

\* \* \* \* \*

**192A.** (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with imprisonment for a term which may extend to six months and a fine of ten thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than six months or with fine of ten thousand rupees or with both:

Using vehicle without permit.

Provided that the court may for reasons to be recorded, impose a lesser punishment.

\* \* \* \* \*

**194.** (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 113 or section 114 or section 115 shall be punishable with fine of twenty thousand rupees and an additional amount of two thousand rupees per tonne of excess load, together with the liability to pay charges for off-loading of the excess load:

Driving vehicle exceeding permissible weight.

Provided that such motor vehicle shall not be allowed to move before such excess load is removed or is caused or allowed to be removed by the person in control of such motor vehicle.

(1A) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven when such motor vehicle is loaded in such a manner that the load or any part thereof or anything extends laterally beyond the side of the body or to the front or to the rear or in height beyond the permissible limit shall be punishable with a fine of twenty thousand rupees, together with the liability to pay charges for off-loading of such load:

Provided that such motor vehicle shall not be allowed to move before such load is arranged in a manner such that there is no extension of the load laterally beyond the side of the body or to the front or to the rear or in height beyond the permissible limit:

Provided further that nothing in this sub-section shall apply when such motor vehicle has been given an exemption by the competent authority authorised in this behalf, by the State Government or the Central Government, allowing the carriage of a particular load.

(2) Any driver of a vehicle who refuses to stop and submit his vehicle to weighing after being directed to do so by an officer authorised in this behalf under section 114 or removes or causes the removal of the load or part of it prior to weighing shall be punishable with fine of forty thousand rupees.

\* \* \* \* \*

**200.** (1) Any offence whether committed before or after the commencement of this Act punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, sub-section (1) or sub-section (2) of section 183, section 184 only to the extent of use of handheld communication devices, section 186, section 189, sub-section (2) of section 190, section 192, section 192A, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198,] may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf:

Composition of certain offences.

Provided that the State Government may, in addition to such amount, require the offender to undertake a period of community service.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence:

Provided that notwithstanding compounding under this section, such offence shall be deemed to be a previous commission of the same offence for the purpose of determining whether a subsequent offence has been committed:

Provided further that compounding of an offence will not discharge the offender from proceedings under sub-section (4) of section 206 or the obligation to complete a driver refresher training course, or the obligation to complete community service, if applicable.

\* \* \* \* \*

Power of police officer to impound document.

**206.** \* \* \* \* \*

(4) A police officer or other person authorised in this behalf by the State Government shall, if he has reason to believe that the driver of a motor vehicle has committed an offence under any of sections 183, 184, 185, 189, 190, 194C, 194D, or 194E, seize the driving licence held by such driver and forward it to the licensing authority for disqualification or revocation proceedings under section 19:

Provided that the person seizing the licence shall give to the person surrendering the licence a temporary acknowledgement therefor, but such acknowledgement shall not authorise the holder to drive until the licence has been returned to him.

\* \* \* \* \*

Power of State Government to increase penalties.

**210A.** Subject to conditions made by the Central Government, a State Government, shall, by notification in the Official Gazette, specify a multiplier, not less than one and not greater than ten, to be applied to each fine under this Act and such modified fine, shall be in force in such State and different multipliers may be applied to different classes of motor vehicles as may be classified by the State Government for the purpose of this section.

\* \* \* \* \*

Power of Central Government and State Government to delegate.

**215A.** Notwithstanding anything contained in this Act,—

(a) the Central Government shall have the power to delegate any power or functions that have been conferred upon it by the Act to any public servant or public authority and authorise such public servant or public authority to discharge any of its powers, functions and duties under this Act;

(b) the State Government shall have the power to delegate any power or functions that have been conferred upon it by the Act to any public servant or public authority and authorise such public servant or public authority to discharge any of its powers, functions and duties under this Act.

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RAJYA SABHA

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**BILL**

further to amend the Motor Vehicles Act, 1988.

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*(Shri Elamaram Kareem, M.P.)*